

FAA ANE AIRPORTS COMPLIANCE WORKSHOP

Release of Airport Obligations

Presented to ANE Compliance Workshop

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**Federal Aviation
Administration**



When is a Release Necessary

- Any Change in the Use of Airport Property for Nonaeronautical Purposes **Regardless** of How It Was Acquired:
 - The Sale of Airport Property
 - The Lease of Airport Property for Nonaeronautical Use
 - Airport Land is no Longer Needed for Airport Purposes
 - Concurrent Use of Airport Property
 - Interim Use of Airport Property (NTE 5 years)
 - Release of the National Emergency Use Provision (NEUP)



FAA APPROVAL

- FAA Release of Federal Obligations Consists Of:
 - A Letter Signed by the Airports Division Manager Approving the Specific Change in Land Use or
 - A Release Deed Executed by the FAA in the Case of Federal Conveyances



FAA APPROVAL

- The Following Are **Not** FAA Releases:
 - Approval of an ALP
 - A Determination of No Hazard



RELEASE CONSIDERATIONS

- The ALP and AMP are Current
- The Land is Not Needed for Future Airport Growth
- The Land is No Longer Needed for Airport Purposes
- The Future Development is Compatible
- The Release Will Result in a Benefit to Civil Aviation
- The Interim Use Will Not Trigger 49 U.S.C. Section 303 (formerly 4(f))



RELEASE REQUEST CONTENT

- A Request for Release of Airport Property:
 - A List of All Obligating Agreements with the United States
 - Type of Release or Modification Requested
 - Reasons for Requesting the Release
 - The Facts and Circumstances That Justify the Request
 - The Requirements of State and Local Law That Must Be In Any Approval Document
 - A Description of the Property
 - A Description of How the Property Was Acquired



RELEASE REQUEST (CONT'D)

- The Present Condition and Use of the Property
- The Expected Use or Disposition of the Property
- The Fair Market Value of the Property
- Discussion of Lease Vs. Sale of the Property
- Proceeds Expected as a Result of the Release and Expected Use of Revenues Derived
- Show Any Intangible Benefits to Offset Fair Market Value
- Provision for Reimbursing Airport Account for the Fair Market Value of the Property If the Property Will Not Being Sold



RELEASE REQUEST (CONT'D)

- Exhibits to Accompany the Request:
 - Scaled Drawings of the Property and Future Development
 - The Appraisal Report
 - A Revised Airport Layout Plan
 - A Revised Exhibit “A” Property Map
 - Height Data Computations of Future Development
 - A Release Deed, If Applicable
 - A Copy of the Proposed Deed or Lease
 - FAA Form 7460-1
 - An Environmental Review of the Proposed Development In Accordance with FAA Order 5050.4B



FAA APPROVAL

- Approximately 120 Days From Date of Submission
- Surplus Property or Development Land Acquired With FAA Grant Funds Must Be Published In the Federal Register For a 30 Day Public Comment Period
- FAA Approval Will Be Subject to Retention of An Avigation Easement



APPLICATION OF PROCEEDS

SUPRLUS PROPERTY AND GRANT LAND:

- Retain In An Interesting Bearing Account
- Interest Earned Must be Used for Operation and Maintenance

- The Proceeds May Be Used For:
 - Eligible Airport Development
 - Ineligible Airport Development
 - Retirement of Airport Bonds
 - Development to Enhance Revenue Production



APPLICATION OF PROCEEDS (CONT'D)

- All Aeronautical Improvements Funded By The Proceeds Must Meet FAA Design Standards



SURPLUS REAL PROPERTY

- Land can only be used for Airport purposes including revenue production
- National Emergency Use Provisions (NEUP)
- Reverter clause
- Cannot be sold or encumbered without FAA release deed
- Obligations do not expire
- Deeds May Vary



DISPOSAL OF NOISE LAND

- Land No Longer Needed For Noise Compatibility Must Be Disposed Of
- Noise Land May Be Retained for Noise Compatibility
- The Sponsor Must Submit A Noise Land Inventory and Reuse Plan Identifying For FAA Review and Approval
- Disposal May Include:
 - Retention For AIP Eligible Projects
 - Sale or Lease For Compatible Land Uses



RELEASE OF NATIONAL EMERGENCY USE PROVISION (NEUP)

- The FAA Cannot Release An Entire Airport of the NEUP
- The Sponsor Must Submit Two Copies of Their Request to the Airports Division
- The FAA Will Forward the Request to the Department of Defense for Approval
- The Request Should Include:
 - The Reason for the Request
 - Property Descriptions
 - Drawings



AIRPORT CLOSURES

- Obligated Airports Must Remain to Aeronautical Users
- Season Runway Closures Are Not Allowed
- The FAA May Allow Partial Closures for Non-aeronautical Events With Prior FAA Approval
- The Event Cannot Interfere With Normal Airport Operations



PARTIAL AIRPORT CLOSURES

- Submit a Letter Requesting FAA Approval at Least 90 Days Prior to the Event
 - The Request Must Include Assurances That:
 - Adequate Facilities Will Remain Open to Air Traffic
 - NOTAMS Will Be Issued In Advance
 - The Closed Portion of the Airport Will Be Property Marked
 - The Sponsor Will Notify the FSDO and Air Carriers In Advance
 - Remove All Markings and Repair Damage Within 24 Hours
 - The Sponsor Will Coordinate the Closure With All Local Airport Users
 - There Will Be No Obstructions to Air Navigation
 - The Sponsor Will Be Reimbursed For All Expenses Incurred



RELEASES OF AIRPORT OBLIGATIONS

Any Questions?

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