

The *New* FAA Airport Compliance Manual

FAA Order 5190.6B & Small Airport Management Guide

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Federal Aviation
Administration



New FAA Order 5190.6B

Overview: Objectives of New Order

- **One stop shopping for compliance guidance, policy, and source documentation**
- **Guidance for FAA personnel, sponsors, and aeronautical users based on new law, policy, regulatory changes, precedent from Part 16 decisions, and compliance guidance materials**



New FAA Order 5190.6B

Overview Review: Objectives of New Order

- **Consolidating guidance into single document (with larger appendix)**
- **Includes references to 39 current grant assurances (revisions through March 2005)**
- **Organized by topic in accordance with Grant Assurances**



New FAA Order 5190.6B

- Cites new law, policies and regulations that did not exist in 1989:
 - **New** law and Policy on Rates and Charges (1996; updated July 8, 2008)
 - **New** law and Policy on Airport Revenue (2/16/99)
 - **New** Part 16 Regulations (1996)
 - **New** Land Use Inspections (1999)
 - **New** ANCA and Part 161 Regulations (1990)
 - **New** Airport Privatization (FAA Reauth Act 1996)
 - **More** Part 13.1 Complaint Process Info
 - **New** Part 16 Determinations on website at:
<http://part16.airports.faa.gov>



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Original Order

- 8 Chapters
- 8 Items in Appendix
- Restrictive on line searches – “paper based”
- Limited references, not self-contained
- Sections are not topic oriented

New Order

- 23 Chapters
- 28 Items in Appendix
- Appendix will be “e-based” (searchable) & easier for on line users
- Improved guidance by referencing letters, documentation, graphs, pictures
- Sections are topic oriented and bundled



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Compliance Program Guidance

Original Order

- Minimal compliance program guidance
- No procedural Part 13.1 guidance
- Part 16 didn't exist
- Lacks precedential support

New Order

- See Chapter 5
- Extensive Guidance
 - Differentiates Part 16 and Part 13.1 processes
 - Extensive Part 13.1 guidance
 - References precedent from Part 16 decisions



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Good Title and Rights & Powers

Original Order

- Limited guidance on ownership interests and management responsibilities
- Discussion limited to delegation of sponsor obligations and subordination of title

New Order

- Chapters 6 & 21
- Clear explanation of Grant Assurances 4 & 5
- Expands on discussion of delegation of sponsor obligations within the context of airport management, property transfers, and airport privatization
- Discusses inter-related nature of grant assurances in one place



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Compatible Land Use, Airspace, & Inspections

Original Order

- Minimal guidance on compatible land use
- Limited to Part 77 protections
- Lack of definitions
- Little guidance on incompatible residential use

New Order

- Compatible Land Use & Airspace Protections, See Chapter 20
- Provides references to guidance documents and sample letters on noise, obstructions, and other incompatible land uses
- Includes definitions
- Residential on-airport hangar homes and through-the-fence residential airparks



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Compatible Land Use, Airspace, & Inspections

Original Order

- Minimal guidance on Land Use Inspections criteria because the GAO report didn't exist until 1999
- Lacks details and explanations for actual inspection process

New Order

- Compliance Inspections, See Chapter 21
- Explains authority and history for conducting land use inspections
- Step by step guidance with graphics and pictures
- Exhibit A and ALP inconsistencies
- Sample letters



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Economic Nondiscrimination

Original Order

- Presented only within context of exclusive rights and availability on fair and reasonable terms
- Abstract, theoretical approach

New Order

- See Chapters 9, 10, 12, 13, 14 & 18
- Real discussion of Grant Assurance 22
- Discusses Grant Assurance 22 within context of similarly situated, Minimum Standards, leases, restrictions, and rates & charges



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Economic Nondiscrimination

Original Order

- Presented only within context of exclusive rights and availability on fair and reasonable terms
- Abstract, theoretical approach

New Order

- Fair and Reasonable (rates & charges) expanded
 - Availability of leased space
 - Air carrier access
- Entire chapters on:
 - Minimum Standards
 - Lease agreements
 - Noise Restrictions
 - Safety & Efficiency

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Rates & Charges and Revenue Use

Original Order

- Policies did not exist
- Limited to:
 - Context of nondiscrimination
 - NEUP/reverter with surplus property
 - Failed to reflect evolution of FAA's involvement in assessing management agreements and leases

New Order

- See Chapters 15, 16, 17, 18, & 19
- Includes full legislative history
- Expands context to include:
 - Defines airport revenue
 - Permitted and prohibited uses
 - Ground access projects



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Rates & Charges and Revenue Use

Original Order

- No discussion of financial reports
- Does not address rate-making methodologies beyond rates and charges

New Order

- Entire Chapters on:
 - Revenue Diversion (consolidated)
 - Resolving Revenue Diversion
 - Self-sustainability
 - Financial Reporting



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Exclusive Rights

Original Order

- Under Chapter 3
- Limited to:
 - Background
 - Policy
 - Qualifications and Standards

(Total of 5 pages)

New Order

- See Chapters 8, 11, & 12
- Chapter 8 has 14 pages fully devoted to this topic that adds:
 - Specifically outlines remedies
 - Identifies its linkage to #22
 - Examples of how to identify Exclusive Rights terms and context in leases
 - Samples we've used



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Exclusive Rights

Original Order

- Limited to (cont'd):
 - Single service provider
 - Self-service v. proprietary exclusive
- General guidance on lease agreements

New Order

- Chap. 11 Self Service adds:
 - Citations to Orders
 - Exclusive Rights restrictions based on precedent
 - New Fractional Ownership info
- Chap. 12 Lease Agreements adds:
 - TTF
 - Reasonable access



New FAA Order 5190.6B

Where can I find a copy?

<http://www.faa.gov/airports>

What else can I find there?

- Link to FAA Part 16 Decisions Database
- Airport Financial Reporting System (CATS)
- Links to 150 series (airports) Advisory Circulars
- Grant Assurances (Sponsor, Noise & Planning)



ACRP: Small Airport Mgmt Guide

Project: DA0101

Research Goal:

Develop an easy to use guidebook for managing small airports that identifies best practices to achieve safe and efficient operation while maintaining compliance with regulatory requirements and federal obligations.



ACRP: Small Airport Mgmt Guide

Project Objectives: WHY?

- Resources at small airports is limited due to budget and personnel constraints
- Need a one stop shop for current and comprehensive guidance/advice on a wide array of management issues, such as:
 - Taxes
 - Employment
 - Revenue accountability
 - Capital funding
 - Law enforcement
 - Contracting
 - Real estate
 - Capital funding
 - Environmental protection



ACRP: Small Airport Mgmt Guide

Project Objectives: WHAT?

- **Geared for owners, operators, managers, and policy makers of small airports**
- **To help them:**
 - 1) **Identify fundamental management principles;**
 - 2) **Identify best practices for effective use and management of resources and facilities; and**
 - 3) **Communicate their needs and strategies effectively to decision makers and regulators.**



ACRP: Small Airport Mgmt Guide

Project Objectives: FINDINGS

- **Focused on:**
 - **airport finance**
 - **operations**
 - **planning and development**
 - **public relations**
 - **issues relating to commercial service**
 - **emerging trends and their impact**
 - **airport education and training**



ACRP: Small Airport Mgmt Guide

Project Objectives: FINDINGS

- **Finance** addresses the airports obligations in areas such as:
 - Revenue Generation
 - Leases
 - Minimum Standards
 - Flying Clubs
 - Rates and Charges
 - Funding (local, state, and federal)

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Project Objectives: FINDINGS

- **Operations** addresses the airports obligations in areas such as:
 - **Safety**
 - **Maintenance**
 - **Security**
 - **Emergency preparedness**



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Project Objectives: FINDINGS

- **Planning & development** addresses the airports obligations in areas such as:
 - National and State transportation plans
 - Zoning
 - Construction standards
 - Environmental concerns
 - Part 77



ACRP: Small Airport Mgmt Guide

Project Objectives: FINDINGS

- **Public Relations** addresses the airports obligations in areas such as:
 - Marketing and advertising
 - Community and Media relations
 - Events and activities for the public



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Project Objectives: FINDINGS

- **Commercial Service** addresses the airports obligations in areas such as:
 - FAA Part 139 requirements
 - Master planning issues
 - EAS
 - Airline agreements



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Project Objectives: FINDINGS

- **Airport Education and Training** addresses the airports obligations in areas such as:
 - Management, staff, and contractors training programs
 - Educating local officials (i.e. sponsor is a county, educating county Board)
 - How to show your airport's strengths and correct weaknesses through benchmarking



ACRP: Small Airport Mgmt Guide

Where can I find a copy?

http://www.trb.org/Publications/Public/Blurbs/Guidebook_for_Managing_Small_Airports_162145.aspx

TRB and ACRP Projects

- Visit: www.trb.org/acrp
- Learn about upcoming projects
- Learn how to submit ideas, nominate yourself/others
- Get copies of all completed projects



Airport Compliance Program

COMMENTS?

WWW.REGULATIONS.GOV

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QUESTIONS?

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