



Federal Aviation
Administration

Compliance Update

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FAA's Policy on the Non-Aeronautical Use of Airport Hangars

- **Published in the Federal Register 81 FR 38906 (June 15, 2016)**
- **Effective July 1, 2017**
- **Key takeaways**
 - Allows some incidental storage of non-aeronautical items in hangars that do not interfere with aeronautical use.
 - The policy neither creates nor constitutes a right to store non-aeronautical items in hangars thus sponsors may still restrict or prohibit storage of non-aeronautical items at their own discretion.
 - The policy amends the definition of aeronautical use to include construction of amateur-built aircraft.
 - The policy does not allow for hangars to be used as a residence, with limited exception for an airport manager, etc.
 - The policy applies to all airport hangars regardless of whether the hangar is owned/constructed by the airport sponsor.
 - Sponsors can submit release requests to the FAA in order to allow the interim or month to month non-aeronautical use of the hangar.



Temporary Closures for Non-Aeronautical events

- **What are we talking about?**
 - Closing part or all of an airport to host a 5K run, car show, etc.
- **What is required?**
 - ADO approval
- **How do I get ADO approval?**
 - Comply with Eastern Region Airports Policy AEA-600-COM-01
- **What does that entail?**
 - \$\$: better to receive than to give
 - Airport users and community buy in
 - Minimization of closure & impact to aviation
 - NOTAMS, procedures, damage control, and precautions to ensure safety
 - Filing of Form 7460
 - For 139 airports coordination with TSA and inspection of movement area



FAA Change to Flying Club Policy

- **Published in the Federal Register 81 FR 13719 (March 15, 2016)**
- **Effective April 4, 2016**
- **Key Takeaways**
 - Old Policy: Flight Instructors and Mechanics belonging to Flight Clubs could receive discounted Flight Club dues for flight instruction or maintenance services they provide to club members in club aircraft but not compensation.
 - New Policy: Flight instructors or mechanics, that are members of the Flying Club, may now receive compensation for providing flight instruction and/or maintenance to club members in club aircraft or discounted Flight Club dues but not both. Paragraphs 10.6(c)(3) and (4) of FAA Order 5190.6B revised accordingly.
 - New Policy: In order to emphasize previous and existing FAA policy that Flying Clubs are to be distinguished from commercial enterprises:
 - Paragraph 10.6(c)(8) added to say Flying Clubs can't advertise that they are FBOs, SASOs, maintenance facilities, or a flight school.
 - Paragraph 10.6(c)(9) added to say Flying clubs can't market themselves as a business where people can learn to fly



New Residential Through The Fence Access

- FAA Modernization and Reform Act of 2012 (P.L. 112-95) Section 136 enables Sponsors to allow Residential Through The Fence (RTTF) access to their airports under certain conditions.
- Compliance Guidance Letter 2013-01 (CGL 2013-01) provides applicable guidance for the implementation of Section 136.
- General Aviation Airports can, if they wish, allow new RTTF access at their airports if they reach RTTF access agreements with the property owner in which the property owner agrees to:
 - Pay access charges comparable to similarly situated users
 - Bear the cost of infrastructure to support their RTTF access
 - Maintain the property for residential, noncommercial use
 - Prohibit access to the airport from other properties through their property
 - Prohibit the sale of fuel on their property
- Sponsors wishing to enter into such agreements must submit the following to the FAA: 1) an updated ALP depicting the proposed access point; 2) a copy of the draft access agreement; and 3) access agreements review sheet contained in Appendix C.
- Pursuant to CGL 2013-01, Sponsors of Commercial Service Airports and Privately Owned Airports cannot, pursuant to the grant assurances, allow new RTTF access at their airports



2 CFR 200 Requirements

- 200.113 Mandatory Disclosures: Sponsors must disclose to FAA any violation of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. This includes violations by any entity involved in the performance of any project for which the sponsor has received a federal award.
- 200.311(b) Real Property: real property will be used for the originally authorized purpose as long as needed for that purpose
- 200.403 Factors affecting allowability of costs: costs must be reasonable and necessary for the performance of the federal award.



Part 13 Complaints

1. Common Compliance Issues

A. Economic Nondiscrimination

- No Hometown Discount on fuel, leases, etc.
- Self-servicing: fueling, painting, maintenance
- Safety based access restrictions-FAA approval, equal application

B. Misuse of FAA funded facilities/equipment

C. Unauthorized non-aeronautical use

D. Safety-NOTAMS

E. Revenue Diversion

I. Rent free use of property

- Municipal Buildings
- Fire/Police Department
- Recreational
- Offset

II. Diversion of Funds



Part 13 Complaints

2. Tips on Sponsor Responses to Part 13 Complaints

A. Answer the Complaint

- Evasiveness
- Expeditiousness
- Attitude

B. Provide the documentation

- Grant Assurance 26

C. Complainant Credibility

D. Do what you say



QUESTIONS

