

[Docket No. 10206; Amdt. No. 101-07]

PART 151—FEDERAL AID TO AIRPORTS

Eligibility of Certain Relocation Costs Connected With Airport Development Projects

The purpose of this amendment to § 151.39(b)(12) of the Federal Aviation Regulations is to make it clear that the cost of relocating structures, roads, and utilities is eligible for inclusion in a project under the Federal-Aid Airport Program only when necessary for eligible airport development.

The term "airport development" is defined, in relevant part, in section 2 of the Federal Airport Act to mean "any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings * * *" but not including work on airport hangars. In 1961, section 13(b) was added to the Act to exclude from allowable project costs the cost of construction of that part of a project intended for use as a public parking facility for passenger automobiles, or the cost of construction of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

Section 13(b) of the Act is implemented by § 151.35. The rules and procedures for airport development projects are limited in application, in § 151.35(a), to work in constructing, altering, or repairing only buildings or parts thereof that are intended to house facilities or activities directly related to safety of persons at the airports (such as the housing of fire and rescue equipment and certain types of field maintenance equipment, and electrical vaults for field lighting, but not terminal construction, in the judgment of the FAA). Section 151.39(b) lists the kinds of airport development described in § 151.35 that are eligible to be included in a project. These include, in paragraph (b)(4), construction, altering, or repairing airport buildings or parts thereof, to the extent that it is covered by § 151.35(a). Consistently, it is considered appropriate to allow the cost of relocating structures, roads, and utilities necessary to allow only airport development that itself is eligible.

Since this amendment relates to public grants, benefits, and contracts, notice and public procedure thereon are not required and it may be made effective in less than 30 days.

In consideration of the foregoing, § 151.39(b)(12) of the Federal Aviation Regulations is amended, effective March 26, 1970, to read as follows:

§ 151.39 Project eligibility.

(b) * * *

(12) Relocating structures, roads, and utilities necessary to allow eligible airport development.

(Federal Airport Act, as amended; 49 U.S.C. 1101-1120; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.4(b)(2), Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on March 18, 1970.

J. H. SHAFFER,
Administrator.

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