

[Docket No. 8131; Amdts. 15, 153-2]

**PART 151—FEDERAL AID TO AIRPORTS**

**PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS**

**Exclusive Rights at Airports**

The purpose of these amendments is to clarify the policy of the FAA relating to exclusive rights at airports, as set forth in Parts 151 and 153 of the Federal Aviation Regulations.

The intent of the exclusive rights policy is to prohibit the granting, and to require the termination, of any exclusive right that is contrary to section 308(a) of the Federal Aviation Act (49 U.S.C. 1349(a)) and the Exclusive Rights Policy of October 25, 1965 (30 F.R. 13661), at any airport now or hereafter owned or controlled by a sponsor receiving aid under the Federal-aid Airport Program.

A question has been raised as to whether the term "subsequently acquired" in the covenant in § 151.121 implies ownership so that the covenant would not apply to airports the sponsor may in the future control but not actually own. In addition, § 151.121 does not now specifically reflect the policy's prohibition against exclusive rights at airports presently owned or controlled by the sponsor, other than the one for which aid is requested. Therefore, the covenant contained in § 151.121 is being amended to correctly reflect the current exclusive rights policy.

Section 153.13(a) (3) and (4) currently contains a covenant prohibiting exclusive rights only at the airport receiving the property interest in the land and § 153.13(c) exempts from its effect exclusive rights permissible under section 13(g) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1622 (g)) at airports that had earlier received a grant under that provision. In order to make Part 153 correctly reflect the current exclusive rights policy, § 153.13(a) (3) is also being amended and § 153.13(c) is deleted.

Since these amendments relate to public grants and benefits, notice and public procedure thereon are not required and the amendments may be made effective upon publication.

(Secs. 308, 313, Federal Aviation Act of 1958 (49 U.S.C. 1349, 1354); Federal Airport Act (49 U.S.C. 1101-1119))

In consideration of the foregoing, Parts 151 and 153 are amended, effective May 5, 1967, as follows:

1. The covenant in § 151.121 of the Federal Aviation Regulations (14 CFR 151.121) is amended to read as follows:

**§ 151.121 Procedures: offer: sponsor assurances.**

The sponsor will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349) at the airport, or at any other airport now or hereafter owned or controlled by it. In furtherance of the policy of the FAA under this covenant the sponsor agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity. The sponsor further agrees that it will terminate any such exclusive right (including any exclusive right to engage in the sale of gasoline or oil, or both) now existing at the airport, or at any other airport now or hereafter owned or controlled by it, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right, and certifies that there is no exclusive right not subject to termination under this provision.

2. Section 153.13 (14 CFR 153.13) is amended as follows: Subparagraphs (3) and (4) of paragraph (a) are amended and paragraph (c) is deleted as follows:

**§ 153.13 Covenants and reverter clauses in conveyances.**

(a) \* \* \*  
(3) That the grantee will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 at the airport, or at any other airport now or hereafter owned or controlled by it;

(4) That in furtherance of the policy of the Federal Aviation Administration under the foregoing covenant the grantee agrees that, unless authorized by the Federal Aviation Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and

maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity; and that the grantee further agrees that it will terminate any such exclusive right (including any exclusive right to engage in the sale of gasoline or oil, or both) now existing at the airport or at any other airport now or hereafter owned or controlled by the sponsor, at the earliest renewal, cancellation, or expiration date applicable to the agreement that established the exclusive right, and covenants that there is no exclusive right not subject to termination under this provision.

(c) [Deleted]

Issued in Washington, D.C., on April 28, 1967.

WILLIAM F. MCKEE,  
Administrator.

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