SUBCHAPTER I—AIRPORTS [NEW]

[Reg. Docket No. 1329]

ADDITIONS TO SUBCHAPTER

This amendment adds Parts 151—Federal Aid to Airports [New]; Part 153—Acquisition of U.S. Land for Public Airports [New]; Part 155—Release of Airport Property From Surplus Property Disposal Restrictions [New]; Part 157—Notice of Construction, Alteration, or Deactivation of Airports [New]; Part 161—Cold Bay, Alaska, Airport [New]; and Part 163—Canton Island Airport [New] to Subchapter I—Airports [New] of Chapter I of Title 14 of the Code of Federal Regulations. The parts contained in this amendment were published as a notice of proposed rule making in the FEDERAL REGISTER on August 9, 1962 (27 F.R. 7908), and as Draft Release 62-36.

The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator". Subchapter I—Airports [New] was added to Chapter I of Title 14 by an amendment adopted on September 4, 1962, prescribing Part 165—"Wake Island Code [New] (27 F.R. 8855). Part 159—National Capital Airports [New] of Subchapter I [New] was adopted on September 19, 1962 (27 F.R. 9443). In other respects, this amendment conforms to the "Outline and Analysis" of the proposed recodification published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698) and as Draft Release 61-25.

This amendment includes Part 161 [New] as originally proposed in Draft Release 62-36. While Draft Release 62-41, published in the FEDERAL REGISTER on September 13, 1962 (27 F.R. 9107) indicated that it would replace the original Part 161 [New], comments received are still in the process of evaluation and the Agency has decided to promulgate Part 161 [New] as originally proposed. The new part will, of course, be subject to such amendments as the Agency considers necessary and appropriate after the evaluation of comments received on Draft Release 62-41 has been completed.

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as these, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to the new parts.

Of the comments received on the proposal, several suggested changes in style, format, or technical wording. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

In general, most of the comments received on the notice relating to this amendment, expressed approval with the recodification and restatement of existing regulations. The Airport Operators Council expressed general concern with the revision of the language involved and requested the issue of a further notice of proposed rule making specifying the exact changes in language made in it. Due to the presumption of no change intended in such a recodification program and to the general satisfaction expressed by other commentators, this request has not been complied with. However, as a result of the Council's comments, the language revisions made to the proposed subchapter have been carefully reveiwed a second time to assure that none of them have resulted in a change in substance. As was stated in the draft release announcing the recodification project (Draft Release 61-25) and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), "The object [of the recodification] is to restate existing regulations, not to make new ones. The purpose * * * is simply to combine and streamline the present Civil Air Regulations and related regulatory material and arrange them in simplified accessible form. The program will not result in any new regulatory requirements. Nor will it change any of the regulatory requirements in the present system with the exception that some obviously obsolete rules possibly can be eliminated."

The specific comments of the Airport Operators Council have been carefully considered, and where pertinent have been adopted. As a result, the distribution table for Part 151 [New] has been revised to eliminate two erroneous references therein, and to clarify three other references. In addition, § 151.9(e), relating to the property interests that an airport operator or owner should have for the purposes of a runway clear zone, has been revised to adhere closely to the language of the section upon which it was based (§ 550.38(a)(4)). Section 151.35 has been amended to include within it the definition of the term "public airport", formerly contained in § 550.1(r). Other technical corrections have been made in the subchapter, none of which involved more than technical changes in wording to clarify the intended purposes.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matters presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, effective February 11, 1963, Chapter III of Title 14 of the Code of Federal Regulations is amended by deleting Parts 550, 555, 565, 574, 575, 576, 577, and 625 and Chapter I of Title 14 is amended by adding Parts 151 [New], 153 [New], 155 [New], 157 [New], 161 [New], and 163 [New] reading as hereinafter set forth.

This amendment is made under the authority of the Federal Airport Act (49 U.S.C. 1101 through 1119); sections

Recodification

3 and 4 of the Act of October 1, 1949, as amended (50 U.S.C. App. 1622b and 1622c); section 10 of the International Aviation Facilities Act (49 U.S.C. 1159); and sections 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, and 1427).

Issued in Washington, D.C., on December 7, 1962.

N. E. HALABY,
Administrator.

PART 151—FEDERAL AID TO AIRPORTS [NEW]

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AUTHORITY: §§ 151.1 to 151.97 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4 of Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

Subpart A—General Requirements

§ 151.1 Applicability.

This part prescribes the policies and procedures for administering the Federal-aid Airport Program under the Federal Airport Act, as amended (49 U.S.C. 1101 et seq.).

§ 151.3 National Airport Plan.

(a) Under the Federal Airport Act, the FAA prepares each year a "National Airport Plan" for developing public airports in the United States, Puerto Rico, and the Virgin Islands specifying the maximum limits of airport development, in terms of general location and type of development, necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

(b) An airport may be included in the National Airport Plan, and qualify for Federal aid if, within the forecast period, it will have a substantial aeronautical necessity. To be eligible for inclusion in the Federal-aid Airport Program to be undertaken within currently available appropriations or authorizations, a project must be included in the current Plan, but the Plan is not related to the need for financial participation in the Program. For this reason, the inclusion of an airport in the Plan does not commit the local community to proceed with the development or commit the United States to participate financially in that development under the Program.

§ 151.5 General policies.

(a) *Master plan layout.* All work under the Program must be done in accordance with an approved master plan layout, consisting of a basic layout plan for the airport showing—

(1) Its boundaries and proposed additions, the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes, and proposed additions thereto;

(2) The location and nature of existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and proposed extensions and reductions of those facilities and structures; and

(3) The location of existing and proposed nonaviation areas and existing improvements thereon.

Each master plan layout, and any change thereof, is subject to the approval of the FAA. That approval must be shown by the signature of the Administrator on the face of the layout.

(b) *Useful and usable unit.* Each project under the Program should provide a safe, usable, and useful unit of the airport concerned or add materially to its safety or utility. If the development of a usable unit can be done more economically under stage construction, Program funds may be programmed in advance for developing the project over a period of two or more years, within the limits of available authorizations.

(c) *National defense needs.* In administering the Program, the needs of national defense are fully considered, but project approval is limited to development necessary for civil needs.

(d) *Stage development.* In a case where it is economically feasible, a large development that can be financed over a period of more than one year and be made under more than one grant agreement, is given tentative allocations for future years rather than the entire United States share in one fiscal year. A grant agreement is made against such a tentative allocation only during the fiscal year in which the funds are authorized to be obligated.

§ 151.7 Grants of funds: General policies.

(a) *Compliance with sponsorship requirements.* No funds are authorized for expenditure under the Program at any airport unless the Administrator is satisfied that the sponsorship requirements under existing and proposed agreements with the United States, with respect to that airport, have been or will be met.

(b) *Small projects.* A project involving less than $5,000 in United States funds is not considered for inclusion under the Program unless there is a special need for United States participation. Small projects on one airport should, wherever possible, be consolidated in one grant agreement even though the work is to be done over a period of years.

(c) *Previously obligated work.* Unless specifically authorized by the Administrator, a proposed project may not include any airport development that the sponsor of the project or any other non-United States public agency is obligated to do under any prior agreement with the United States providing for payment to the sponsor or other non-United States public agency of funds for all or part of that development.

(d) *Land donation.* A project for acquiring land that has been or will be donated to the sponsor is not eligible for inclusion in the Program if the sponsor requests a grant on the basis of the value of that land, unless the Project also includes other items of airport development, the cost of which would require a sponsor's contribution equal to or more than the United States share of the estimated value of the donated land.

§ 151.9 Runway clear zones: General.

(a) Whenever funds are allocated for developing new runways or landing strips, or to improve or repair existing runways, the sponsor must own, acquire, or agree to acquire, runway clear zones. Exceptions are considered (on the basis of a full statement of facts by the sponsor) upon a showing of uneconomical acquisition costs, or lack of necessity for the acquisition.

(b) A runway clear zone consists of the innermost part of the runway approach area, as defined in FAA Technical Standard Order N18, within which the agency that owns or operates the airport should hold an adequate property interest to allow the unobstructed passage of aircraft landing or taking off from a runway.

(c) The standard configuration of each runway clear zone conforms to the

inner part of the appropriate approach area prescribed in Technical Standard Order N18.

(d) The standard length of each runway clear zone is that required for the obstruction clearance slope applicable to each particular runway approach area under Technical Standard Order N18 to reach a height—

(1) 50 feet above the terrain at the outer edge of the runway clear zone; or

(2) 50 feet above the elevation at the end of the runway or landing strip;

whichever distance is shorter. However, greater lengths may be approved by the Administrator.

(e) For purposes of this section, an airport operator or owner is considered to have an adequate property interest if it has an easement (or a covenant running with the land) giving it enough control to clear the area of all obstructions (objects so far as they project above the approach surface established by Technical Standard Order N18), and to prevent the creation of future obstructions; together with the right of entrance and exit for those purposes, to assure the safe and unrestricted passage of aircraft in and over the area.

§ 151.11 Runway clear zones: requirements.

(a) In projects involving grants-in-aid under the Federal-aid Airport Program, a sponsor must own, acquire, or agree to acquire an adequate property interest in runway clear zone areas as prescribed in paragraph (b), (c), (d), or (e) of this section, as applicable. Property interests that a sponsor acquires to meet the requirements of this section are eligible for inclusion in the Program.

(b) On new airports, the sponsor must own, acquire, or agree to acquire adequate property interest in runway clear zone areas (in connection with initial land acquisition) for all eligible runways, without substantial deviation from standard configuration and length.

(c) On existing airports where new runways or landing strips are developed, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway and landing strip to be developed or extended, to the extent that the Administrator determines practical and feasible considering all facts presented by the airport owner or operator, preferably without substantial deviation from standard configuration and length.

(d) On existing airports where improvements are made to runways or landing strips, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway or landing strip that is to be improved to the extent that the Administrator determines is practical and feasible with regard to standard configuration, length, and property interests, considering all facts presented by the airport owner or operator. Any development that improves a specific runway is considered to be a runway improvement, including runway lighting and the developing or lighting of taxiways serving a runway.

(e) On existing airports where substantial improvements are made that do not benefit a specific runway or landing strip, such as over-all grading or drainage, terminal area or building developments, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for the dominant runway or landing strip to the extent that the Administrator determines is practical and feasible, with regard to standard configuration, length, and property interests, considering all facts presented by the airport owner or operator.

(f) If a sponsor or other public agency shows that it is legally able to prevent the future erection or creation of obstructions in the runway clear zone area, and adopts protective measures to prohibit their future erection or creation, that showing is acceptable for the purposes of paragraphs (d) and (e) of this section in place of an adequate property interest (except for rights required for removing existing obstructions). In such a case, there must be an agreement between the FAA and the sponsor for removing or marking or lighting (to be determined in each case) any existing obstruction to air navigation. In each case, the sponsor must furnish information as to the specific height limitations established and as to the current and foreseeable future use of the property to which they apply. The information must include an acceptable legal opinion of the validity of the measures adopted, including a conclusion that the height limitations are not unreasonable in view of current and foreseeable future use of the property, and are a reasonable exercise of the police power, together with the reasons or basis supporting the opinion.

§ 151.13 Federal-aid Airport Program: policy affecting landing aid requirements.

(a) *Landing aid requirements.* No project for developing or improving an airport may be approved for the Program unless it provides for acquiring or installing such of the following landing aids as the Administrator determines are needed for the safe and efficient use of the airport by aircraft, considering the category of the airport and the type and volume of traffic using it:

(1) Land needed for installing approach lighting systems (ALS).

(2) In-runway lighting.

(3) High intensity runway lighting.

(4) Runway distance markers.

For the purposes of this section "approach lighting system (ALS)" is a standard configuration of high intensity aeronautical ground lights in the approach area to a runway or channel to assist a pilot in making an approach to the runway or channel.

(b) *Specific landing aid requirements.* The landing aids set forth in subparagraphs (1) through (4) of paragraph (a) of this section are required for the safe and efficient use of airports by aircraft in the following cases:

(1) Lands for installing approach lighting systems are required as part of a project if the installing of the components of the system on the airport is in an approved FAA budget, unless the sponsor has already acquired the land necessary for the system or is otherwise undertaking to acquire that land. If the sponsor is otherwise undertaking to acquire the land, the grant agreement for the project must obligate the sponsor to complete the acquisition within a time limit prescribed by the Administrator. The Administrator immediately notifies a sponsor when a budget is approved providing for installing an approach lighting system at the airport concerned.

(2) In-runway lighting (narrow gauge, centerline, and turnoff) is, after design standards for it have been approved and published by the Administrator for the purpose of uniformity, required as a part of a project for—

(i) Constructing a new designated instrument landing runway programed (and included in an approved FAA budget) to be equipped by the FAA with an IFR precision approach system including ALS and ILS;

(ii) An extension of 3,000 feet or more (for landing purposes) of the approach end of a designated instrument landing runway equipped, or programed by FAA to be equipped, with an IFR precision approach system including ALS and ILS;

(iii) Reconstructing a designated instrument landing runway, equipped or programed by FAA for an IFR precision approach system, including ALS and ILS, in a case in which the reconstruction requires the closing of a runway; or

(iv) Any airport development on an airport whose designated instrument landing runway is equipped, or is programed to be equipped, by FAA with an IFR precision approach system including ALS and ILS, if installing in-runway lighting does not require closing the runway for so long a time that the adverse affect on safety of its closing would outweigh the contribution to safety that would be gained by the in-runway lights or that it would unduly interfere with the efficiency of aircraft operations.

Decisions under subparagraph (2)(iv) of this paragraph are made on a case-by-case basis, after consulting the sponsor and reviewing pertinent facts and circumstances.

(c) *High intensity runway lighting.* High intensity runway edge lighting on the designated instrument landing runway is required as a part of a project whenever that runway is equipped or programed for the installation of an ILS and high intensity runway edge lights are not then installed on the runway or included in another project. A project for extending a runway that has high intensity runway edge lights on the existing runway requires, as a part of the project, the extension of the high intensity runway edge lights.

(d) *Runway distance markers.* Runway distance markers whose design standards have been approved and published by the FAA are required as a part of a project on a case-by-case basis if, after reviewing the pertinent facts and circumstances of the case, the Administrator determines that they are needed for the safe and efficient use of the airport by aircraft.

Subpart B—Project Rules and Procedures

§ 151.21 Procedures: Application; general information.

(a) An eligible sponsor that desires to obtain Federal aid for eligible airport development must submit a request on Form FAA-1623 to the Director of the District Office of the Airports Division of an FAA Regional Office for the district in which the sponsor is located (hereafter in this part referred to as the "District Airport Engineer").

(b) If the Administrator selects a proposed project for inclusion in a program, a tentative allocation of funds is made for it and the sponsor is notified of the allocation. The tentative allocation may be withdrawn if the sponsor fails to submit an acceptable project application as provided in paragraph (c) of this section or fails to proceed diligently with the project.

(c) As soon as practicable after receiving notice of the tentative allocation, the sponsor must submit a project application on Form FAA-1624 to the District Airport Engineer, without changing the language of the form, unless the change is approved in advance by the Administrator. In the case of a joint project, each sponsor executes only those provisions of the project application that apply to it. A sponsor who has executed a grant agreement for a project for the development of an airport under the Program, may, in the Administrator's discretion, submit additional project applications on Form FAA-1624.1 for further development of that airport.

§ 151.23 Procedures: Application; funding information.

Each sponsor must state in its application that it has on hand, or show that it can obtain as needed, funds to pay all estimated costs of the proposed project that are not borne by the United States or by another sponsor. If any of the funds are to be furnished to a sponsor, or used to pay project costs on behalf of a sponsor, by a State agency or any other public agency that is not a sponsor of the project, that agency may, instead of the sponsor, submit evidence that the funds will be provided if the project is approved. If any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, the sponsor must so state in the application, indicating the nature of each donation and the value it places on it.

§ 151.25 Procedures: Application; information as to property interests.

(a) Each sponsor must state in its application all of the property interests that he holds in the lands to be developed or used as part of, or in connection with, the airport as it will be when the project is completed. Each project application contains a covenant on the part of the sponsor to acquire, before starting construction work, or within a reasonable time if not needed for the construction, property interests satisfactory to the Administrator in all the lands in which it does not hold those property interests at the time it submits the application. In the case of a joint project, any one or more of the sponsors may hold or acquire the necessary property interests. In such a case, each sponsor may show on its application only those property interests that it holds or is to acquire.

(b) Each sponsor of a project must send with its application a property map (designated as Exhibit A) or incorporate such a map by reference to one in a previous application that was approved. The sponsor must clearly identify on the map all property interests required in paragraph (a) of this section, showing prior and proposed acquisitions for which United States aid is requested under the project.

(c) For the purposes of paragraphs (a) and (b) of this section, the property interest that the sponsor must have or agree to obtain, is—

(1) Title free and clear of any reversionary interest, lien, easement, lease, or other encumbrance that, in the opinion of the Administrator, would create an undue risk that it might deprive the sponsor of possession or control, interfere with its use for public airport purposes, or make it impossible for the sponsor to carry out the agreements and covenants in the application;

(2) A lease of not less than 20 years granted to the sponsor by another public agency that has title as described in subparagraph (1) of this paragraph, on terms that the Administrator considers satisfactory; or

(3) In the case of an offsite area an agreement, easement, leasehold, or other right or property interest that, in the Administrator's opinion, provides reasonable assurance that the sponsor will not be deprived of its right to use the land for the intended purpose during the period necessary to meet the requirements of the grant agreement.

(d) For the purposes of this section, the word "land" includes landing areas, building areas, runway clear zones, clearways and approach zones, and areas required for offsite construction, entrance roads, drainage, protection of approaches, installation of air navigation facilities, or other airport purposes.

§ 151.27 Procedures: Application, plans, specifications, and appraisals.

(a) Except as provided in paragraph (b) of this section, each sponsor shall incorporate by reference in its project application the final plans and specifications, describing the items of airport development for which it requests United States aid. It must submit the plans and specifications with the application unless they were previously submitted or are submitted with that of another sponsor of the project.

(b) In special cases, the Administrator authorizes the postponement of the submission of final plans and specifications until a later date to be specified in the grant agreement, if the sponsor has submitted—

(1) A master plan layout approved by the Administrator; and

(2) Preliminary plans and specifications in enough detail to identify all items of development included in the project, and prepared so as to provide for accomplishing the project in accordance with the master plan layout, the rules in this part, and applicable local laws and regulations.

(c) The sponsor of each project that involves acquiring property interests in land by donation, or acquiring property interests the cost of which (as represented by the sponsor), is based on other than the actual cost or the amount of an award in eminent domain proceedings, must submit with the application at least two independent appraisals of the property interest, made by qualified appraisers who have no present or prospective interest in that land.

§ 151.29 Procedures: Offer, amendment, and acceptance.

(a) Upon approving a project, the Administrator makes an offer to the sponsor to pay the United States share of the allowable project costs. The offer states a definite amount as the maximum obligation of the United States, and is subject to change or withdrawal by the Administrator, in his discretion, at any time before it is accepted.

(b) If, before the sponsor accepts the offer, it is determined that the maximum obligation of the United States stated in the offer is not enough to pay the United States share of the allowable project costs, the sponsor may request an increase in the amount in the offer, through the District Airport Engineer.

(c) An official of the sponsor must accept the offer for the sponsor within the time prescribed in the offer, and in the required number of counterparts, by signing it in the space provided. The signing official must have been authorized to sign the acceptance by a resolution or ordinance adopted by the sponsor's governing body. The resolution or ordinance must, as appropriate under the local law—

(1) Set forth the terms of the offer at length; or

(2) Have a copy of the offer attached to the resolution or ordinance and incorporated into it by reference.

The sponsor must attach a certified copy of the resolution to each executed copy of an accepted offer or grant agreement that it is required to send to the District Airport Engineer.

§ 151.31 Procedures: Grant agreement.

(a) An offer by the Administrator, and acceptance by the sponsor, as set forth in § 151.29, constitute a grant agreement between the sponsor and the United States. Except as provided in § 151.41 (c)(3), the United States does not pay, and is not obligated to pay, any part of the project costs that have been or may be incurred, before the grant agreement is executed.

(b) The Administrator and the sponsor may agree to a change in a grant agreement if—

(1) The change does not increase the maximum obligation of the United States under the grant agreement by more than 10 percent;

(2) The change provides only for airport development that meets the requirements of this part; and

(3) The change does not prejudice the interests of the United States.

(c) When a change is agreed to, the Administrator issues a supplemental agreement incorporating the change. The sponsor must accept the supplemental agreement in the manner provided in § 151.29(c).

§ 151.33 Cosponsorship and agency.

(a) Any two or more public agencies that desire to participate either in accomplishing development under a project or in maintaining or operating the airport, may cosponsor it if they meet the requirements of this part, including—

(1) The eligibility requirements of § 151.37; and

(2) The submission of a single project application, executed by each sponsor, clearly stating the certifications, representations, warranties, and obligations made or assumed by each, or a separate application by each that does not meet all the requirements of this part, if in the Administrator's opinion, the applications collectively meet the requirements of this part as applied to a project with a single sponsor.

(b) A public agency that desires to participate in a project only by contributing funds to a sponsor need not become a sponsor or an agent of the sponsor, as provided in this section. However, any funds that it contributes are considered as funds of the sponsor for the purposes of the Federal Airport Act and this part.

(c) If the sponsors of a joint project are not each willing to assume, jointly and severally, the obligations that this part requires a sponsor to assume, they must send a true copy of an agreement between them, satisfactory to the Administrator, to be incorporated into the grant agreement. Each agreement must state—

(1) The responsibilities of each sponsor to the others with respect to accomplishing the proposed development and operating and maintaining the airport;

(2) The obligations that each will assume to the United States; and

(3) The name of the sponsor or sponsors who will accept, receipt for, and disburse grant payments.

If an offer is made to the sponsors of a joint project, as provided in § 151.29, it contains a specific condition that it is made in accordance with the agreement between the sponsors (and the agreement is incorporated therein by reference) and that, by accepting the offer, each sponsor assumes only its respective obligations as set forth in the agreement.

(d) A public agency may, if it is authorized by local law, act as agent of the public agency that is to own and operate the airport, with or without participating financially and without becoming a sponsor. The terms and conditions of the agency and the agent's authority to act for the sponsor must be set forth in an agency agreement that is satisfactory to the Administrator. The sponsor must submit a true copy of the agreement with the project application. Such an agent may accept, on behalf of the sponsor, an offer made under § 151.29, only if that acceptance has been specifically and legally authorized by the sponsor's governing body and the authority is specifically set forth in the agency agreement.

(e) In a case where the cosponsors of an airport are not located in the same district, they must submit a joint request to the District Airport Engineer of the District in which the airport development is to be located.

§ 151.35 Airport development and facilities to which part applies.

(a) This part applies to the following kinds of airport development:

(1) Any work involved in constructing, improving, or repairing a public airport or part thereof, including the constructing, altering, or repairing of only those buildings or parts thereof that are intended to house facilities or activities directly related to the safety of persons at the airport.

(2) Removing, lowering, relocating, marking, and lighting of airport hazards as defined in § 151.39(b).

(3) Acquiring land or an interest therein, or any easement through or other interest in air space, that is necessary to allow any work covered by subparagraph (1) or (2) of this paragraph, or to remove or mitigate, or prevent or limit the establishment of, airport hazards as defined in § 151.39(b).

It does not apply to the constructing, altering, or repair of airport hangars or public parking facilities for passenger automobiles.

(b) The airport facilities to which this part applies are those structures, runways, or other items, on or at an airport, that are—

(1) Used or intended to be used, in connection with the landing, takeoff, or maneuvering of aircraft, or for or in connection with operating and maintaining the airport itself; or

(2) Required to be located at the airport for use by the users of its aeronautical facilities or by airport operators, concessionaires, and other users of the airport in connection with providing services or commodities to the users of those aeronautical facilities.

(c) For the purposes of this part, "public airport" means an airport used for public purposes, under the control of a public agency named in § 151.37(a), with a publicly owned landing area.

§ 151.37 Sponsor eligibility.

To be eligible to apply for an individual or joint project for development with respect to a particular airport a sponsor must—

(a) Be a public agency, which includes for the purposes of this part only, a State, the District of Columbia, Puerto Rico, the Virgin Islands, or an agency of any of them; a municipality or other political subdivision; a tax-supported organization; or the United States or an agency thereof;

(b) Be legally, financially, and otherwise able to—

(1) Make the certifications, representations, and warranties in the application form prescribed in § 151.67(a);

(2) Make, keep, and perform the assurances, agreements, and covenants in that form; and

(3) Meet the other applicable requirements of the Federal Airport Act and this part;

(c) Have, or be able to obtain, enough funds to meet the requirements of § 151.23; and

(d) Have, or be able to obtain, property interests that meet the requirements of § 151.25(a).

For the purpose of paragraph (a) of this section, the United States, or an agency thereof, is not eligible for a project under this part unless the project is located in Puerto Rico, or the Virgin Islands, is in or is in close proximity to a national park, a national recreation area, or a national monument, or is in a national forest or a special reservation for United States purposes.

§ 151.39 Project eligibility.

(a) A project for construction or land acquisition may not be approved under this part unless—

(1) It is an item of airport development described in § 151.35(a);

(2) The airport development is within the scope of the current National Airport Plan;

(3) The airport development is, in the opinion of the Administrator, reasonably necessary to provide a needed civil airport facility;

(4) The Administrator is satisfied that fair consideration has been given to the interests of communities in or near which the project is located; and

(5) The project provides for installing such of the landing aids specified in section 10(d) of the Federal Airport Act (49 U.S.C. 1109(d)) as the Administrator considers are needed for the safe and efficient use of the airport by aircraft, based on the category of the airport and the type and volume of its traffic.

(b) Only the following kinds of airport development described in § 151.35 (a) are eligible to be included in a project under this part:

(1) Preparing all or part of an airport site, including clearing, grubbing, filling and grading.

(2) Dredging of seaplane anchorages and channels.

(3) Drainage work, on or off the airport or airport site.

(4) Constructing, altering, or repairing airport buildings or parts thereof, to the extent that it is covered by § 151.35(a).

(5) Constructing, altering, or repairing runways, taxiways, and aprons, including—

(i) Bituminous resurfacing of pavements with a minimum of 100 pounds of plant-mixed material for each square yard;

(ii) Applying bituminous surface treatment on a pavement (in accordance with FAA Specification P-609), the existing surface of which consists of that kind of surface treatment; and

(iii) Resealing a runway that has been substantially extended or partially reconstructed, if that resealing is necessary for the uniform color and appearance of the runway.

(6) Fencing, erosion control, seeding, and sodding of an airport or airport site.

(7) Installing, altering, or repairing airport markers and runway, taxiway, and apron lighting facilities and equipment.

(8) Constructing, altering, or repairing entrance roads and airport service roads.

(9) Constructing, installing, or connecting utilities, either on or off the airport or airport site.

(10) Removing, lowering, relocating, marking, or lighting any airport hazard.

(11) Clearing, grading, and filling to allow the installing of landing aids.

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

(13) Acquiring land or an interest therein, or any easement through or other interest in airspace, when necessary to—

(i) Allow other airport development to be made, whether or not a part of the Federal-aid Airport Program;

(ii) Prevent or limit the establishment of airport hazards;

(iii) Allow the removal, lowering, relocation, marking, and lighting of existing airport hazards;

(iv) Allow the installing of landing aids; or

(v) Allow the proper use, operation, maintenance, and management of the airport as a public facility.

(14) Any other airport development described in § 151.35(a) that is specifically approved by the Administrator.

For the purposes of subparagraph (10) of this paragraph, an airport hazard is any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land in the vicinity of the airport, that obstructs the airspace needed for the landing or takeoff of aircraft or is otherwise hazardous to the landing or takeoff of aircraft. For the purposes of subparagraph (13) of this paragraph, land acquisition includes the acquiring of land that is already developed as a private airport and the structures, fixtures, and improvements that are a part of realty (other than hangars, other ineligible structures and parts thereof, fixtures, and improvements).

§ 151.41 Project costs.

(a) For the purposes of this part, project costs consist of any costs involved in accomplishing a project, including those of—

(1) Making field surveys;

(2) Preparing plans and specifications;

(3) Accomplishing or procuring the accomplishing of the work;

(4) Supervising and inspecting construction work;

(5) Acquiring land, or an interest therein, or any easement through or other interest in airspace; and

(6) Administrative and other incidental costs incurred specifically in connection with accomplishing a project, and that would not have otherwise been incurred.

(b) The costs described in paragraph (a) of this section, including the value of land, labor, materials, and equipment donated or loaned to the sponsor and appropriated to the project by the sponsor, are eligible for consideration as to their allowability, except for—

(1) That part of the cost of rehabilitation or repair for which funds have been appropriated under section 17 of the Federal Airport Act (49 U.S.C. 1116);

(2) That part of the cost of acquiring an existing private airport that represents the cost of acquiring passenger automobile parking facilities, buildings to be used as hangars, living quarters, or for nonairport purposes, at the airport, and those buildings or parts of buildings the construction of which is not airport development within the meaning of § 151.35(a);

(3) The cost of materials and supplies owned by the sponsor or furnished from a source of supply owned by the sponsor, if—

(i) Those materials and supplies were used for airport development before the grant agreement was executed; or

(ii) The cost is not supported by proper evidence of quantity and value;

(4) The cost of nonexpendable machinery, tools, or equipment owned by the sponsor and used under a project by the sponsors force account, except to the extent of the fair rental value of that machinery, tools, or equipment for the period it is used on the project;

(5) The costs of general area, urban, or statewide planning of airports, as distinguished from planning a specific project;

(6) The value of any land, including improvements, donated to the sponsor by another public agency; and

(7) Any costs incurred in connection with raising funds by the sponsor, including interest and premium charges and administrative expenses involved in conducting bond elections and in the sale of bonds.

(c) To be an allowable project cost, for the purposes of computing the amount of a grant, an item that is paid or incurred must, in the opinion of the Administrator—

(1) Have been necessary to accomplish airport development in conformity with the approved plans and specifications for an approved project and with the terms of the grant agreement for the project;

(2) Be reasonable in amount (or be subject to partial disallowance under section 13(3) of the Federal Airport Act (49 U.S.C. 1112(3)));

(3) Have been incurred after the date the grant agreement was executed, except that costs of land acquisition, field surveys, planning, preparing plans and specifications, and administrative and incidental costs, may be allowed even though they were incurred before that date, if they were incurred after May 13, 1946; and

(4) Be supported by satisfactory evidence.

§ 151.43 United States share of project costs.

(a) The United States share of the allowable costs of a project is stated in the grant agreement for the project, to be paid from appropriations made under the Federal Airport Act.

(b) Except as provided in paragraphs (c) and (d) of this section, the United States share of the costs of an approved project for airport development (regardless of its size or location) is 50 percent of the allowable costs of the project.

(c) The United States share of the costs of an approved project for airport development in a State in which the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) is more than 5 percent of its total land, is the percentage set forth in the following table:

State	*Percent*	*State*	*Percent*
Alaska	62.50	New Mexico	56.38
Arizona	61.00	Oregon	55.55
California	53.89	South Dakota	52.60
Colorado	53.30	Utah	62.11
Idaho	55.83	Washington	51.57
Montana	53.09	Wyoming	57.29
Nevada	62.50		

(d) The United States share of the costs of an approved project, representing the costs of any of the following, is 75 percent:

(1) The costs of installing high intensity lighting on a designated instrument landing runway or other runway with an approved straight-in approach procedure.

(2) The costs of installing in-runway (narrow gauge, center line, and turnoff) lighting.

(3) The costs of installing runway distance markers.

(4) The costs of acquiring land, or a suitable property interest in land or in or over water, needed for installing, operating, and maintaining an ALS (as described in § 151.13).

(5) The costs of any project in the Virgin Islands.

§ 151.45 *Performance of construction work:* General requirements.

(a) All construction work under a project must be performed under contract, except in a case where the Administrator determines that the project, or a part of it, can be more effectively and economically accomplished on a force account basis by the sponsor or by another public agency acting for or as agent of the sponsor.

(b) Each contract under a project must meet the requirements of local law.

(c) No sponsor may issue any change order under any of its construction contracts or enter into a supplemental agreement unless three copies of that order or agreement have been sent to and approved by the District Airport Engineer. §§ 151.47 and 151.49 apply to supplemental agreements as well as to original contracts.

(d) This section and §§ 151.47 through 151.49 do not apply to contracts with the owners of airport hazards, (as described in § 151.39(b)), buildings, pipe lines, power lines, or other structures or facilities, for installing, extending, changing, removing, or relocating that structure or facility. However, the sponsor must obtain the approval of the District Airport Engineer before entering into such a contract.

(e) No sponsor may allow a contractor or subcontractor to begin work under a project until—

(1) The sponsor has furnished three conformed copies of the contract to the District Airport Engineer; and

(2) That official agrees to a notice to proceed with the work being issued to the contractor.

The sponsor must send three copies of the notice to that official immediately after it is issued.

§ 151.47 Performance of construction work: Letting of contracts.

(a) Unless the Administrator approves another method for use on a particular project, each contract for construction work on a project in the amount of more than $2,000 must be awarded on the basis of public advertising and open competitive bidding under the local law applicable to the letting of public contract. Any oral or written agreement or understanding between a sponsor and another public agency that is not a sponsor of the project, under which that public agency undertakes construction work for or as agent of the sponsor, is not considered to be a construction contract for the purposes of this section, or §§ 151.45, 151.49, and 151.51.

(b) There may be no advertisement for bids on, or negotiation of, a construction contract until the Administrator has approved the plans and specifications. Unless the estimated contract price or construction cost is $2,000 or less, there may be no advertisement for bids or negotiation until the Administrator has given the sponsor a copy of a decision of the Secretary of Labor establishing the minimum wage rates for skilled and unskilled labor under the proposed contract. In each case, a copy of the wage determination decision must be set forth in the initial invitation for bids or proposed contract or incorporated therein by reference to a copy set forth in the advertised or negotiated specifications.

(c) At least 45 days before advertising or negotiating as described in paragraph (b) of this section, the sponsor shall send to the District Airport Engineer, on Department of Labor Form DB-11, a list of all classes of labor to be employed under the proposed contract. If, after submitting the list, the sponsor believes that additional classes of labor may be employed under the contract, he shall immediately advise the District Airport Engineer of the classes and take any steps that are necessary to prevent the contractor, or any of the subcontractors, from employing labor of that class until the Secretary of Labor prescribes a supplementary wage determination for those additional classes. The Administrator sends a copy of the supplementary wage determination to the sponsor as soon as possible after notice by the District Airport Engineer that the determination is needed.

(d) Any minimum wage rate established by the Secretary of Labor may be changed by him before the date of the award of the proposed contract for which the minimum wage rate was established. However, if the proposed contract is awarded on the basis of public advertisement and open competitive bidding within 30 days after the opening of bids, or 90 days after the date of the initial wage determination, whichever is earlier, the change is not effective unless the decision is received by the Administrator more than five days before the opening of bids. The Administrator sends each change covered by this section to the sponsor as soon as possible. A copy of the Secretary of Labor's decision is incorporated in the invitation for bids or proposed contract by issuing an addendum to the specifications or otherwise, or, if bids have been opened or the contract awarded, the sponsor must take necessary action to incorporate a copy of the decision in the contract.

(e) A sponsor may not award a construction contract without the written concurrence of the Administrator (through the District Airport Engineer) that the contract prices are reasonable and that the contract conforms to the sponsor's grant agreement with the United States. A sponsor that awards contracts on the basis of public advertising and open competitive bidding, shall, after the bids are opened, send a tabulation of the bids and its recommendations for award to the District Airport Engineer. The allowable project costs of the work, on which the Federal participation is computed, may not be more than the bid of the lowest responsible bidder. The sponsor may not accept a bid by a contractor whose name appears on the current list of ineligible contractors published by the Comptroller General of the United States under § 5.6(b) of the regulations of the Secretary of Labor (29 CFR Part 5), or a bid by any firm, corporation, partnership, or association in which that contractor has a substantial interest.

§ 151.49 Performance of construction work: Contract Requirements.

(a) Each sponsor entering into a construction contract for a project, shall, in addition to any other provisions necessary to insure completion of the work in accordance with the grant agreement, include the following provisions (or revisions thereof approved by the Administrator in advance) in the contract:

(1) The work in this contract is included in Federal-aid Airport Project No. ------ which is being undertaken and accomplished by the (insert name of sponsor) in accordance with the terms and conditions of a grant agreement between the (insert name of sponsor) and the United States, under the Federal Airport Act (49 U.S.C. 1101) and Part 151 of the Federal Aviation Regulations, pursuant to which the United States has offered and agreed to pay a certain percentage of the costs of the project that are determined to be allowable project costs under that Act. Any reference in this contract to the FAA or any representative thereof, or to any rights granted to the FAA or any representative thereof, or the United States, by the contract, shall in no sense make, or be construed as making, the United States a party to this contract.

(2) The contractor shall obtain the prior written consent of the (insert name of sponsor) to any proposed assignment of any interest in or part of this contract.

(3) No convict labor shall be employed under this contract.

(4) In the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to qualified individuals who have served in the military service of the United States (as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940) and have been honorably discharged from such service, except that such preference shall be given only where such labor is available locally and is qualified to perform the work to which the employment relates.

(5) All mechanics and laborers, employed or working upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision(s) of the Secretary of Labor which is (are) attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision(s) shall be posted by the contractor at the site of the work in a prominent place where it (they) can be easily seen by the workers.

(6) Pursuant to the terms of the Grant Agreement between the United States and (insert name of sponsor), relating to Federal-aid Airport Project No. ------, and Part 151 of the Federal Aviation Regulations, the Federal Aviation Agency may withhold or cause to be withheld from the (insert name of sponsor) so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract, the Federal Aviation Agency may, after written notice to the (insert name of sponsor), take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased.

(7) Whether or not payments or advances to the (insert name of sponsor) are withheld or suspended by the Federal Aviation Agency, the (insert name of sponsor): (a) May withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by this contract; and (b) in the event of failure of the contractor or any subcontractor to pay any laborer or mechanic employed or working on the site of the work all or part of the wages required by this contract may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment or advance of funds until such violations have ceased.

(8) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid.

The contractor will submit weekly a certified copy of all payrolls to the (insert name of sponsor). The certification will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than the minimum rates determined by the Secretary of Labor for the employees in question, as prescribed in this contract, and that the classification set forth for each laborer or mechanic conforms to the work

be performed. The contractor will make his employment records available for inspection by authorized representatives of the (insert name of sponsor), the Federal Aviation Agency, and the Department of Labor and will permit such representatives to interview employees during working hours on the job.

(9) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in the State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor.

(10) The contractor will comply with the regulations applicable to contractors and subcontractors (29 CFR Part 3, copy of which is attached) issued by the Secretary of Labor pursuant to the Copeland Act, as amended (48 Stat. 948; 62 Stat. 862; 63 Stat. 108; 72 Stat. 967; 40 U.S.C. 276c), and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

(11) Duly authorized representatives of the Federal Aviation Agency shall be permitted to inspect and review all work and all materials used in the performance of this contract.

(12) The contractor will insert in each of his subcontracts the provisions set forth in paragraphs ----, ----, ----, ----, ----, ----, ----, ----, ----, ----, and ----, hereof (insert designations of eleven paragraphs of contract corresponding to subparagraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) hereof).

(13) A breach of paragraphs ---- (insert designation of paragraph of contract corresponding to subparagraph (5) hereof), through ---- (insert designation of paragraph of contract corresponding to subparagraph (12) hereof) may be grounds for termination of this contract.

(14) In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provisions shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

(b) Subparagraphs (5), (6), (7), (8), (9), (10), (12), and (13) of paragraph (a) of this section do not apply to any contract for which a minimum wage determination of the Secretary of Labor is not required by § 151.47(b).

§ 151.51 Performance of construction work: Force accounts.

(a) Before undertaking any force account construction work, the sponsor (or any public agency acting as agent for the sponsor) must obtain the written consent of the Administrator through the District Airport Engineer. In requesting that consent, the sponsor must submit—

(1) Adequate plans and specifications showing the nature and extent of the construction work to be performed under that force account;

(2) A schedule of the proposed construction and of the construction equipment that will be available for the project;

(3) Assurance that adequate labor, material, equipment, supervisory, engineering, and inspection personnel will be provided; and

(4) A detailed estimate of the cost of the work, broken down for each class of costs involved, such as labor, materials, rental of equipment, and other pertinent items of cost.

(b) Whenever a sponsor applies, under § 151.61, for a grant payment involving force account work, it must submit with the application a periodic cost estimate for that work on Form FAA-1629.

§ 151.53 Performance of construction work: Labor requirements.

A sponsor who is required to include in a construction contract the labor provisions required by § 151.49 shall require the contractor to comply with those provisions and shall cooperate with the FAA in effecting that compliance. For this purpose the sponsor shall—

(a) Keep, and preserve, for a three-year period beginning on the date the contract is completed, each affidavit and payroll copy furnished by the contractor, and make those affidavits and copies available to the FAA, upon request, during that period;

(b) Have each of those affidavits and payrolls examined by its resident engineer (or any other of its employees or agents who are qualified to make the necessary determinations), as soon as possible after receiving it, to the extent necessary to determine whether the contractor is complying with the labor provisions required by § 151.49 and particularly with respect to whether the contractor's employees are correctly classified;

(c) Have investigations made during the performance of work under the contract, to the extent necessary to determine whether the contractor is complying with those labor provisions, particularly with respect to whether the contractor's employees are correctly classified, including in the investigations, interviews with employees and examinations of payroll information at the work site by the sponsor's resident engineer (or any other of its employees or agents who are qualified to make the necessary determinations); and

(d) Keep the District Airport Engineer fully advised of all examinations and investigations made under this section, all determinations made on the basis of those examinations and investigations, and all efforts made to obtain compliance with the labor provisions of the contract.

For the purposes of paragraph (c) of this section, the sponsor shall give priority to complaints of alleged violations, and shall treat as confidential any written or oral statements made by any employee. The sponsor may not disclose an employee's statement to a contractor without the employee's consent.

§ 151.55 Accounting and audit.

(a) Each sponsor shall establish and maintain, for each individual project, an adequate accounting record to allow appropriate personnel of the FAA to determine all funds received (including funds of the sponsor and funds received from the United States or other sources), and to determine the allowability of all incurred costs of the project. The sponsor shall segregate and group project costs so that it can furnish, on due notice, cost information in the following cost classifications:

(1) Purchase price or value of land.

(2) Incidental costs of land acquisition.

(3) Costs of contract construction.

(4) Costs of force account construction.

(5) Engineering costs of plans and designs.

(6) Engineering costs of supervision and inspection.

(7) Other administrative costs.

(b) The sponsor shall obtain and retain in its files for a period of three years after the date of the final grant payment, documentary evidence such as invoices, cost estimates, and payrolls supporting each item of project costs.

(c) The sponsor shall retain, for a period of three years after the date of the final grant payment, evidence of all payments for items of project costs including vouchers, cancelled checks or warrants, and receipts for cash payments.

(d) The sponsor shall allow appropriate personnel of the FAA to audit the project records and accounts to determine the allowability of project costs and the amount of the United States participation in the cost of the project. Appropriate personnel of the FAA may, after notifying the sponsor, make progress audits at any time during the project. If work is suspended on the project for an appreciable period of time, an audit is made before any semi-final payment is made. A final audit is made before final payment.

§ 151.57 Grant payments: General.

(a) An application for a grant payment is made on Form FAA-1625.1, accompanied by—

(1) A summary of project costs on Form FAA-1630;

(2) A periodic cost estimate on Form FAA-1629 for each contract or force account representing costs for which payment is requested; and

(3) Any supporting information, including appraisals of property interests, that the FAA needs to determine the allowability of any costs for which payment is requested.

(b) Each application that involves work performed by a contractor must contain, in the contractor's certification in the periodic cost estimate, a statement that "there has been full compliance with all labor provisions included in the contract identified above", and, in the case of an honest dispute as to the nature of the contractor's obligations under the labor provisions of the contract, an additional phrase "except insofar as an

honest dispute exists with respect to such provisions".

(c) If a contractor or subcontractor fails or refuses to comply with the labor provisions of the contract with the sponsor, further grant payments to the sponsor are suspended until the violations stop, until the Administrator determines the allowability of the project costs to which the violations relate, or, to the extent that the violations consist of underpayments to labor, until the sponsor furnishes satisfactory assurances to the FAA that restitution has been or will be made to the affected employees.

(d) If, upon final determination of the allowability of all project costs of a project, it is found that the total of grant payments to the sponsor was more than the total United States share of the allowable costs of the project, the sponsor shall promptly return the excess to the FAA.

§ 151.59 Grant payments: Land acquisition.

If an approved project includes land acquisition as an item of airport development, the sponsor may, at any time after executing the grant agreement and after title evidence has been approved by the Administrator for the property interest for which payment is requested, apply to the FAA, through the District Airport Engineer, for payment of the United States share of the allowable project costs of the acquisition, including any acquisition that is completed before executing the grant agreement and is part of the airport development included in the project.

§ 151.61 Grant payments: Partial.

(a) Subject to the final determination of allowable project costs as provided in § 151.63 partial grant payments for project costs may be made to a sponsor upon application. Unless previously agreed otherwise, a sponsor may apply for partial payments on a monthly basis. The payments may be paid, upon application, on the basis of the costs of airport development that is accomplished or on the basis of the estimated cost of airport development expected to be accomplished.

(b) Except as otherwise provided, partial grant payments are made in amounts large enough to bring the aggregate amount of all partial payments to the estimated United States share of the project costs of the airport development accomplished under the project as of the date of the sponsor's latest application for payment. In addition, if the sponsor applies, a partial grant payment is made as an advance payment in an amount large enough to bring the aggregate amount of all partial payments to the estimated United States share of the estimated project costs of the airport development expected to be accomplished within 30 days after the date of the sponsor's application for advance payment. However, no partial payment may be made in an amount that would bring the aggregate amount of all partial payments for the project to more than 90 percent of the estimated United States share of the total estimated cost of all airport development included in the project, but not including contingency items, or 90 percent of the maximum obligation of the United States as stated in the grant agreement, whichever amount is the lower. In determining the amount of a partial grant payment, those project costs that the Administrator considers to be of questionable allowability are deducted both from the amount of project costs incurred and from the amount of the estimated total project cost.

§ 151.63 Grant payments: Semifinal and final.

(a) Whenever airport development on a project is delayed or suspended for an appreciable period of time for reasons beyond the sponsor's control and the allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all costs, a semifinal grant payment may be made in an amount large enough to bring the aggregate amount of all partial grant payments for the project to the United States share of all allowable project costs incurred, even if the amount is more than the 90 percent limitation prescribed in § 151.61(b). However, it may not be more than the maximum obligation of the United States as stated in the grant agreement.

(b) Whenever the project is completed in accordance with the grant agreement, the sponsor may apply for final payment. The final payment is made to the sponsor if—

(1) A final inspection of all work at the airport site has been made jointly by the District Airport Engineer and representatives of the sponsor and the contractor, unless the District Airport Engineer agrees to a different procedure for final inspection;

(2) A final audit of the project account has been completed by appropriate personnel of the FAA; and

(3) The sponsor has furnished final "as constructed" plans, unless otherwise agreed to by the Administrator.

(c) Based upon the final inspection, the final audit, the plans, and the documents and supporting information required by § 151.57(a), the Administrator determines the total amount of the allowable project costs and pays the sponsor the United States' share, less the total amount of all prior payments.

§ 151.65 Memoranda and hearings.

(a) At any time before the FAA issues a grant offer for a project, any public agency or person having a substantial interest in the disposition of the project application may file, through the District Airport Engineer of the District in which the project is located, a memorandum supporting or opposing it. In addition, that public agency or person may request a public hearing on the location of the airport to be developed. If, in the Administrator's opinion, that public agency or person has a substantial interest in the matter, a public hearing is held.

(b) The Administrator sets the time and place of each hearing under this section, to avoid undue delay in disposing of the application, to afford reasonable time for all parties concerned to prepare for it, and to hold it at a place convenient to the sponsor. Notice of the time and place is mailed to the public agency or person filing the memorandum, the sponsor, and any other necessary persons.

(c) The purpose of the hearing is to help the Administrator discover facts relating to the location of the airport that is proposed to be developed under an application pending before him. There are no adverse parties or interests and no defendant or respondent. They are not hearings for the purposes of sections 5, 7, and 8 of the Administrative Procedure Act (5 U.S.C. 1001) and do not terminate in an adjudication as defined in that Act.

(d) Each hearing under this section is conducted by a hearing officer designated by the Administrator. The hearing officer decides the length of the hearing, the kind of testimony to be heard, and all other matters respecting the conduct of the hearing. The hearing is recorded in a manner determined by the hearing officer and the record becomes a part of the record of the project application. The Administrator's decision is not made solely on the basis of the hearing, but on all relevant facts.

§ 151.67 Forms.

(a) The various forms used for the purposes of this part are as follows:

(1) Request for Federal-aid, Form FAA-1623: Contains a statement requesting Federal-aid in carrying out a project under the Federal Airport Act, with appropriate spaces for inserting information needed for considering the request, including the location of the airport, the amount of funds available to the sponsor, a description of the proposed work, and its estimated cost.

(2) Project application, Form FAA-1624: A formal application for Federal-aid to carry out a project under this part. It contains four parts:

(i) Part I—for pertinent information regarding the airport and proposed work included in the project.

(ii) Part II—for incorporating the representations of the sponsor relating to its legal authority to undertake the project, the availability of funds for its share of the project costs, approvals of other non-United States agencies, the existence of any defaults on other obligations to the United States, possible disabilities, and the ownership of lands and interests in lands to be used in carrying out the project and operating the airport.

(iii) Part III—for incorporating the sponsor's assurances regarding the operation and maintenance of the airport, further development of the airport, and the acquisition of any additional interests in lands that may be needed to carry out the project or for operating the airport.

(iv) Part IV—for a statement of the sponsor's acceptance, to be executed by the sponsor and certificated by its attorney.

(3) Project application for additional project, Form FAA-1624.1: similar to Form FAA-1624, used by the sponsor, in the discretion of the Administrator for second and later projects at the same airport, and incorporating by reference

certain of the representations and assurances set forth in their entirety in Form FAA-1624.

(4) Grant agreement, Form FAA-1632:

(i) Part I—Offer by the United States to pay a specified percentage of the allowable costs of the project, as described therein, on specified terms relating to the undertaking and carrying out of the project, determination of allowability of costs, payment of the United States share, and operation and maintenance of the airport in accordance with assurances in the project application.

(ii) Part II—Acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and certification by its attorney.

(5) Periodic cost estimate, Form FAA-1629: a certification to be executed by the contractor (or the sponsor, in the case of force account work), with space for information regarding the progress of construction work as of a specific date, and the value of the completed work.

(6) Application for grant payment, Form FAA-1625.1: Application for payment under a grant agreement for work completed as of a specific date or to be completed by a specific date, with space for an appropriate breakdown of project costs among the categories shown therein, and certification provisions to be executed by the sponsor and the District Airport Engineer.

(7) Summary of project costs, Form FAA-1630: For inserting the latest revised estimate of total project costs, the total costs incurred as of a specific date, an estimate of the aggregate of those total costs incurred to date and those to be incurred before a specific date in the future.

(b) Copies of the forms named in this section, and assistance in completing and executing them, are available from the District Airport Engineer for the district in which the project is located.

Subpart C—Programing Standards

§ 151.71 General.

Programing standards for the Federal-aid Airport Program are prescribed to assure the most efficient use of Program funds and to assure that the most important elements of a national system of airports are provided.

[Revision note: Based on § 550.24(a)]

§ 151.73 Land acquisition.

(a) The acquisition of land or any interest therein, or of any easement or other interest in airspace, is eligible for inclusion in a project if it was made after May 13, 1946, and is necessary—

(1) To allow the initial development of the airport;

(2) For improvement indicated in the current National Airport Plan;

(3) For ultimate development of the airport, as indicated in the current approved master plan layout to the extent consistent with the National Airport Plan;

(4) For approach protection meeting the standards of FAA Technical Standard Order N18;

(5) To allow installing an ALS (as described in § 151.13), in which case the costs of acquiring land needed for it are eligible for 75 percent United States participation if the need is shown in the National Airport Plan, based on the best information available to the FAA for the forecast period;

(6) To allow proper use, operation, or maintenance of the airport as a public facility, including offsite lands needed for locating necessary parts of the utility systems serving the airport;

(7) To allow installing navigational aids by the FAA, if the land is within the airport boundaries; or

(8) To allow relocation of navigational aids.

Appendix A sets forth typical eligible and ineligible items of land acquisition as covered by this section.

§ 151.75 Preparation of site.

(a) Grading, drainage, and associated items of site preparation are eligible for inclusion in a project, but only with respect to one landing strip at any airport, unless the airport qualifies for more than one runway, based on traffic volume or wind conditions (as outlined in § 151.77) and the overall site preparation required for development in accordance with the master plan layout. The complete clearance of runway clear zone areas is desirable, but, as a minimum, all obstructions as determined by Technical Standard Order N18 must be removed. Grading in runway clear zones is eligible only to remove terrain that is an obstruction. The clear zone is not a graded overrun area. Specific site preparation for an airport terminal building is eligible on the same basis as the building itself. The site preparation cost is prorated based on eligible and ineligible building space. Appendix B sets forth typical eligible and ineligible items of site preparation as covered by this section.

(b) For the purposes of this section, eligible drainage work off the airport site includes drainage outfalls, drainage disposal, and interception ditches. If there is damage to adjacent property, its correction is an eligible item for inclusion in the project.

§ 151.77 Runway paving: General rules.

(a) On any airport, paving of the designated instrument landing runway (or dominant runway if there is no designated instrument runway) is eligible for inclusion in a project, within the limits of the current National Airport Plan. Program participation in constructing, reconstructing, or resurfacing is limited to a single runway at any airport unless more than one can be justified on the basis of wind conditions, abating aircraft noise, or traffic volume.

(b) The kinds of runway paving that are eligible for inclusion in a project include pavement construction and reconstruction, and include resurfacing to increase the load bearing capacity of the runway or to provide a leveling course to correct major irregularities in the pavement. Runway resealing or refilling joints as an ordinary maintenance matter are not eligible items, except for bituminous resurfacing consisting of at least 100 pounds of plant-mixed material for each square yard, and except for the application of a bituminous surface treatment (two applications of material and cover aggregate as prescribed in FAA Specification P-609) on a pavement the current surface of which consists of that kind of a bituminous surface treatment.

(c) On new pavement construction, the applying of a bituminous seal coat on plant hot-mix bituminous surfaces only, is an eligible item only if initial engineering analysis and design indicate the need for a seal coat. However, any delay in applying it that is caused other than by construction difficulties, makes the application a maintenance item that is not eligible.

(d) In any case in which the need for a seal coat is necessary for a new runway extension or partial reconstruction of a runway, the entire runway may be sealed.

(e) Appendix C to this part sets forth typical eligible and ineligible items of runway paving.

§ 151.79 Runway paving: Additional runways.

(a) On the basis of wind conditions, an airport is eligible for a second runway if the use of the dominant runway will require landings with cross-wind components of more than 15 miles an hour for more than five percent of the time. Although the 95 percent use factor is not achieved with a single runway, a second runway may be provided only if operational experience has shown the need for it and the economic factors of air transportation at the specific location warrant the spending of Federal-aid Airport Program funds for the purpose. The second runway, where authorized, must be so oriented with the dominant runway that maximum wind coverage is achieved, with due consideration to the aircraft noise factor. In any case in which wind condition information is not available for the specific location, the information from the two or more nearest wind recording stations may be used to indicate the wind conditions for the site. If the airport site is located between the recording stations and the intervening terrain is level or slightly rolling, a composite wind rose made from those of the associated stations is ordinarily acceptable. If the intervening terrain is mountainous, an allowance for its effect can be made by weighted averages. In determining the values to be applied to the records of each station, a topographic map of the area on which the location of the wind-recording station is plotted should be used.

(b) On the basis of traffic volume, an airport with 75,000 or more aircraft movements of all kinds a year, but which does not qualify for a second runway under paragraph (a) of this section, is eligible for a second runway on the basis of traffic volume if the layout and orientation of the two runways will allow both to be used to expedite traffic. Airports that need more than two runways because of traffic volume, or a combination of traffic volume and wind coverage, are considered on a case by case basis.

§ 151.81 Taxiway paving.

(a) The construction, alteration, and repair of taxiways needed to expedite the flow of ground traffic between runways and aircraft parking areas available for general public use are eligible items under the program. Taxiways to serve an area or facility that is primarily for the exclusive or near exclusive use of a tenant or operator that does not furnish aircraft servicing to the public are not eligible. In addition, the policies on resealing or refilling joints, as set forth in § 151.77, apply also to taxiway paving.

(b) Appendix D sets forth typical eligible and ineligible items of taxiway paving.

§ 151.83 Aprons.

(a) The construction, alteration, and repair of aprons are eligible program items upon being shown that they are needed as public use facilities. An apron to serve an area that is primarily for the exclusive or near exclusive use of a tenant or operator who does not furnish aircraft servicing to the public is not eligible. In addition, the policies on resealing or refilling joints, as set forth in § 151.77 apply also to apron paving.

(b) In determining public use for the purposes of this section, the current use being made of a hangar governs, unless there is definite information regarding its future use. In the case of an apron area being built for future hangars, it should be shown that early hangar development is assured and that the hangars will be public facilities.

(c) Appendix E sets forth typical eligible and ineligible items of Apron paving.

§ 151.85 Special treatment areas.

The following special treatment for areas adjacent to pavement is eligible for inclusion in a project in cases where, due to the operation of turbojet powered aircraft, it may be necessary to treat those areas adjacent to runway ends, holding aprons, and taxiways to prevent erosion from the blast effects of the turbojet:

(a) Runway ends—a stabilized area the width of the runway and extending 100 to 150 feet from the end of the runway.

(b) Holding aprons—a stabilized area up to 50 feet from the edge of the pavement.

(c) Taxiway intersections—a stabilized area 25 feet on each side of the taxiway and extending 300 feet from the intersection.

(d) Taxiway (continuous movement of aircraft)—dense turf 25 feet on each side of the taxiway, or in a geographic area where dense turf cannot be established, stabilization.

§ 151.87 Lighting and electrical work.

(a) Federal-aid Airport Program funds may be used for installing lighting facilities only at an airport having a large enough actual or potential volume of night operations (determined individually in each case) to assure its continued operation and adequate maintenance. A lighting project is not considered until the sponsor is aware of its responsibilities in operating the lights and of the costs of maintenance and operation.

(b) The FAA does not issue a grant offer until the sponsor has applied for a true light certificate indicating a lighted airport. Program participation in airport lighting is limited to those projects that, upon completion, will meet the requirements for a true light certificate, and will include the removal or adequate lighting of obstructions in the approach and turning zones, as determined by Technical Standard Order N18.

(c) The number of runways that are eligible for lighting is the same as the number eligible for paving under §§ 151.77 or 151.79.

(d) The installing of high intensity lighting is eligible on a designated instrument landing runway and any other runway with approved straight-in approach procedures. A runway that is eligible for lighting, but does not meet the requirements for 75 percent United States participation under § 151.25, is eligible for 50 percent United States participation in the costs of high intensity lighting (or the allowable Federal Airport Act percentage in public land States), if the airport is served by a navigational aid that will allow using instrument approach procedures.

(e) In-runway lighting (narrow gauge, centerline, and turnoff) is eligible on the designated instrument landing runway.

(f) Taxiways to eligible runways on airports served by transport aircraft are eligible for lighting. On airports serving only general aviation, the lighting of connecting taxiways is eligible if the runway served is lighted or is programed to be lighted. The lighting of a parallel taxiway is eligible if the taxiway is eligible for paving. Lighting of other taxiways is eligible or not, depending on the complexity of the taxiway system.

(g) Floodlighting of aprons is eligible if there is a proven need for it, including a showing of night operations where the runway is lighted.

(h) Any airport that is eligible to participate in the costs of runway lighting is eligible for the installing of a beacon, lighted wind indicator, obstruction lights, lighting control equipment, and other components of basic airport lighting including separate transformer vaults and connection to the nearest available power source.

(i) The interconnection of two or more power sources on an airport property, the providing of second sources of power, and the installing of standby engine generators of reasonable capacity, are eligible under the program.

(j) Appendix F sets forth typical eligible and ineligible items of airport lighting covered by this section.

§ 151.89 Roads.

(a) Federal-aid Airport Program funds may not be used to resolve highway problems. Only those airport entrance roads that are definitely needed and are intended only as a way in and out of the airport are eligible.

(b) The construction, alteration, and repair of airport roads and streets that are entirely within the airport boundaries are eligible under the program, if needed for operating and maintaining the airport. In the case of an entrance road, a strip right-of-way joining the main body of the airport to the nearest public road may be considered a part of the normal boundary of the airport if—

(1) Adequate title is obtained;

(2) It was acquired to provide an airport entrance road and was not, before the existence of the airport, a public thoroughfare;

(3) The entrance road is intended only as a way in and out of the airport; and

(4) The entrance road extends only to the nearest public highway, road, or street.

(c) An entrance road may be joined to an existing highway or street with a normal fillet connection. However, acceleration-deceleration strips or grade separations are not eligible.

(d) Offsite road or street relocation needed to allow airport development or to remove an obstruction, and is not for entrance road purposes, is eligible.

(e) Appendix G sets forth typical eligible and ineligible items of road construction covered by this section.

§ 151.91 Removal of obstructions.

(a) The removal or relocation, or both, of obstructions, as defined in Technical Standard Order N18 is eligible under the Program in cases where definite arrangements are made to prevent the obstruction from being recreated. In a case where removal is not feasible, the cost of marking or lighting it is eligible. The removal and relocation of structures necessary for essential airport development is eligible. The removal of structures that are not obstructions within the coverage of Technical Standard Order N18 is eligible when they are located within a clear zone.

(b) The removal and relocation of an airport hangar that is an airport hazard (as described in § 151.39(b)) is eligible, if the reerected hangar will be substantially identical to the disassembled one.

(c) Whenever a hangar must be relocated (either for clearance of the site for other airport development or to remove a hazard) and the existing structure is to be relocated with or without disassembly, the cost of the relocation is an eligible item of project cost, including costs incidental to the relocation such as necessary footings and floors. However, if the existing structure is to be demolished and a new hangar is to be built, only the cost of demolishing the existing hangar is an eligible item.

§ 151.93 Buildings; utilities; sidewalks; parking areas; and landscaping.

(a) The costs of constructing only those buildings or parts thereof that are intended to house facilities or activities directly relating to the safety of persons at the airport are eligible under the program. Eligible buildings include fire and rescue equipment buildings and field maintenance equipment buildings, but not passenger terminal buildings or hangars.

(b) The installation of utilities is eligible under the program to the extent

of the eligibility of the facilities and areas they serve. A utility that serves both eligible and ineligible facilities is eligible on a pro rata basis. To the extent needed for fire protection, a water system (including wells, pumps, hydrants, mains, and necessary storage facilities, but not including standpipes and sprinkler systems in buildings) is eligible.

(c) No part of the constructing, altering, or repairing (including grading, drainage, and other site preparation work) of a facility or area that is to be used as a public parking facility for passenger automobiles is eligible for inclusion in a project.

(d) Landscaping is not eligible for inclusion in a project. However, the establishment of turf on graded areas and special treatment to prevent slope erosion is eligible to the extent of the eligibility of the facilities or areas served, preserved, or protected by the turf or treatment. In the case of turfing or treatment for an area or facility that is partly eligible and partly ineligible, the eligibility of the turfing or treatment is established on a pro rata basis.

(e) The construction of sidewalks is not eligible for inclusion in a project.

§ 151.95 Fences; distance markers; navigational and landing aids; and offsite work.

(a) Boundary or perimeter fences for security purposes are eligible for inclusion in a project.

(b) A blast fence is eligible for inclusion in a project whenever—

(1) It is necessary for safety at a runway end or a holding area near the end of a runway and its installation would be more economical than the acquiring of additional property interests; or

(2) Its installation for safety at a turbojet-passenger gate will result in less separation being needed for gate positions, thereby reducing the need for apron expansion, and it is more economical to build the fence than to expand the apron.

(c) The eligibility of runway distance markers for inclusion in a project is decided on a case-by-case basis.

(d) The relocation of navigational aids is eligible for inclusion in a project whenever necessitated by development on the airport under a Program project and the sponsor is responsible under FAA Order OA 6030.1 (Agency Order 53).

(e) The installation of any of the following landing aids is eligible for inclusion in a project:

(1) Segmented circle.

(2) Wind and landing direction indicators.

(3) Boundary markers.

(f) The initial marking of runway and taxiway systems is eligible for inclusion in a project. The remarking of runways and taxiways in cases where the marking has been obliterated by construction, or has become obsolete under current FAA standards, is also eligible. However, apron marking that is not allied with runway and taxiway marking systems, is not eligible.

(g) The following offsite work performed outside of the boundaries of an airport or airport site is eligible for inclusion in a project:

(1) Removal of obstruction as provided in § 151.89.

(2) Outfall drainage ditches, and the correction of any damage resulting from their construction.

(3) Relocating of roads and utilities that are airport hazards as defined in § 151.39(b).

(4) Clearing, grading, and grubbing to allow installing of navigational aids.

(5) Constructing and installing utilities.

(6) Lighting of obstructions.

§ 151.97 Maintenance and repair.

(a) Maintenance work is not airport development as defined in the Federal Airport Act and is not eligible for inclusion in the Program. Therefore, it is necessary in many cases that a determination be made whether particular proposed development is maintenance or repair. For the purpose of these determinations, maintenance includes any regular or recurring work necessary to preserve existing airport facilities in good condition, any work involved in cleaning or caring for existing airport facilities, and any incidental or minor repair work on existing airport facilities, such as—

(1) Mowing and fertilizing of turfed areas;

(2) Trimming and replacing of landscaping material;

(3) Cleaning of drainage systems including ditches, pipes, catch basins, and replacing and restoring eroded areas, except when caused by act of God or improper design;

(4) Painting of buildings (inside and outside) and replacement of damaged items normally anticipated;

(5) Repairing and replacing burned out or broken fixtures and cables, unless major reconstruction is needed;

(6) Paving repairs in localized areas, except where the size of the work is such that it constitutes a major repair item or is part of a reconstruction project; and

(7) Refilling joints and resealing surface of pavements.

(b) Repair includes any work not included in paragraph (a) of this section that is necessary to restore existing airport facilities to good condition or preserve them in good condition.

PART 151—DISTRIBUTION TABLE

Former section	*Revised section*
550.1 (a)–(c), (i), and (j)	(1)
550.1 (d) and (e)	151.35
550.1(f)	151.39
550.1(g)	151.13
550.1(h)	151.21
550.1(k)	151.37
550.1(l)	151.5
550.1 (m) and (n)	151.3
550.1 (o), (q), (s), and (u)	151.37
550.1(p)	151.41
550.1(r)	151.35
550.1(t)	151.43
550.2	151.37
550.3	151.39
550.4(c)	151.43
550.4 (less (c))	151.41
550.5 (a), (b), and (c) (less (1)–(5))	151.21
550.5(c)(1)	151.23
550.5(c) (2) and (3)	151.25
550.5(c) (4) and (5)	151.27
550.5 (d)–(f)	151.29
550.5 (less (a)–(f))	151.31
550.6	151.33
550.7 (a), (c), (e), (f), and (h)	151.45

[1] Transferred to Part 1.

PART 151—DISTRIBUTION TABLE—Continued

Former section	*Revised section*
550.7(b)	151.47
550.7(d)	151.49
550.7(g)	151.51
550.7(i)	151.53
550.8	151.55
550.9(a)	151.59
550.9(b)	151.61
550.9 (c) and (d)	151.63
550.9 (e), (f), and (g)	151.57
550.10	151.65
550.11	151.67
550.23 (a) and (b)	(2)
550.23(c)	151.3
550.23 (d)–(h)	(2)
550.23 (i), (j), and (k)	(2)
550.23(l)	151.93
550.23 (m), (o), (p), and (t)	151.5
550.23(n)	(2)
550.23 (q), (u), (v), and (w)	151.7
550.23(r)	(2)
550.23(s)	151.9
550.23(x)	151.13
550.24(a)	151.71
550.24(b)	151.73
550.24(c)	151.75
550.24(d) (1)–(4) and (7)	151.77
550.24(d) (less (1)–(4) and (7))	151.79
550.24(e)	151.81
550.24(f)	151.83
550.24(g)	151.85
550.24(h)	151.87
550.24 (i), (o), (p), and (s)–(v)	151.95
550.24 (j), (k), (m), (n), and (q)	151.93
550.24(l)	151.89
550.24(r)	151.91
550.24(w)	(2)
550.24 (less (a)–(w))	151.97
550.25 (less (b)(2))	(2)
550.25(b)(2)	151.33
550.38(a)	151.9
550.38(b)	151.11
550.38 (less (a) and (b))	(2)

[2] To be transferred to Agency Circular Series.

APPENDIX A

There is set forth below an itemization of typical eligible and ineligible items of land acquisition as covered by § 151.73:

Typical Eligible Items

1. Land for:

(a) Initial acquisition for entire airport developments, including building areas as delineated on the approved master plan layout.

(b) Expansion of airport facilities, except the acquisition of only a small parcel for a non-landing area facility, such as hangar, terminal building, automobile parking area, etc.

(c) Clear zones at ends of eligible runways.

(d) Approach lights (land for ALS eligible for 75 percent participation will be limited to an area 3200′ x 400′ for a Standard ALS and to an area 1700′ x 400′ for a short ALS located symmetrically about the runway centerline extended, beginning at the end of the runway).

(e) Approach protection.

(f) Airport utilities.

2. Easements for:

(a) Use of air space by aircraft.

(b) Storm-water run-off.

(c) Powerlines to serve offsite obstruction lights.

(d) Airport utilities.

3. Extinguishment of easements which interfere with airport development.

Typical Ineligible Items

1. Land required only for:

(a) Industrial and other non-airport purposes.

APPENDIX B

There is set forth below an itemization of typical eligible and ineligible items of site preparation as covered by § 151.75 of this chapter:

Typical Eligible Items

1. General site preparation:

(a) Clearing of site.

(b) Grubbing of site.

(c) Grading of site.
(d) Storm drainage of site.
2. Erosion control.
3. Grading to remove obstructions.
4. Grading for installing navigation aids on airport property.
5. Dredging of seaplane anchorages and channels.

Typical Ineligible Items

1. Specific site preparation (not a part of an over-all site preparation project) for:
(a) Hangars and other buildings ineligible under the Act.
(b) Public parking facilities for passenger automobiles.
(c) Industrial and other non-airport purposes.

APPENDIX C

There is set forth below an itemization of typical eligible and ineligible items of runway paving as covered by § 151.77 of this chapter:

Typical Eligible Items

1. New runways for specified loadings.
2. Runway widening or extensions for specified loadings.
3. Reconstruction of existing runways for specified loadings.
4. Resurfacing runways for specified strength or for smoothness.

Typical Ineligible Items

1. Maintenance-type work, including:
(a) Seal coats.
(b) Crack filling.
(c) Resealing joints.
(d) Runway patching.
(e) Isolated repair.

APPENDIX D

There is set forth below an itemization of typical eligible and ineligible items of taxiway paving as covered by § 151.81 of this chapter:

Typical Eligible Items

1. Basic types of pavement listed as eligible under § 151.77.
2. Taxiway providing access to ends and intermediate points of eligible runways.
3. Bleed-off taxiways.
4. Bypass taxiways.
5. Run-up pads.
6. Primary taxiway systems providing access to hangar areas and other building areas delineated on approved master layout plan.
7. Secondary taxiways providing access to groups of individual storage hangars and/or multiple-unit tee hangars.

Typical Ineligible Items

1. Basic types of pavement listed as ineligible under § 151.77.
2. Taxiways providing access to an area not offering aircraft storage and/or service to the public.
3. Lead-ins to individual storage hangars.

APPENDIX E

There is set forth below an itemization of typical eligible and ineligible items of apron paving as covered by § 151.83 of this chapter:

Typical Eligible Items

1. Basic types of pavement listed as eligible under § 151.77.
2. Loading ramps.
3. Aprons available for public parking, storage, and/or service.
4. Aprons serving hangars used for public storage of aircraft and/or service to the public.

Typical Ineligible Items

1. Basic types of pavement listed as ineligible under § 151.77.
2. Aprons serving installations for non-public use.
3. Paving inside a hangar or on the proposed site of a hangar.
4. Aprons for ineligible cargo buildings.
5. Apron services (pits or pipes for chemicals) will not be eligible.

APPENDIX F

There is set forth below an itemization of typical eligible and ineligible items of airport lighting covered by § 151.87 of this chapter:

Typical Eligible Items

1. Runway edge lights (high intensity, medium intensity, and low intensity).
2. In-runway lighting (center line, narrow gauge, and turnoff).
3. Taxiway lights.
4. Taxiway guidance signs.
5. Obstruction lights.
6. Apron floodlights.
7. Beacons.
8. Wind and landing direction indicators.
9. Electrical ducts and manholes.
10. Transformer or generator vaults.
11. Control panels for field lighting.
12. Control equipment for field lighting.
13. Auxiliary power.
14. Lighting offsite obstructions.
15. Electrical vaults for field lighting.

Typical Ineligible Items

1. Electronic navigation aids.
2. Approach lights.
3. Horizon lights.
4. Isolated repair and reconstruction of airport lighting.
5. Lighting of public parking area for passenger automobiles.
6. Street or road lighting.

APPENDIX G

There is set forth below an itemization of typical eligible and ineligible items of road construction covered by § 151.89 of this chapter.

Typical Eligible Items

1. Entrance roads.
2. Service roads for access to public areas.
3. Service roads for airport maintenance (including perimeter airport service road within airport boundary and not for general public access).
4. Relocation of roads to permit airport development or expansion or to remove obstructions.

Typical Ineligible Items

1. Offsite roads.
2. Roads to areas of exclusive use.

PART 153—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS [NEW]

Sec.
153.1 Applicability and purpose.
153.3 Public agencies eligible for conveyances.
153.5 Request for conveyances.
153.7 Form and content of requests for conveyances.
153.9 Determinations by the Administrator.
153.11 Determinations and conveyances by head of controlling department or agency.
153.13 Covenants and reverter clauses in conveyances.

AUTHORITY: §§ 153.1 to 153.13 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C 1354(a), 1355, 1421, 1427).

§ 153.1 Applicability and purpose.

This part applies to the acquiring by public agencies, under section 16 of the Federal Airport Act (49 U.S.C. 1115), of property interests in land owned or controlled by the United States, the use of which is necessary to carry out a project under the Federal-aid Airport Program or to operate a public airport. If the Administrator determines that such a property interest is reasonably necessary to carry out such a project or to operate a public airport, he is authorized by section 16 of the Act to request the head of the department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or corporation wholly owned by the United States (in this part called the "department or agency,") that owns or controls that property interest to convey so much of it as the Administrator considers necessary, to the public agency sponsoring the project concerned or owning or controlling the airport concerned, as the case may be. The head of that department or agency is then required to determine whether the conveyance is inconsistent with the needs of that department or agency. If he determines that it is not inconsistent with those needs, he shall make the conveyance as provided in § 153.11.

§ 153.3 Public agencies eligible for conveyances.

A State, Puerto Rico, the Virgin Islands, or the District of Columbia, any agency of any of them, a municipality or other political subdivision, or a tax-supported organization, may request a conveyance of a property interest under this part if—

(a) It plans to use that property interest for or in connection with—

(1) Developing a public airport as a project under the Federal-aid Airport Program;

(2) Improving, developing, or protecting an existing public airport, whether or not in connection with a project under that Program; or

(3) Establishing or constructing a new public airport, whether or not in connection with a project under that Program;

(b) It has legal authority to accept the conveyance; to engage in the kind of airport development described in § 151.25 of this chapter, improvement, or construction necessary to benefit fully from the conveyance; to establish, operate, and maintain the proposed or existing airport; and to raise funds necessary for the proposed development, improvement, or construction and for financing the operation and maintenance of the Airport;

(c) It has enough funds, or will be able to get them, to pay for any development, improvement, or construction that is necessary to benefit reasonably from the conveyance, and to operate and maintain the airport; and

(d) It is not in default on any obligation to the United States in connection with developing, operating, or maintaining an airport.

§ 153.5 Requests for conveyances.

A public agency that is eligible under § 153.3 may request a conveyance of a property interest under this part by

filing a request for it in quadruplicate with the District Airport Engineer for the area in which the property interest is located.

§ 153.7 Form and content of requests for conveyances.

(a) A request for a conveyance of a property interest under this part need not be in any special form. However, the public agency applying must provide enough information to enable the Administrator to determine—

(1) That it is eligible to request the conveyance;

(2) That it will accept the conveyance subject to the conditions and covenants in the deed of conveyance;

(3) That the property interest requested is reasonably necessary to carry out a project under the Federal-aid Airport Program or to operate a public airport; and

(4) The extent of the property interest that is necessary to accomplish the purpose.

(b) Each public agency requesting a conveyance must send with its request, or as soon thereafter as possible, the following information, if applicable and available, together with any other information requested by the Administrator:

(1) Its name and address.

(2) The name, location, and ownership of the airport concerned, or if the airport is not in existence, the proposed name, the approved location, and the prospective owner.

(3) If the airport is being operated under a lease or agreement from the public agency, a copy of the lease or agreement.

(4) A statement of its legal authority and financial ability to develop, improve, construct, operate, and maintain the airport.

(5) The name of the department or agency of the United States that owns or controls the property interest.

(6) A legal description of the land requested, and the amount of acreage, if applicable.

(7) A list of all improvements on the land and the use or disposition to be made thereof.

(8) A statement of the specific property interest, such as fee title, leasehold, easement, permit, license, or other interest, that it needs.

(9) A complete justification of its need for the property interest, supported by any maps, charts, photographs, or other documents that may be necessary to show the need for that property interest, and if use of other land might fill the need, a statement of the particular advantage of the United States land over the other suitable land.

(10) A statement of the plans and commitments for the financing of or accomplishing any development, improvement, or construction requiring the use of the property interest.

(11) An estimated date on which the property interest will be needed.

(12) The status of any project for developing the airport concerned under the Federal-aid Airport Program.

(13) A statement that it has the legal authority to accept a conveyance subject to the covenants and reverter clause described in § 153.13.

(c) Each request for a conveyance under this part must be signed by an officer of the public agency concerned who has been authorized by it to file the request. The request must be accompanied by a certified copy of a resolution or ordinance authorizing him to file the request and indicating that the public agency is willing to accept the conveyance subject to the covenants and reverter clause described in § 153.13. In addition, the resolution or ordinance should indicate that the public agency is willing to accept the property subject to other terms that may be imposed by the United States, and subject to any changes in the boundaries or acreage that might be acceptable to the Administrator so far as they concern the development or use of the property for public airport purposes, to avoid having to pass another resolution or ordinance if terms and conditions in addition to those required by § 153.13 are placed in the deed of conveyance or a change in the boundaries or acreage becomes necessary.

§ 153.9 Determinations by the Administrator.

The Administrator reviews each request for a conveyance under this part and determines whether the public agency requesting the conveyance is eligible and a conveyance is proper, under section 16 of the Federal Airport Act and this part. If he decides that the public agency is eligible and the conveyance is proper, he requests the head of the department or agency owning or controlling the property interest to convey to the public agency as much of an interest as the Administrator considers to be necessary, without consideration, other than the benefits to accrue to the public and the United States from the use of the land for airport purposes.

§ 153.11 Determinations and conveyances by head of controlling department or agency.

(a) Upon receiving a request for a conveyance under this part from the Administrator, the head of the department or agency owning or controlling the property interest requested is required, by section 16(b) of the Federal Airport Act, to determine whether the conveyance is inconsistent with the needs of his department or agency, and to notify the Administrator of his determination within four months after receiving the Administrator's request.

(b) Section 16(b) of the Act provides that, if the head of the department or agency concerned determines that the requested conveyance is not inconsistent with those needs, he shall, upon the approval of the Attorney General and the President, perform any acts and execute any instruments necessary to make the conveyance, without expense to the United States.

§ 153.13 Covenants and reverter clauses in conveyances.

(a) Whenever the Administrator requests a department or agency to make a conveyance under this part, he also requests that the instrument of conveyance contain, as a covenant binding on the grantee, its successors and assigns, a provision—

(1) That the grantee will use the property interest conveyed for airport purposes;

(2) That the airport, and its appurtenant areas and its buildings and facilities, whether or not on the land conveyed, will be operated as a public airport on fair and reasonable terms, without discrimination on the basis of race, color, creed, or national origin, as to airport employment practices, and as to accommodations, services, facilities, and other public uses of the airport;

(3) That any later transfer of the property interest conveyed will be subject to the covenants and conditions in the instrument of conveyance;

(4) That, if any covenant or condition in the instrument of conveyance is breached, the FAA or its successor in function may immediately enter and possess title, on behalf of the United States, to the property interest conveyed; and

(5) That, if any covenant or condition in the instrument of conveyance is breached, the grantee will, upon demand of the FAA or its successor in function, take such action (including prosecution of suit or execution of instruments) as may be necessary to evidence transfer of title to the conveyed property interest to the United States.

(b) The Administrator also requests that a reverter clause, reading as follows, be placed in the granting clause of the conveyance:

> The property interest hereby conveyed shall automatically revert to the United States in the event that the lands in question are not developed for airport purposes within a period of three years from the date of conveyance or cease to be used for airport purposes for a period of six months; the grantee agreeing by the acceptance of this conveyance or the rights granted herein that a determination by the FAA or its successor in function, that the lands are not developed or have ceased to be used for airport purposes, shall be conclusive of the facts.

PART 153—DISTRIBUTION TABLE

Former section	*Revised section*	*Former section*	*Revised section*
555.1	153.1	555.6	153.5
555.2	153.1	555.7	153.9
555.3	153.5	555.8	153.11
555.4	153.3	555.9	153.11
555.5	153.7	555.10	153.13

PART 155—RELEASE OF AIRPORT PROPERTY FROM SURPLUS PROPERTY DISPOSAL RESTRICTIONS [NEW]

Sec.
155.1 Applicability.
155.3 Applicable law.
155.5 Property and releases covered by this part.
155.7 General policies.
155.9 Release from war or national emergency restrictions.
155.11 Form and content of requests for release.
155.13 Determinations by FAA.

AUTHORITY: §§ 155.1 to 155.13 issued under Federal Airport Act (49 U.S.C. 1101 through

1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

§ 155.1 Applicability.

This part applies to releases from terms, conditions, reservations, or restrictions in any deed, surrender of leasehold, or other instrument of transfer or conveyance (in this part called "instrument of disposal") by which some right, title, or interest of the United States in real or personal property was conveyed to a non-Federal public agency under section 13 of the Surplus Property Act of 1944 (58 Stat. 765; 61 Stat. 678) to be used by that agency in developing, improving, operating, or maintaining a public airport or to provide a source of revenue from non-aviation business at a public airport.

§ 155.3 Applicable law.

(a) Section 4 of the Act of October 1, 1949 (63 Stat. 700) authorizes the Administrator to grant the releases described in § 155.1, if he determines that—

(1) The property to which the release relates no longer serves the purpose for which it was made subject to the terms, conditions, reservations, or restrictions concerned; or

(2) The release will not prevent accomplishing the purpose for which the property was made subject to the terms, conditions, reservations, or restrictions, and is necessary to protect or advance the interests of the United States in civil aviation.

In addition, section 4 of that Act authorizes the Administrator to grant the releases subject to terms and conditions that he considers necessary to protect or advance the interests of the United States in civil aviation.

(b) Section 2 of the Act of October 1, 1949 (63 Stat. 700) provides that the restrictions against using structures for industrial purposes in any instrument of disposal issued under section 13(g)(2)(A) of the Surplus Property Act of 1944, as amended (61 Stat. 678) are considered to be extinguished. In addition, section 2 authorizes the Administrator to issue any instruments of release or conveyance necessary to remove, of record, such a restriction, without monetary consideration to the United States.

(c) Section 68 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2098) releases, remises, and quitclaims, to persons entitled thereto, all reserved rights of the United States in radioactive minerals in instruments of disposal of public or acquired lands. In addition, section 3 of the Act of October 1, 1949 (50 U.S.C. App. 1622b) authorizes the Administrator to issue instruments that he considers necessary to correct any instrument of disposal by which surplus property was transferred to a non-Federal public agency for airport purposes or to conform the transfer to the requirements of applicable law. Based on the laws cited in this paragraph, the Administrator issues appropriate instruments of correction upon the written request of persons entitled to ownership, occupancy, or use of the lands concerned.

§ 155.5 Property and releases covered by this part.

This part applies to—

(a) Any real or personal property that is subject to the terms, conditions, reservations, or restrictions in an instrument of disposal described in § 155.1; and

(b) Any release from a term, condition, reservation, or restriction in such an instrument, including a release of—

(1) Personal property, equipment, or structures from any term, condition, reservation, or restriction so far as necessary to allow it to be disposed of for salvage purposes;

(2) Land, personal property, equipment or structures from any term, condition, reservation, or restriction requiring that it be used for airport purposes, to allow its use, lease, or sale for nonairport use in place;

(3) Land, personal property, equipment, or structures from any term, condition, reservation, or restriction requiring its maintenance for airport use;

(4) Land, personal property, equipment, or structures from all terms, conditions, restrictions, or reservations to allow its use, lease, sale, or other disposal for nonairport purposes; and

(5) Land, personal property, equipment, or structures from the reservation of right of use by the United States in time of war or national emergency, to facilitate financing the operation and maintenance or further development of a public airport.

§ 155.7 General policies.

(a) Upon a request under § 155.11, the Administrator issues any instrument that is necessary to remove, of record, any restriction against the use of property for industrial purposes that is in an instrument of disposal covered by this part.

(b) The Administrator does not issue a release under this part if it would allow the sale of the property concerned to a third party, unless the public agency concerned has obligated itself to use the proceeds from the sale exclusively for developing, improving, operating, or maintaining a public airport.

(c) Except for a release from a restriction against using property for industrial purposes, the Administrator does not issue a release under this part unless it is justified under § 155.3(a)(1) or (2).

(d) The Administrator may issue a release from the terms, conditions, reservations, or restrictions of an instrument of disposal subject to any other terms or conditions that he considers necessary to protect or advance the interests of the United States in civil aviation. Such a term or condition, including one regarding the use of proceeds from the sale of property, is imposed as a personal covenant or obligation of the public agency concerned rather than as a term or condition to the release or as a covenant running with the land, unless the Administrator determines that the purpose of the term or condition would be better achieved as a condition or covenant running with the land.

(e) A letter or other document issued by the Administrator that merely grants consent to or approval of a lease, or to the use of the property for other than the airport use contemplated by the instrument of disposal, does not otherwise release the property from the terms, conditions, reservations, or restrictions of the instrument of disposal.

§ 155.9 Release from war or national emergency restrictions.

(a) The primary purpose of each transfer of surplus airport property under section 13 of the Surplus Property Act of 1944 was to make the property available for public or civil airport needs. However, it was also intended to ensure the availability of the property transferred, and of the entire airport, for use by the United States during a war or national emergency, if needed. As evidence of this purpose, most instruments of disposal of surplus airport property reserved or granted to the United States a right of exclusive possession and control of the airport during a war or emergency, substantially the same as one of the following:

(1) That during the existence of any emergency declared by the President or the Congress, the Government shall have the right without charge except as indicated below to the full, unrestricted possession, control, and use of the landing area, building areas, and airport facilities or any part thereof, including any additions or improvements thereto made subsequent to the declaration of the airport property as surplus: *Provided, however,* That the Government shall be responsible during the period of such use for the entire cost of maintaining all such areas, facilities, and improvements, or the portions used, and shall pay a fair rental for the use of any installations or structures which have been added thereto without Federal aid.

(2) During any national emergency declared by the President or by Congress, the United States shall have the right to make exclusive or nonexclusive use and have exclusive or nonexclusive control and possession, without charge, of the airport at which the surplus property is located or used or of such portion thereof as it may desire: *Provided, however,* That the United States shall be responsible for the entire cost of maintaining such part of the airport as it may use exclusively, or over which it may have exclusive possession and control, during the period of such use, possession, or control, and shall be obligated to contribute a reasonable share, commensurate with the use made by it, of the cost of maintenance of such property as it may use nonexclusively or over which it may have nonexclusive control and possession: *Provided further,* That the United States shall pay a fair rental for its use, control, or possession, exclusively or nonexclusively, of any improvements to the airport made without United States aid.

(b) A release from the terms, conditions, reservations, or restrictions of an instrument of disposal that might prejudice the needs or interests of the armed forces, is granted only after consultation with the Department of Defense.

§ 155.11 Form and content of requests for release.

(a) A request for the release of surplus airport property from a term, condition, reservation, or restriction in an instrument of disposal need not be in any special form, but must be in writing and signed by an authorized official of the public agency that owns the airport.

(b) A request for a release under this part must be submitted in triplicate to the District Airport Engineer in whose district the airport is located.

(c) Each request for a release must include the following information, if applicable and available:

(1) Identification of the instruments of disposal to which the property concerned is subject.

(2) A description of the property concerned.

(3) The condition of the property concerned.

(4) The purpose for which the property was transferred, such as for use as a part of, or in connection with, operating the airport or for producing revenues from nonaviation business.

(5) The kind of release requested.

(6) The purpose of the release.

(7) A statement of the circumstances justifying the release on the basis set forth in § 155.3(a)(1) or (2) with supporting documents.

(8) Maps, photographs, plans, or similar material of the airport and the property concerned that are appropriate to determining whether the release is justified under § 155.9.

(9) The proposed use or disposition of the property, including the terms and conditions of any proposed sale or lease and the status of negotiations therefor.

(10) If the release would allow sale of any part of the property, a certified copy of a resolution or ordinance of the governing body of the public agency that owns the airport obligating itself to use the proceeds of the sale exclusively for developing, improving, operating, or maintaining a public airport.

(11) A suggested letter or other instrument of release that would meet the requirements of State and local law for the release requested.

§ 155.13 Determinations by FAA.

(a) An FAA office that receives a request for a release under this part, and supporting documents therefore, examines it to determine whether the request meets the requirements of the Act of October 1, 1949 (63 Stat. 700) so far as it concerns the interests of the United States in civil aviation and whether it might prejudice the needs and interests of the armed forces. Upon a determination that the release might prejudice those needs and interests, the Department of Defense is consulted as provided in § 155.9(b).

(b) Upon completing the review, and receiving the advice of the Department of Defense if the case was referred to it, the FAA advises the airport owner as to whether the release or a modification of it, may be granted. If the release, or a modification of it acceptable to the owner, is granted, the FAA prepares the necessary instruments and delivers them to the airport owner.

PART 155—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
565.1	155.1	565.4(d)	155.9
565.2	155.3	565.5(a)	155.11
565.3	155.5	565.5 (less (a))	155.13
565.4 (less (d))	155.7		

PART 157—NOTICE OF CONSTRUCTION, ALTERATION, OR DEACTIVATION OF AIRPORTS [NEW]

Sec.
157.1 Applicability.
157.3 Notice of construction, alteration, or deactivation.
157.5 Submission of notice.
157.7 Notice of delay or other change.
157.9 Determination of effect of proposed establishment, alteration, or deactivation on use of airspace by aircraft.

AUTHORITY: §§ 157.1 to 157.9 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

§ 157.1 Applicability.

This part requires each person who proposes to establish, reactivate, alter, or deactivate an airport for civil or joint civil-military use to give notice in the form and manner prescribed in this part.

§ 157.3 Notice of construction, alteration, or deactivation.

(a) Except as provided in paragraph (b) of this section, each person who intends to do any of the following shall notify the Administrator in the manner prescribed in § 157.5:

(1) Construct, lay out, or otherwise set apart a new airport, or reactivate a former airport;

(2) Realign, modify, enlarge, reactivate or deactivate any runway layout or associated taxiway;

(3) Otherwise substantially change the surface of that part of an airport that is used or intended to be used for the landing or takeoff of aircraft; or

(4) Discontinue using an airport for a period of one year or more.

(b) This part does not apply to any—

(1) Military project on a military airport used only by the Armed Forces;

(2) Project for which Federal aid has been requested under the Federal Airport Act (49 U.S.C. 1101 et seq.);

(3) Project involving a landing surface intended to be used only one time, or intended to be used for a period of less than 31 days with not more than 10 aircraft operations a day during that period; or

(4) Project involving a privately owned airport that will be limited to VFR aircraft operations only, that is not open to the public, and that is, or is to be, located more than 5 miles from any other airport and more than 20 miles from any airport for which an instrument approach procedure is authorized by the FAA.

However, each person to whom subparagraph (4) of this paragraph applies shall report his project to the FAA for record purposes within 30 days after it is completed.

§ 157.5 Submission of notice.

Each person submitting a notice required by § 157.1 shall send it to the nearest FAA District Airport Engineer's Office or FAA Regional Office, in triplicate, on FAA form 2681, at least 90 days before the date on which work is to begin on the project. However, in an emergency requiring immediate action, he may notify the Administrator by telephone, telegraph, or other expeditious means, and send the form 2681 within five days thereafter.

§ 157.7 Notice of delay or other change.

Each proponent of a project to which this Part applies shall notify the nearest FAA District Airport Engineer's Office or FAA Regional Office of any delay of more than six months in the date upon which work on the project is to begin, and of any other change in the information submitted under § 157.5.

§ 157.9 Determination of effect of proposed establishment, alteration, or deactivation on use of airspace by aircraft.

(a) Whenever it receives a notice under § 157.5, the FAA studies the effect of the proposal upon the efficient use of airspace and the safety of aircraft, consulting with other interested persons when appropriate.

(b) After making the study, the FAA issues a determination as to the effect the proposal would have on the efficient use of airspace and the safety of aircraft.

(c) The FAA informs the proponent of the project and appropriate state aviation officials of the determination, and makes it available to other interested persons.

PART 157—DISTRIBUTION TABLE

Former section	Revised section	Former section	Revised section
625.1	157.1	625.5(a)	157.5
625.2	157.3	625.5 (less (a))	157.7
625.3	157.3	625.6	157.9
625.4	157.3		

PART 161—COLD BAY, ALASKA, AIRPORT [NEW]

Sec.
161.1 Applicability.
161.3 Landing charges.
161.5 Parking charges.
161.7 Computation of weight for payment of charges.
161.9 Charges for aircraft based at the airport.
161.11 Payment of charges.
161.13 Loading and unloading areas.

AUTHORITY: §§ 161.1 to 161.13 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Act, Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

§ 161.1 Applicability.

This part prescribes the rules governing the use of the Cold Bay, Alaska, Airport (in this part called "the Airport") operated by the Federal Aviation Agency.

§ 161.3 Landing charges.

The charge for each landing of an aircraft at the airport is 16 cents for each 1,000 pounds of aircraft weight. There is no charge for takeoffs. In addition, there is no landing charge for—

(a) A civil or public aircraft that is not engaged in commercial operations;

(b) An aircraft engaged in a test flight, not including a survey and proving run; or

(c) An aircraft compelled to return after takeoff.

§ 161.5 Parking charges.

(a) The charge for parking an aircraft in a hanger at the airport is five cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof.

(b) The charge for parking an aircraft at any other place on the airport is two and one-half cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof, beginning six hours after the aircraft lands.

§ 161.7 Computation of weight for payment of charges.

For the purposes of §§ 161.3 and 161.5 the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

§ 161.9 Charges for aircraft based at the Airport.

The Assistant Administrator of the Alaskan Region fixes charges for aircraft based at the Airport without regard to the charges prescribed in §§ 161.3 and 161.5.

§ 161.11 Payment of charges.

Charges due under this part must be paid in United States currency, at the time the airport is used. However, scheduled air carriers and other aircraft operators may make prior financial arrangements with the FAA official in charge of the Airport, including provisions to pay on a monthly or other suitable basis.

§ 161.13 Loading and unloading areas.

The FAA official in charge of the Airport has full control of the loading and unloading areas to assure efficient and nondiscriminatory use of the airport, including—

(a) Assigning space and sequence of use whenever he determines that it is advisable;

(b) Ordering the movement of standing aircraft to conform to assignments under paragraph (a) of this section; and

(c) Assessing excess parking fees of $5.00 an hour for failure to conform to paragraph (b) of this section.

PART 161—DISTRIBUTION TABLE

Former section	*Revised section*	*Former section*	*Revised section*
574.1(b)	161.1	574.12	161.5
574.1 (less (b))	161.7	574.13	161.9
574.11	161.3	574.14	161.11
		574.21	161.13

PART 163—CANTON ISLAND AIRPORT [NEW]

Subpart A—General

Sec.
163.1 Applicability.
163.3 Landing charges.
163.5 Parking charges.
163.7 Computation of weight for payment of charges.
163.9 Charges for aircraft based at the Airport.
163.11 Payment of charges.
163.13 Loading and unloading zones.

Subpart B—Utility Services

163.21 Applicability.
163.23 Service available.
163.25 Applications.
163.27 Connections to sewer and water systems.
163.29 Connections to electric power systems.
163.31 Connections to communications systems.
163.33 Extensions to systems.
163.35 Rates of payment: Electric power.
163.37 Rates of payment: Water.
163.39 Rates of payment: Communications.
163.41 Rates of payment: Measurement, adjustment, and billing.
163.43 Liability of the United States.

Subpart C—Medical and Hospital Services

163.51 Applicability.
163.53 Supervision.
163.55 Transportation for treatment purposes
163.57 Treatment in noncompensation cases.
163.59 Charges for medical services and supplies.
163.61 Charges for hospitalization.
163.63 Charges for miscellaneous services.
163.65 Method of payment.
163.67 Processing of payments.
163.69 Exceptions.

AUTHORITY: §§ 163.1 to 163.13 issued under Federal Airport Act (49 U.S.C. 1101 through 1119); secs. 3, 4, Act of Oct. 1, 1949, as amended (50 U.S.C. App. 1622b, 1622c); sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); secs. 313(a), 314, 601, 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1427).

Subpart A—General

§ 163.1 Applicability.

This part prescribes the rules governing the Airport at Canton Island (in this part called "the Airport") operated by the Federal Aviation Agency.

§ 163.3 Landing charges.

The charge for each landing of an aircraft at the Airport is 30 cents for each 1,000 pounds of aircraft weight. There is no additional charge for takeoffs. In addition, there is no landing charge for—

(a) A civil or public aircraft that is not engaged in commercial operations;

(b) An aircraft engaged in a test flight, not including a survey or proving run; or

(c) An aircraft compelled to return after takeoff.

§ 163.5 Parking charges.

(a) The charge for parking an aircraft in a hangar at the Airport is five cents for each 1,000 pounds of aircraft weight for each six-hour period, or fraction thereof.

(b) The charge for parking an aircraft on the Airport, other than in a hangar, is two and one-half cents for each 1,000 pounds of aircraft weight for each 6-hour period, or fraction thereof, beginning six hours after the aircraft lands.

§ 163.7 Computation of weight for payment of charges.

For the purposes of §§ 163.3 and 163.5, the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

§ 163.9 Charges for aircraft based at the Airport.

The Assistant Administrator of the Pacific Region fixes charges for aircraft based at the Airport without regard to the charges prescribed in §§ 163.3 and 163.5.

§ 163.11 Payment of charges.

Charges due under this part must be paid in United States currency at the time the Airport is used. However, scheduled air carriers and other aircraft operators may make prior financial arrangements with the FAA official in charge of the Airport, including provision to pay on a monthly or other suitable basis.

§ 163.13 Loading and unloading zones.

The FAA official in charge of the Airport has full control of the loading and unloading areas to assure efficient and nondiscriminatory use of the airport, including—

(a) Assigning space and sequence of use whenever he determines that it is advisable;

(b) Ordering the movement of standing aircraft to conform to assignments under paragraph (a) of this section; and

(c) Assessing excess parking fees of $5.00 an hour for failure to conform to paragraph (b) of this section.

Subpart B—Utility Services

§ 163.21 Applicability.

This subpart prescribes the conditions under which the Administrator provides water, electric power, sewerage, and communications service at Canton Island to persons and organizations engaged directly or indirectly in aeronautical activity, except agencies of the United States.

§ 163.23 Services available.

The services available under this subpart are limited to those that are excess to the needs of the FAA and are within the capacities of installed facilities. If additional services are desired, permission may be given to build additional complementary facilities or extensions to the system involved.

§ 163.25 Applications.

A person desiring service under this subpart must apply in writing to the Assistant Administrator, Pacific Region, FAA, P.O. Box 4009, Honolulu, Hawaii, setting forth in detail the type, location, and amount of service desired, the max-

imum demand, and other pertinent information, including, for electric power applications, information on all motor loads of more than two horsepower.

§ 163.27 Connections to sewer and water systems.

(a) A connection to an existing sewer and water system (other than an extension of the system) is made by the user, with the written approval of the Assistant Administrators of the Pacific Region. The method of connection and workmanship are subject to inspection and approval of the Assistant Administrator.

(b) For the purposes of this section, an extension to an existing sewer or water system includes additional lateral or trunk sewers, manholes or sewerage disposal facilities, water mains, and water collection, production, storage or pumping facilites, as distinguished from a connection to the system to provide service to an individual user.

(c) When necessary, meters are furnished, installed, and serviced by FAA. In addition, FAA maintains the fresh water connection between the main and the building of the user, but the user shall maintain the sewer connection between the building and the lateral sewer, subject to the inspection and approval of the Assistant Administrator.

§ 163.29 Connections to electric power systems.

(a) A connection to existing electric power systems is made by and at the expense of the FAA.

(b) For the purposes of this section, a connection is limited to providing a meter, installing and connecting the meter to the service drop, and connecting the service drop to the power supply line. Any other work is considered to be an extension to the existing system.

(c) The user shall provide, install, and maintain a safety switch, a meter socket, a one-span service drop, and the work and materials necessary to distribute the power from the service drop.

(d) The workmanship, materials, and equipment provided by the user under this section must conform to FAA Technical Standard Order N-17A.

§ 163.31 Connections to communications systems.

(a) Only the FAA makes connections to the existing communications system.

(b) For the purposes of this section, a connection is limited to providing and installing telephones and lines from the service drop, adding or removing telephone extensions on either private or party lines, and changing the location of an authorized telephone. Any other work or materials that are necessary to provide the user with communications services is considered to be an extension to an existing system.

(c) Title to the communication system is in the United States. The system is maintained by the FAA.

§ 163.33 Extensions to systems.

(a) An extension to an existing water, sewerage, electric power, or communications system may be made only with the written approval of the Assistant Administrator of the Pacific Region.

(b) Based on circumstances, as determined by the Assistant Administrator, an extension to a facility is made by the user at his expense, or by the FAA.

(c) An extension made by the user becomes the property of the United States upon being incorporated into the system.

§ 163.35 Rates of payment: Electric power.

The charge for electric power is $0.085 a kilowatt-hour.

§ 163.37 Rates of payment: Water.

The charge for fresh water is $0.04 a gallon. There is no charge for brackish water, salt water, or sewerage disposal, when they are available, to users of fresh water on Canton Island.

§ 163.39 Rates of payment: Communications.

(a) The charge for individual line service for telephones is $8.75 a month and for two-party service is $7.75 a month, plus $5.00 a month for each additional instrument connection.

(b) The charge for an extension to an existing telephone system or for relocating an existing telephone connection is $10.00.

§ 163.41 Rates of payment: Measurement, adjustment, and billing.

(a) Fresh water and electric power use are measured by meter. However, in an exceptional circumstance, use may be based on estimates agreed to by the user and the Assistant Administrator of the Pacific Region.

(b) Rates prescribed in this subpart may be adjusted equitably as circumstances warrant. However, each user shall be notified at least 30 days before any rate is adjusted.

(c) Each utility user is billed monthly for services used. Each user shall pay his bill as previously arranged between the user and the Assistant Administrator.

§ 163.43 Liability of the United States.

The United States is not liable for any loss, damage, or injury of any user of the utility services authorized by this subpart, or of any third party, because of a part or complete failure or shutdown of a utility, unless the loss, damage, or injury was caused by a negligent or wrongful act or omission of an employee of the United States acting within the scope of his employment, under circumstances where the United States would, if it were a private person, be liable to the claimant for the loss, damage, or injury under the law of the place where it occurred.

Subpart C—Medical and Hospital Services

§ 163.51 Applicability.

This subpart prescribes the conditions under which the Administrator provides medical services, medical supplies, and hospitalization at Canton Island.

§ 163.53 Supervision.

The medical services, medical supplies, and hospitalization furnished by the FAA at Canton Island are under the administrative control of the FAA official in charge of the Island concerned and FAA activities on it (in this subpart called the "Island Manager") and the professional direction of the designated Island Medical Officer.

§ 163.55 Transportation for treatment purposes.

In any case in which the Island Medical Officer determines that the medical services or facilities on the Island are inadequate, an FAA employee who is under the jurisdiction of the Bureau of Employees' Compensation is entitled to transportation, without cost to him, to adequate services or facilities in Honolulu, Hawaii, or to the closest place where they are adequate. The employing agency must provide transportation in similar cases for persons other than FAA employees.

§ 163.57 Treatment in non-compensation cases.

(a) Subject to the charges prescribed in §§ 163.59, 163.61, and 163.63, general treatment of injury for disease, other than that authorized by § 163.59(a)(1), is provided for—

(1) Civilian employees of the United States;

(2) Members of the Armed Forces on active duty;

(3) Employees of a non-United States agency that is engaged in aeronautical activity who are at an Island location under temporary or permanent assignment;

(4) The spouse, child (including an unmarried stepchild or an adopted child) under 21 years of age or mentally or physically incapable of supporting himself, or parent, of a person covered by subparagraph (1), (2), or (3) of this paragraph, who receives more than one-half of his support from that person; and

(5) Transient persons, not otherwise covered by this section, who are on the Island for a period of less than one month in connection with an aeronautical activity.

(b) In any case in which the Island Medical Officer concerned determines that the medical services or facilities on the Island cannot provide proper treatment for an FAA employee covered by this section, or his dependent covered by subparagraph (4) of paragraph (a) of this section, the employee or dependent shall be sent without cost to him, to Honolulu, Hawaii, or to the closest other place, where proper treatment can be provided. Transportation in similar cases for other persons must be provided by the employing agency, or by the patient if he is a transient covered by subparagraph (5) of paragraph (a) of this section.

§ 163.59 Charges for medical services and supplies.

(a) Charges for medical services at Canton Island are as follows:

(1) For civilian employees of the United States who are under the juris-

diction of the Bureau of Employees' Compensation, and members of the Armed Forces on active duty—no charge for treatment of injury incurred while performing their duties or disease proximately caused by conditions of their employment.

(2) Except as provided in subparagraph (1) of this paragraph, for civilian employees of the United States, members of the Armed Forces on active duty, and the dependents of either of them—

(i) For each call at the FAA dispensary during regular hours—$0.50 for the services of a technician; $1.00 for the services of a nurse; and $3.00 for the services of a doctor; and

(ii) For each call at the dispensary outside of regular hours or at a place other than the dispensary—$1.00 for the services of a technician; $2.00 for the services of a nurse; and $5.00 for the services of a doctor.

(3) For employees of a non-United States agency and their dependents—an apportionment of all items of cost involved in the furnishing of supplies and services as fixed in written agreements with the employing agency.

(4) For transients—an apportionment of all items of cost involved in the furnishing of services and supplies.

(b) The charge for medical supplies not administered by the medical staff at Canton Island is determined administratively but may not be more than $3.00 for any one supply furnished.

§ 163.61 Charges for hospitalization.

(a) Except as provided in paragraph (b) of this section, the charge for hospital services is $7.50 a calendar day, or fraction thereof, for each person, not including meals (which must be otherwise provided and charged for), but including the services of the doctor and nurse, medical supplies, drugs, X-rays, and other medical services and supplies available on the Island that the doctor considers necessary for treating the patient.

(b) The charge for maternity care is $125.00, including prenatal, delivery, and post-natal care and attendance, and hospitalization, for a period of not more than three days, but not including meals (which must be otherwise provided and charged for).

§ 163.63 Charges for miscellaneous services.

(a) Except where required in connection with employment by the United States, the charge for each immunization (including vaccine and administering it) is not more than $3.00 if the cost of the vaccine is not more than $3.00. However, if the cost of the vaccine is more than $3.00, the charge is the cost of the vaccine.

(b) The following laboratory or special treatment charges apply to all persons:

(1) Diathermy treatments—$1.00 each.

(2) X-rays—$3.00 each.

(3) Complete blood count—$3.00 each.

(4) Wassermann—$3.00 each.

(5) Urinalysis—$1.00 each.

(c) The charge for each physical examination not required in connection with employment by the United States is $10.00.

(d) The charge for services and treatment not otherwise covered by this section or §§ 163.61 or 163.63 are as prescribed by the Assistant Administrator of the Pacific Region.

(e) A list of the charges authorized by or under this subpart is posted in a prominent place in each Island Dispensary.

§ 163.65 Method of payment.

(a) Amounts due from civilian employees of the United States, members of the Armed Forces, and the dependents of either of them shall be paid as administratively determined. However, in the case of an FAA employee amounts due under this subpart may not be deducted from his pay.

(b) Amounts due from employees of a non-United States agency must be paid at the time the service is performed, unless the employing agency has made a written arrangement with the FAA for payment on a periodic basis or unless immediate payment is not practicable in a particular case.

(c) Amounts due from transients must be paid at the time the service is performed unless immediate payment is not practicable in a particular case. If not paid immediately, the transient's home or business address must be noted before he leaves the Island so that he may be contacted later to pay the charges.

§ 163.67 Processing of payments.

Payments for medical and hospital services at Canton Island shall be collected as provided in this subpart and sent promptly to the Island Manager concerned. The Island Manager schedules them and sends them to the FAA Assistant Administrator of the Pacific Region, in accordance with prescribed procedure.

§ 163.69 Exceptions.

The Island Manager concerned may waive any requirement of this part when he determines that it is appropriate in an emergency case or is required for humanitarian reasons. The Island Manager shall report once each year to the Administrator, through the Assistant Administrator of the Pacific Region, on the waivers granted by him under this section during the preceding fiscal year.

PART 163—DISTRIBUTION TABLE

Former section	*Revised section*	*Former section*	*Revised section*
575.1(b)	163.1	576.6	163.33
575.1 (less (b))	163.7	576.7(a)	163.35
575.11	163.3	576.7(b)	163.37
575.12	163.5	576.7 (less (a) and (b))	163.39
575.13	163.9	576.8	163.41
575.14	163.11	576.9	163.41
575.21	163.13	576.10	163.43
576.1	163.21	576.11	163.41
576.2(c)	163.27	577.1	163.51
576.2 (less (c))	163.25	577.2 (less (b)–(i))	163.79
576.3	163.23	577.2 (b), (f), and (g)	163.53
576.4	163.25	577.2(d)	163.55
576.5(a)	163.27	577.2 (c), (e), (h), and (i)	163.57
576.5(b)	163.29		
576.5 (less (a) and (b))	163.31		

PART 163—DISTRIBUTION TABLE—Continued

Former section	*Revised section*	*Former section*	*Revised section*
577.3	163.63	577.6 (c) and (d)(1)	163.61
577.4 (less 1st sentence)	163.55	577.6 (less (a)–(d)(1)	163.63
577.4 (1st sentence)	163.59	577.7	163.65
577.5	163.57	577.8	165.67
577.6 (a) and (b)	163.59	577.9	165.69

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