



## FROM THE INTERIM DIRECTOR — GREGG DAL PONTE

As the new acting director of the Oregon Department of Aviation, I look forward to continuing and expanding the department's programs and positive impacts in the aviation industry in Oregon. I may be the "acting" Director but there is no "playacting" going on at the Oregon Department of Aviation as staff are earnestly working and are seriously engaged in advancing the interests of the aviation community in Oregon through a broad spectrum of ongoing work activities.

✦ We have worked with external stakeholders and our partners at the Oregon Department of Transportation to make some changes in the administration of the Rural Airport component of the Connect Oregon III grant program to make this opportunity align more closely with existing federal grant program timelines and the legitimate needs of the aviation community.

✦ Staff have kicked off the master plan update process for the Aurora Airport and are busily engaged in performing this work in an open and transparent manner aimed at achieving the greatest community consensus possible.

✦ We are working to add new parties to the existing Inter-Governmental Agreement between Marion County, the City of Aurora, and the Department of Aviation to strategically consider growth management and transportation related development processes.

✦ The Department is participating in ongoing discussions with the aviation business cluster to strategically consider the best path forward to advance the size and significance of the aviation industry and the employment opportunities it represents for Oregonians.

✦ We are continuing to work with consortiums of parties united and interested in increasing the availability of commercial air service within Oregon.

✦ We're taking a good look at existing Oregon Administrative Rules and departmental policies and practices with an eye towards making strategic changes to more closely align these tools with the outcomes we are seeking to achieve.

✦ We are actively engaged with our partners in the Federal Aviation Administration in conversations dealing with through-the-fence economic development and an improved process for assembling and pursuing our five-year capital improvement plans in a way to maximize the productive use of the federal dollars we have to work with in Oregon.

We have lots more work to do, but I am happy to report that my assessment is that the men and women who together make up your Oregon Department of Aviation are up to the task. If everyone accepts that it is true that "the desire to reach for the sky runs deep in our human psyche" (Cesar Pelli), everyone reading this update should find comfort knowing that the desire to advance aviation interests in Oregon runs deep in the staff at the Oregon Department of Aviation.

## INSIDE THIS ISSUE

**Page 2**  
*What's New at State Airports?*

**Page 3**  
*Aurora Master Plan & Airport Layout Plan Update*

**Page 4**  
*Carl Payson Dietz, Mulino Airport Hangars*

**Page 5**  
*Non-Commercial Hangar Sites, ODA Pilot & Aircraft Registration Information*

**Pages 6, 7, 8, 9, 10**  
*Compliance Guidance Letter 2009 Through-the-Fence & On-Airport Residential Access to Federally Obligated Airports*

**Page 11**  
*Veteran's Benefit Information, Next Oregon Aviation Board Meeting Information, Hangar For Sale*

**Page 12**  
*Non-Blended Fuel Locations, AIRO Volunteer Information*

**The Oregon Aviation Board consists of seven members appointed by the Governor and confirmed by the Oregon Senate. The Board provides policy direction to the Director and the Department.**

### Members of the Oregon Aviation Board:

**Chair, Mark Gardiner**

**Vice Chair, Chris Corich, Board Members: Steve Beckham, Larry Dalrymple, Nan Garnick, Jack Loacker, & Joe Smith.**

**THE NEXT OREGON AVIATION BOARD MEETING**  
**Dec. 10, 2009**  
**time TBA**

## What's New at Oregon State Airports?

### Aurora:

**Obstruction removal contract awarded. Exercise caution operating in runway 35 VFR traffic pattern. Watch for runway 17 instrument traffic that may execute published missed approach straight over runway 17 or land without circling to runway 35.**

### Bandon:

**Obstruction assessment in work for summer of 2010 obstruction removal. New gravel at both ends of runway blast pad.**

**Chiloquin: Subject to winter closure. Watch for snow on runway.**

**Crescent Lake: Closed for winter.**

**Joseph: AWOS and new beacon tower are in place and functioning.**

### Lebanon:

**Runway is reopened and in great condition. North parallel taxiway closed for winter. Construction to resume in 2010 construction season as weather permits.**

**McKenzie Bridge: Closed for winter.**

### Mulino:

**Lease rates reduced for new hangars. Units are still available and ready for lease. Contact Rita at (503) 378-5480 at ODA for information and leasing.**

**Pinehurst: Subject to winter closure. Watch for snow on runway.**

**Prospect: Open for business. New runway lights installed. Subject to winter closure.**

**Santiam Junction: Closed for winter.**

**Siletz Bay: Recently completed pavement maintenance and restriped parallel taxiway.**

**Toketee: Closed for winter.**

### Wasco:

**Be extra careful around the airport. Wind generator towers over 400 feet tall have been built close to southeast end of the traffic pattern.**

**Runway 25 pattern has been changed to nonstandard right traffic. No segmented circle at airport due to insufficient land on airport property for safe placement.**

## Aurora Master Plan and Airport Layout Plan Update

On November 3, 2009 the process for updating Aurora State Airport's master plan and ALP began with a public meeting held at the Maplewood Grange Hall. Present were ODA's Interim Director, Gregg Dal Ponte, Mark Gardiner, Oregon Aviation Board Chair, Chris Cummings, Planning and Projects Manager, Mitch Swecker, State Airports Manager and John Wilson, Airport Operations Specialist. Also on hand were Rainse Anderson, Sara Funk and Sarah Lucas of WHPacific, Inc. Approximately 70 people from Aurora, Wilsonville, the Charbonneau District and Marion and Clackamas Counties attended the meeting. Questionnaires were distributed at the meeting that will be used to gather information on issues at the airport, issues of facility requirements (i.e., runway length, maintenance services, etc.) and to help determine the role of the airport.

Since the last master plan update in 2000 there has been significant growth at the airport. This new update will assist ODA in determining needed airside and landside improvements and in selecting appropriate patterns of land use on the airport and adjoining properties. It will contain updated forecasts of demand for aviation services such as hangars, tie-downs, repair, flight instruction, etc. Forecasts will be made for the years 2015, 2020 and 2030. This information will play a role in determining the need and timing of airport development and, subsequently, the impact of this development on the airport environs.

An onsite inspection of airport facilities will be conducted to determine current conditions, capacity, use and ability to expand. To facilitate this task new aerial photography will be flown. Airport facilities include those within the airport boundary, which is beyond the airport's property line. The airport boundary includes privately-owned facilities that access the airport with through-the-fence agreements. The update will also include a statement regarding the FAA's policy relating to through-the-fence agreements.

Three alternatives to meet future demand will be developed and analyzed. A "no action" alternative will also be evaluated. These will address the major 20-year needs of Aurora State Airport. The preferred alternative will likely be a composite of features from the analyzed alternatives and from comments made during evaluation by ODA, FAA, the Planning Advisory Committee (PAC) and the public. The PAC will consist of government officials, airport users and community members. At-large community positions will be selected through an application process.

The next PAC Meeting is tentatively scheduled for January 2010. For more information go to <http://www.aurorastateairport.org> or contact Melinda Fahey at [Melinda.Fahey@state.or.us](mailto:Melinda.Fahey@state.or.us).

## Carl Payson Dietz

February 3, 1918 – June 22, 2009

Carl Payson Dietz passed away of natural causes on June 22<sup>nd</sup> in Oregon City. Carl was born in Bandon and graduated from Bandon High School in 1936. In 1938 he moved to Clatskanie and worked in the logging industry. In 1939 he married Ollie Rufinie Dietz and they were married for 59 years until her death in 1998. Carl is survived by his son Lee who lives in Portland.

Carl was exempt from the draft in World War II because he was employed in a critical industry, but in 1944 he enlisted in the Army Air Corp. Since Charles Lindbergh had flown the Atlantic, Carl had a burning desire to fly airplanes. The war ended before he could get to flight school so he earned his private flight license in 1947 at the Scappoose Airport. He continued to work in the logging industry until he suffered a serious accident in the mid 1950s. After that he decided to pursue a safer profession and became a flight instructor and commercial pilot working with John Inman at the Hillsboro Airport.

In 1964 Carl became the fixed base operator at the Mulino Airport and he was at the airport for more than 20 years, until the airport was taken over by the Port of Portland. Carl was the "Pilots Pilot." He instructed more than 500 students to their private pilot's license, many who went on to become commercial airline or corporation aviation pilots. After the Port of Portland took over the Mulino Airport Carl was given the honor of performing the first take-off and landing on the new paved runway. Carl was still an active pilot well into his 89<sup>th</sup> year of life.

His life and accomplishments were honored at the Mulino Fly-In at the Mulino Airport on July 19<sup>th</sup>. In attendance at the memorial was his original flight instructor, Hank Jennings. Actually Hank was Carl's second flight instructor because after several hours of instruction by his first flight instructor, Carl was advised that because his coordination was so poor and because he got air sick "he would never be a successful pilot!"

### NEW T-HANGARS!

AIRCRAFT  
MAINTENANCE  
and DETAILING!  
Come see us!



**Owned by:**  
**The Oregon Department**  
**of**  
**Aviation**  
**3040 25<sup>th</sup> Street SE**  
**Salem, OR 97302**

### MULINO AIRPORT - 4S9

*Supporting General Aviation!*

New T-Hangars are available for lease! Contact Rita Rogerson (503-378-5480) at the Oregon Department of Aviation for further details and information.

[rita.f.rogerson@state.or.us](mailto:rita.f.rogerson@state.or.us)

Larry Reinhardt is owner/technician of Full Throttle Aircraft Services and is an A&P/IA. He works out of hangar 20. Full Throttle offers a full line of maintenance and repair, annual/progressive inspections, paint touch up and repair, aluminum polishing, oxygen service (up to 2,000 psi) and aircraft detailing. Larry is the Northwest rep for Wing Waxers Detailing, a nationally known and respected company.

You can reach Larry at (503) 759-3827 or (503) 698-2109, or by email at [service@fullthrottleas.com](mailto:service@fullthrottleas.com). Or check his website at [www.fullthrottleas.com](http://www.fullthrottleas.com) for specials and discounts on services.



**As a reminder—the following is from the contract for  
Non-Commercial Hangar Site:**

**Prohibited activities**

**LESSEE is expressly prohibited from conducting the  
following activities on the premises:**

- (a) Any business usage or activity that constitutes or creates a business.
- (b) Subleasing any part of the Premises for any purpose.
- (c) Any activity that violates FAA aircraft repair standards.
- (d) Painting after construction is completed (except with 20 oz. or less spray cans).
- (e) Storage of flammables over five gallons total in other than fire department approved containers or in the aircraft tank.
- (f) Welding, grinding, metal polishing and related activities.
- (g) Installation or use of wood stoves.
- (h) Storage of excessive amounts of flammables such as firewood.
- (i) Use of the premises for any residential purposes whatsoever.

**It's The Law: All Oregon Pilots & Aircraft Must Be Registered With  
The Oregon Department Of Aviation**

The Oregon Department of Aviation is not supported by your tax dollars. We use fees, grants, and leases to maintain a safe and efficient system of airports in the state. For more information go to our website. [www.aviation@state.or.us](http://www.aviation@state.or.us)

**Please Pay Your Fees**

**ORS 837.010 Federal pilot certificate required.** No person shall fly aircraft in this state unless holding a pilot certificate of competency issued by the appropriate federal agency. [formerly 493.020]

**ORS 837.015 Registration of aircraft.** Unless exempted by ORS 837.005, no person shall fail to register any aircraft when required by ORS 837.040 to 837.070. [formerly 493.030]

**Oregon Aircraft Dealer License are due**

If you have not yet paid for 2009 and need an application you may go to our website to download the form.

If you have any questions please contact:

Turise Henthorn 503-378-4880 or 800-874-0102 [Therisa.l.henthorn@state.or.us](mailto:Therisa.l.henthorn@state.or.us)



# Federal Aviation Administration

## DRAFT

---

### Memorandum

**To:** ACO-I, ACO-I00, Regional and Airports District Managers and Compliance Specialists

**From:** Charles C. Erhard, Manager of Airport Compliance & Field Operations

**Subject:** Compliance Guidance Letter 2009–I - Through-the-Fence and On-Airport Residential Access to Federally Obligated Airports

---

**I. – SUMMARY AND DEFINITIONS:** This Compliance Guide Letter (CGL) is to provide guidance to FAA Airports personnel regarding an airport sponsor's Federal obligation as it relates to an airport residential development and through-the-fence and on-airport residential access to federally obligated airports. The CGL is consistent with Order 5190.6B, FAA Airport Compliance Manual. For purposes of this CGL:

Airport Property – all property identified on an airport's Exhibit A property map.

Through-the-Fence (TTF) Access – is access to the public landing area by aircraft based on off-airport land adjacent to the airport property.

Residential Use – includes single or multi-family dwellings; duplexes; apartments; primary or secondary residences even when collocated with a hangar, aeronautical facility, or business; hangars that incorporate living quarters for permanent or long-term use; and time-share hangars with living quarters for variable occupancy on a weekly or monthly basis.

**II. – BACKGROUND:** As a general principle, FAA does not support agreements that grant access to the public landing areas by aircraft stored and serviced off-site on adjacent property. This type of agreement is to be avoided since these agreements can create situations that lead to violations of the sponsor's federal obligations. It has been the FAA's experience that sponsors find it difficult to correct FAA grant assurance violations that result from TTF access. The inability to correct such violations can result in an airport losing its eligibility to receive Airport Improvement Program (AIP) grant funds.

Specifically, TTF agreements can have the effect of:

**A.** Placing contractual and legal encumbrances or conditions upon the airport property that cedes control of airport access to a TTF operator in violation of Grant Assurance 5, *Preserving Rights and Powers*. The sponsor must maintain the necessary rights and powers to comply with the grant assurances. The sponsor cannot relinquish its rights and powers to a private third party;

**B.** Limiting the sponsor's ability to ensure safe operations in both movement and non-movement areas, in violation of Grant Assurance 19, *Operation and Maintenance*. TTF access may bring both aircraft and uncontrolled vehicular traffic to the airfield creating unsafe conditions;

**C.** Creating unjustly discriminatory conditions for on-airport commercial tenants and other users by granting access to off-airport competitors or users in violation of Grant Assurance 22, *Economic Nondiscrimination*; [Cont'd on page 7](#)

*Cont'd from page 6*

**D.** Effectively granting an exclusive right to the TTF operator in violation of Grant Assurance 23, *Exclusive Rights*, if the operator conducts a commercial business and no on-airport operator is able to compete because the terms given to the TTF operator are so much more favorable;

**E.** Affecting the airport's ability to be self-sustaining in violation of Grant Assurance 24, *Fee and Rental Structure*, because the airport may not be in a position to charge TTF operators adequately for the use of the airfield;

**F.** Weakening the sponsor's ability to remove and mitigate hazards and incompatible land uses, in violation of Grant Assurance 20, *Hazard Removal and Mitigation*, and Grant Assurance 21, *Compatible Land Use*;

**G.** Making it more difficult for an airport sponsor to implement future security requirements that may be imposed on airports.

Airport sponsors have no federal obligation to provide airport access to off-airport enterprises or individuals. In fact, the sponsor may simply deny TTF access if it chooses. In addition, TTF users are not protected by the sponsor's federal obligations to the FAA. *M. Daniel Carey and Cliff Davenport v. Afton-Lincoln County Municipal Airport Joint Powers Board* (FAA Docket 16-06-06, January 19, 2007). Therefore, FAA will not consider complaints from off-airport entities attempting to establish TTF access or who have issues with their existing TTF access agreements (e.g. terms and conditions, or rates and charges). However, an improperly structured TTF agreement may subject a sponsor to a formal complaint by on-airport tenants under 14 CFR Part 16 (Part 16), *Rules of Practice for Federally Assisted Airport Enforcement Proceedings* alleging violations of the sponsor's grant obligations or federal property conveyances.

**III. – SCOPE:** The following is a discussion of FAA's position on various types of TTF access and on-airport residential development.

**A. Non-Residential Compatible Through-the-Fence Access:** On occasion, an off-airport entity with a compatible use will request TTF access to the airport. The primary driver for such agreements would be a use whose space requirements surpass the airport's ability to offer an on-airport site or the need would absorb so much airport property that it would limit future aeronautical development. Sponsors may face this situation when an industrial airpark or manufacturing facility is developed in conjunction with the airport and seeks access to the airfield solely for aircraft use without offering any aeronautical services to the public. While FAA does not encourage TTF access, a properly structured agreement with a compatible industry may be acceptable. *Sponsors should seek review of proposed TTF agreements by FAA Airports District Offices (ADOs) or Regional Division Offices (ROs) in advance of signing to ensure compliance with the sponsor's grant obligations and property conveyances. The access should be identified on the Airport Layout Plan and approved by the FAA.* The information below under "Procedures for Establishing TTF Access" will assist airport sponsors in developing a compliant TTF access agreement.

**B. Fixed Base Operations (FBO) and Other Aeronautical Service Providers TTF:** The FAA does not support airport sponsors entering into TTF agreements with an FBO, or other aeronautical service providers, that compete with on-airport FBO and aeronautical service providers. Such agreements can undermine the sponsor's rights and powers to operate the airport and impede compliance with its federal obligations. *JetAway Aviation, LLC v. Board of County Commissioners, Montrose County, Colorado* (FAA Docket 16-06-01). In addition, it can undermine the financial viability of on-airport aeronautical businesses and undermine an airport in becoming self-sustaining. *If an airport sponsor elects to enter into a TTF access agreement with an FBO or other aeronautical service provider, the sponsor should seek review of the proposed TTF agreement by the FAA ADO or RO in advance of signing to ensure compliance with the sponsor's grant obligations and property conveyances. The access point should be identified on the Airport Layout Plan and approved by FAA.* The information below under "Procedures for Establishing TTF Access" will assist sponsors in developing a compliant TTF access agreement.

*Cont'd on page 8*

*Cont'd from page 7*

**C. Residential Through-the-Fence Access:** *There are no acceptable forms of residential TTF agreements.* Residential use adjacent to an airport is an incompatible land use and in accordance with Grant Assurance 21, *Compatible Land Use*. Airport sponsors must take appropriate action, including the adoption of zoning laws, to restrict the use of land, to the extent reasonable, next to or near the airport to uses that are compatible with normal airport operations. (Title 49 § 47107 (a)(10)). When an airport allows or promotes adjacent residential use by granting TTF access, it violates Grant Assurance 21 and jeopardizes its eligibility to receive AIP grant funding. *Carey v. Afton-Lincoln County* (FAA Docket 16-06-06, Jan. 19, 2007).

**On-Airport Residential Use:** FAA ADOs and ROs are responsible for ensuring residential developments are not approved when reviewing ALPs. There is no justification for the introduction of residential development inside a federally obligated airport. It is the sponsor's federal obligation not to make or permit any changes or alterations in the airport or any of its facilities that are not in conformity with the ALP, as approved by the FAA, and that might, in the opinion of the FAA, adversely affect the safety, utility, or efficiency of the airport.

The FAA differentiates between a typical pilot resting facility or crew quarters and a hangar residence or hangar home. The FAA recognizes that certain aeronautical uses – such as commercial air taxi, charter, and medical evacuation services – may have a need for limited and short-term flight crew quarters for temporary use, including overnight and on-duty times. There may be a need for aircraft rescue and fire fighting (ARFF) quarters if there is a 24-hour coverage requirement. Moreover, an airport manager or a fixed-base operator (FBO) duty manager may have living quarters assigned as part of his or her official duties. Living quarters in these cases would be airport-compatible if an airport management or FBO job requires an official presence at the airport at off-duty times, and if the specific circumstances at the airport reasonably justify that requirement.

However, other than the performance of official duties in running an airport or FBO, the FAA does not consider permanent or long-term living quarters to be an acceptable use of airport property at federally obligated airports. This includes developments known as airparks or fly-in communities, and any other full-time, part-time, or secondary residences on airport property – even when co-located with an aviation hangar or aeronautical facility. While flight crew or caretaker quarters may include some amenities, such as beds, showers, televisions, and refrigerators, these facilities are designed to be used for overnights and resting periods, not as permanent or even temporary residences for flight crews, aircraft owners or operators, guests, customers, or the families or relatives of same.

Allowing residential development on federally obligated airports is incompatible with aircraft operations and conflicts with several grant assurance and surplus property requirements as mentioned above. Residential development inside federally obligated airports is inconsistent with federal obligations regarding the use of airport property.

**Access Not Permitted:** No exception will be made to permit TTF access for certain purposes:

1. The FAA will not approve TTF access for residential airpark purposes since that use is an incompatible land use.
2. The FAA will not approve a release of airport land for TTF access by aircraft, because airport land may only be released if the land no longer has an airport purpose. If the land would be used for the parking and operation of aircraft, it would not qualify for a release. A release of airport land for an aeronautical use would simply serve to reduce the sponsor's control over the use and its ability to recover airport costs from the user.

#### **IV. – PROCEDURES FOR ESTABLISHING THROUGH-THE-FENCE ACCESS**

**A.** The FAA ADOs or ROs will determine whether arrangements granting access to the airfield from off-site locations are consistent with applicable federal law and policy. If the FAA ADO or RO determines that such an agreement lessens the public benefit for which the airport was developed, it will notify the sponsor that the airport may be in violation of its federal obligations if it grants TTF access. Therefore, sponsors should seek review of proposed TTF access agreements to the FAA in advance of the sponsor's signing the agreement to ensure compliance with its federal obligations. *Cont'd on page 9*

*Cont'd from Page 8*

**B. Access Agreement Provisions:** Sponsors should consider the following provisions in preparing a TTF access agreement:

1. The access agreement should be a written legal document with an expiration date and signed by the sponsor and the TTF operator. It may be recorded. Airports should never grant deeded access to the airport or grant a right of access in perpetuity.
2. The right of access should be explicit and apply only to the TTF operation (i.e. right to taxi its aircraft to and from the airfield).
3. The TTF operator shall not have a right to grant or sell access through its property so other parties may gain access to the airfield from adjacent parcels of land. Only the airport sponsor may grant access to the airfield, which should be consistent with Transportation Security Administration requirements.
4. The access agreement should have a clause making it subordinate to the sponsor's grant assurances and federal obligations. Should any provision of the access agreement violate the sponsor's grant assurances or federal obligations, the sponsor shall have the unilateral right to amend or terminate the access agreement to remain in compliance with its grant assurances and federal obligations.
5. The TTF operator shall not have a right to assign its access agreement without the express prior written approval of the sponsor. The sponsor should have the right to amend the terms of the access agreement to reflect a change in condition or value to the aeronautical portion of off-airport property if the TTF access is to continue.
6. The fee to gain access to the airfield should, at minimum, reflect the airport fees charged to similarly situated on-airport tenants and aeronautical users. For example, landing fees, ground rent, or tie-down fees paid to the sponsor by on-airport aeronautical users or tenants to recover the capital and operating costs of the airport should be reflected in the access fee assessed comparable TTF operators. In addition, if the TTF operator is granted the right to conduct a commercial business catering to aeronautical users either on or off the airport, the sponsor shall assess the same concession terms and fees to the TTF operator as assessed to all similarly situated on-airport commercial operators. As previously stated, the FAA does not support the granting of TTF access to aeronautical commercial operators that compete with on-airport operators.
7. The access agreement should contain termination and insurance articles to benefit the sponsor.
8. The expiration date of the access agreement should not extend beyond a reasonable period from the sponsor's perspective. It may not depend upon the full depreciation of the TTF off-airport investment (i.e. 30 years), as would be the case had the investment been made inside the airport. In any case, it should not exceed the appraised useful life of the off-airport facility. Should the access agreement be renegotiated at its expiration, the new access fee may reflect an economic rent for the depreciated off-airport aeronautical facilities (i.e. hangar, ramp, etc); comparable to what would be charged by the sponsor for similar on-airport facilities. That is, when on-airport facilities are fully amortized and title now vests with the airport instead of the tenant, the airport may charge a higher economic rent for the lease of its aeronautical facility. The access fee for the aeronautical portion of a depreciated off-airport facility should be adjusted in a similar fashion notwithstanding that title still vests with the off-airport operator. However, other than achieving parity with on-airport tenants and aeronautical users, there is no upper or maximum limitation on what the airport sponsor may charge for TTF access.

## **V. – FAA REVIEW OF THROUGH-THE-FENCE AGREEMENTS**

Sponsors shall submit **new, revised or renewed** TTF access agreements to the FAA ADO or RO for review to ensure compliance with the grant obligations and federal property conveyances prior to the sponsor signing the agreement. In addition, the TTF access points must be noted on the new, revised or renewed Airport Layout Plan (ALP). If a sponsor enters into a new, revised or renewed TTF access agreement that the FAA has objected to based on a grant assurance or federal property conveyance violation (e.g., residential use, access via perpetual easement, etc.) the sponsor risks enforcement action by FAA. *Cont'd on page 10*



Aviation News of Interest? Aviation Feature Story? An Event that's Happening at your Airport? Do you want to share a story about your town and why to fly into your airport? If so send your article and photos to the FlightLines Editor Renee' Stryker at: [renee.stryker@state.or.us](mailto:renee.stryker@state.or.us)

*Cont'd from page 9*

Such action may lead to the loss of grant funding, especially if the violation has compromised the utility of the federal investment in the airport or if the sponsor has granted rights to a private party that undermines the sponsor's ability to comply with the grant assurances.

If the airport has existing TTF access, it must identify all access points on the ALP at the next update and provide a copy of the TTF access agreements for review by the FAA ADO or RO. Approval of the ALP change will be conditioned on the TTF access agreement complying with the sponsor's federal grant obligations.

## **VI. - FAA ACTIONS ON CORRECTIVE ACTION PLANS**

The FAA ADO and RO will work closely with the sponsor to develop a corrective action plan that provides for (1) preventing future residential building on properties with TTF access, (2) preventing further residential TTF, and (3) seeking ways to convert noncompatible residential use to compatible or aeronautical use at the expiration of the TTF agreement. FAA will not require sponsors to terminate existing TTF access agreements. FAA seeks, in most cases, to convert noncompatible residential use only after the TTF agreement has expired under its own terms. This does not apply to grants of TTF access in perpetuity. Such TTF agreements must be amended as they may undermine a sponsor's ability to comply with the FAA grant assurances.

In reviewing a corrective action plan, the FAA is open to considering new avenues for resolution such as participating in purchasing the property and making it part of the airport if it is eligible for AIP funding. After the purchase, the property shall be converted to compatible aeronautical use.

### **References:**

*M. Daniel Carey and Cliff Davenport v. Afton-Lincoln County Municipal Airport Joint Powers Board* (FAA Docket 16-06-06, January 19, 2007)

*JetAway Aviation, LLC v. Board of County Commissioners, Montrose County, Colorado* (FAA Docket 16-06-01, November 6, 2006)

Title 49 USC 47107 (a) (10), (13), (16)

FAA Grant Assurances

Surplus Property Act of 1944 as amended by Public Law 80-289

Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*

FAA Airport Compliance Manual, Order 5190.6B



If you are a veteran living in Oregon, learn about  
your benefits at:  
[www.oregon.gov/odva](http://www.oregon.gov/odva)

---

### Department of Aviation Board Meeting:

Is scheduled for December 10, 2009 at the  
Port of Portland Fire Station 8 (time TBA)  
Port of Portland Fire Dept. 8  
5252 NE Marine Dr.  
Portland Oregon

---

***The Department of Aviation continues to move forward in our efforts to provide the very best service and to continue to meet the needs of our customers. Please visit the ODA website at:***

*<http://www.oregon.gov/Aviation/index.shtml> or email: [www.aviation@state.or.us](mailto:www.aviation@state.or.us)*

**Hangar for Sale**  
**Independence State Airport**  
55 x 60 with 17" eaves  
Wilson Bi-fold doors (50 x 15 opening)  
\$105,000 - Call 541-536-3040 or 503-851-4338



Oregon Department of Aviation  
3040 25th Street SE  
Salem, OR 97302-1125  
web: [www.aviation.state.or.us](http://www.aviation.state.or.us)  
Editor: Renee' Stryker

**Where to find non-blended fuel. Go to the ODA website at:**

**[www.oregon.gov/Aviation/index.shtml](http://www.oregon.gov/Aviation/index.shtml).**

**Under "Other Aviation Issues" click on E-10 Ethanol In Gas, and scroll down until you come to the chart of suppliers.**

### **Volunteers Needed**

Have you ever wanted to help out your local airport or perhaps an airport you are very fond of? ODA, in partnership with the Oregon Pilots Association (OPA), has a volunteer program called Airport Information Reporting for Oregon. (AIRO). This program is designed to have aviation enthusiasts volunteer to help ODA identify items related to safety, maintenance and security.

This program promotes operational excellence through active participation in public/private partnerships. You must be at least 21 years or older and have a willingness to travel around Oregon for training and/or inspections at assigned airports. If this sounds like something you might be interested in, please contact: **Mitch Swecker, State Airports Manager e-mail:**

**[mitch.t.swecker@state.or.us](mailto:mitch.t.swecker@state.or.us) (503) 378-2523.**

You can also visit our website at: **<http://www.oregon.gov/Aviation/index.shtml>**