What is an FAA release?

The formal written authorization discharging and relinquishing the FAA’s right to enforce one or more of the sponsor’s federal obligations under the grant assurances and/or the Surplus Property Act and/or 49 U.S.C 47125.

The FAA will only grant a release of such obligations after receipt and consideration of a written release request submitted by an airport sponsor.
What are the different types of Release Requests Concerning Airport Land?

Typical release requests include, but are not limited to, those concerning:

- Concurrent use (Grant Assurance 29)
- Interim use (Grant Assurances 5b, 29)
- Change of use of airport land from aeronautical to nonaeronautical use (Grant Assurances 5b, 29)
- Long term nonaeronautical lease (Grant Assurances 5b, 29)
- Airport Land disposals/sales (Grant Assurances 5b, 29)

Land Release related:

- NEUP (Surplus Property Act)
- Reverter Clauses (Surplus Property Act)

What should a sponsor do prior to submitting a release request to the FAA?

Ask your ADO for instructions!

Sponsors are encouraged to seek guidance from ADOs prior to submitting release requests for the following reasons:

- Identification of information sponsors must provide in their request (FAA Order 5190.6b/Eastern Region Sponsor’s Guide)
- Focuses information to be provided with the release request
- Identification of showstoppers
- Expedites the process
What factors does the FAA consider when evaluating release requests?

In reviewing release requests the FAA considers:

- the net benefit to aviation-safety, efficiency, revenue
- Compatibility of the proposal with the needs of civil aviation including:
  - Whether the original purpose or use of the property or facilities to be sold, or changed in use to nonaeronautical, is still applicable and/or whether it will be obfuscated by the release;
  - Whether the release will obligate the sponsor under new terms that conform to applicable law
- The ways in which the sponsor is obligated;
- The sponsor’s compliance record;
- Applicable guidance with respect to the particular type of release sought;

Factors to consider with respect to release requests concerning airport real property

- Land still needed for aeronautical purposes now or in the future
- Sale/Lease agreements-subordinate to FAA requirements
- Appraisals-FMV
- Grant Assurance 31/49 U.S.C. 47107(c)(2)(B)
- Grant Assurance 25/Airport revenue use policy
- Revenue implications-short term lease v. sale v. long term lease
- Lease w/option to buy-avoid duplication
- Prohibition on residential development
- Requirements for environmental review, airspace studies, changes to the ALP and public notice and comment
Public Notice Requirements

For the following types of releases FAA must provide the public an opportunity for notice and comment at least 30 days prior to approving the release request:

Change in use to nonaeronautical or sale of:
- airport property acquired with federal assistance per 49 USC 47107(c)(2)(B);
- surplus airport property provided to the airport for aeronautical purposes;
- airport property conveyed to the airport by the US Gov’t;
- airport property used as an aircraft movement area with federally financed airport improvements.

The public notice and comment requirements do not apply to:
- Approval of the interim use of airport property (5 years or less);
- Grant of utility or other types of easements that will have no adverse effect on the aeronautical use of the airport;
- Release of noise compatibility land;
- Release where the public notice and comment requirements are satisfied by an environmental review.

FAA Release documents

Releases concerning airport real property:

Contents:
1. Determination on need to retain for aeronautical purposes, applicable grant agreements
2. Standard clauses-Aeronautical protection, use of revenue, environmental
3. Lease/sale agreement terms consistent with letter of release terms or express written notification

 Concurrent/Interim Use Release letter Additional Terms
1. Recovery time for repossession for aero/exclusive aero use
2. Duration of release

 Change in Use/Long Term Lease/Sale Release letter Additional Condition
1. Recording of the letter of release in the local register of deeds to finalize release approval
QUESTIONS