

**We are  
Airports**

# 2021 South Dakota Airports Conference

**FAA Office of Airports Great Lakes Region**

**Jim Keefer**

**Acting Director**

**March 31, 2021**



**FAA**  
Office of Airports



## MISSION

World leaders in creating a safe and efficient system of airports

## VISION

Advancing the safest, most efficient airport system in the world

## CORE VALUES

INTEGRITY – COLLABORATION – INNOVATION



**FAA**  
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# Regional Management Supporting National Transition:

- Sue Mowery-Schalk Acting Deputy Associate Administrator for Airports (ARP-2)
- Jim Keefer Acting Director, Great Lakes Airports Division (AGL-600)
- John Mayfield Acting Deputy Director, Great Lakes Airports Division (AGL-601)

# H. R. 302, FAA Reauthorization Act of 2018, Section 163

## Runway Safety Area Determinations

## General Safety Standards Branch Info

# H. R. 302, FAA Reauthorization Act of 2018, Section 163

- Section 163 – Limited Regulation of Non-Federally Sponsored Property includes 4 major provisions
  - 163(a): General limitation
  - 163(b): Exceptions
  - 163(c): Rules of construction
  - 163(d): Limitation on Airport Layout Plan approval authority



# Section 163(a) Limitation of Regulation of Airport Property

- FAA may not directly or indirectly regulate—
- the acquisition, use, lease, encumbrance, transfer, or disposal of land by an airport owner or operator;
- any facility upon such land; or
- any portion of such land or facility.
- ...EXCEPT



# Section 163(b) Exceptions, (c) Rules of construction

- FAA may regulate to ensure:
- (b)(1)(A): the safe and efficient operation of aircraft; or safety of people or property on the ground; and
- (b)(1)(B) and (C): that airport owner receives or pays fair market value
- Section 163(a) does not apply to:
- (b)(2): land or a facility acquired or modified using federal funding or
- (b)(3): Surplus Property Act land or PFC land or facilities; and
- (c): Nothing affects existing rules for Airport revenues- 47107(b); 47133

# Section 163(d) ALP Approval Authority

- 47107(16) amended: The FAA “*will* review and approve or disapprove only those portions of the plan...”
  - That **materially impact** the safe and efficient operation of aircraft at, to, or from the airport;
  - That would **adversely affect** the safety of people or property on the ground adjacent to the airport as a result of aircraft operations; and
  - That adversely affect the value of prior Federal investments to a **significant extent**.



# What does FAA require to make a determination?



- ALP depicting project
- Project description
- Source of funding
- For non-aeronautical development, analysis demonstrating land not needed for existing/future aeronautical use
- Exhibit A and deeds

# What does not change?



- Sponsor's obligation to maintain a current copy of their ALP at all times
- Even when ALP approval is not required, other FAA approvals may be required, triggering NEPA or other obligations
- Airspace reviews required for developments (part 77)
- Revenue generated by the use, lease, encumbrance, transfer, or disposal of land remains airport revenue and **must stay on the airport** (Grant Assurance 25; 49 U.S.C. 47107(b); 47133)
- Maintain current Exhibit A

# What can sponsors do?

- Continue to work with the FAA's District Offices to determine if Section 163 is applicable to your project
  - **All projects require a determination**
- Clearly define and document the airport's aeronautical needs on the ALP
- Do not start NEPA until a Section 163 Determination has been made
- Work with your ADO

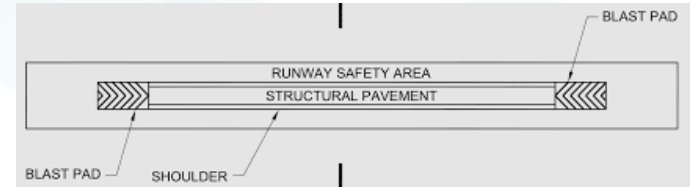
# Remember!

- This change in law will make it easier, in some cases, for a sponsor to develop portions of the airport for non-aeronautical purposes
- Every project should be reviewed through the lens of Section 163
- Section 163 still requires the airport to receive not less than fair market value for proposed development, and that all revenues generated as a result of a lease may only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the sponsor

# Runway Safety Areas (RSAs)

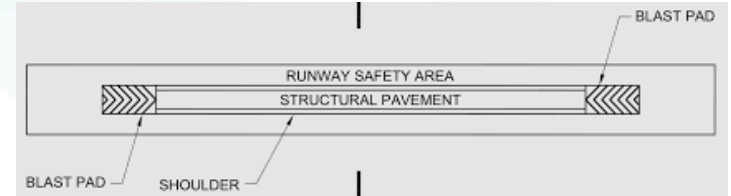


# Runway Safety Area



- This area has to be capable under normal (dry) conditions of supporting aircraft without causing structural damage to the aircraft or injury to their occupants
- The RSA enhances the safety of aircraft which undershoot, overrun, or veer off the runway, and it provides greater accessibility for fire-fighting and rescue equipment during such incidents

# Runway Safety Areas



- FAA recognizes that incremental improvements inside full RSA dimensions can enhance the margin of safety for aircraft
- The airport owner and the FAA must continually analyze a non-standard RSA with respect to operational, environmental, and technological changes and revise the determination as appropriate.
- Incremental improvements are included in the determination if they are practicable and they will enhance the margin of safety



**The objective of the Runway Safety Area Program is that all RSAs at federally obligated airports and all RSAs at airports certificated under 14 Code of Federal regulations (CFR) part 139 shall conform to the standards contained in AC 150/5300-13 *Airport Design*, to the extent practicable**





# RSA INVENTORY

- Each regional airports division shall collect and maintain data on the RSA for each runway at federally obligated airports and airports certificated under part 139 within their geographic purview.
- The data will include the current width of each RSA and the length that the RSA extends beyond each runway end.
- The data will also contain the standards that apply to each RSA at the airport.
- In addition, all objects within the area that comprises a standard RSA shall be documented

# Why Do You Need To Know This?

- **AGL will be conducting RSA Determinations for the non-compliant classified NPIAS general aviation airports – ARP SOP 8.00, Runway Safety Area Determination**
- An RSAD is required when:
  - Runway is constructed, reconstructed or changed
  - Threshold changes
  - ALP update which effects RSA
  - Completed RSA Project or project that impacts the RSA
  - Implementation/changes to Declared Distances

# RSA Determinations

- The Great Lakes Airports Division shall review the data collected for each RSA, and make one of the following determinations:
  - **(1)** The existing RSA meets the current standards contained in AC 150/5300-13.
  - **(2)** The existing RSA does not meet standards but it is practicable to improve the RSA so that it will meet current standards.
  - **(3)** The existing RSA can be improved to enhance safety, but the RSA will still not meet current standards.
  - **(4)** The existing RSA does not meet current standards, and it is not practicable to improve the RSA.

# RSA Determinations

- Please be aggressive in programming RSADs when triggered or when they can be worked into the planning process.
- More to come from your ADO!

# Safety Standards Branch Management

Welcome  
Denson  
Stasher!



# Safety Standards Branch

- During the public health emergency, The Safety and Standards Branch moved to electronic inspection of Critical Records
- **E-DOCs**
  - Completed 80 E-DOC inspections since inception in May 2020
  - Current process will continue



# Safety Standards Branch

- Resumed in-person inspections using a risk based approach.
- **On Site Inspections**
  - Scheduled more than 70 on-site inspections for remainder of CY-21
  - ACSI will notify each airport prior to onsite which will focus on: Airfield (Day/Night), Fueling, ARFF (Vehicles/Response Test), and Wildlife



# Safety Standards Branch

- **Safety Management System**

- SMS - An update to FAA Order 5200.11 (5200.11A) is under final review at FAA headquarters

- **Hot Topics**

- Full Scale Exercises (Sample Documentation Available on ShareFile Site)
- If your full scale is due 2021 you should have heard from your ACSI
- Continue to meet and plan
- Work with assigned ACSI to share concerns and discuss possible mitigations



# Finally, please send us your photos

- We want to see federal funds in action.
- Please send us photos of AIP projects
- Especially completed ones
- Keep the ADO informed about ribbon cuttings, grand openings, and ground breakings!



# Questions?

