

CHAPTER 8 – AIRPORT COMPLIANCE

This chapter provides an overview of the requirements associated with the operation and management of CQX as a federally obligated airport. The FAA and MassDOT/AD encourage airport sponsors to establish and implement programs that promote sound operating practices and ongoing compliance with FAA and MassDOT/AD requirements. The FAA and MassDOT/AD recommend that compliance be an ongoing process that is addressed through the review of airport documents, plans, and other records, such as the Airport Layout Plan (ALP), Exhibit 'A' Property Map, Airport Ordinance, Zoning Ordinance, Rules and Regulations, Minimum Standards, airport budgets, leases, easements, permits, and other documents.

By accepting federal grant funds, airport sponsors must comply with various federal obligations through agreements and property conveyances. These are outlined in *FAA Order 5190.6B, Airport Compliance Manual*. The contractual federal obligations that a sponsor accepts when receiving federal grant funds or the transfer of federal property can be found in a variety of documents including:

- Grant agreements issued under the Federal Airport Act of 1946, the Airport and Airway Development Act of 1970, and the Airport Improvement Act of 1982. Included in these agreements is the requirement for airport sponsors to comply with:
 - Grant Assurances
 - Advisory Circulars
 - Application commitments
 - FAR procedures and submittals
 - Special Grant Conditions
- Land Use Inspection Reports/Previous Compliance findings
- Surplus airport property instruments of transfer
- Deeds of conveyance
- Commitments in environmental documents prepared in accordance with FAA requirements
- Separate written requirements between a sponsor and the FAA

8.1 NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS

As previously discussed in Chapter 1, *Introduction*, CQX is included in the NPIAS. The Airport is one of nearly 3,400 existing and proposed airports that the FAA considers significant to the national air transportation system and is eligible to receive Federal grants under the Airport Improvement Program (AIP).

Type of Facility	Total U.S. Facilities	Private-Use Facilities	Public-Use Facilities	Existing NPIAS Facilities
Airport	13,117	8,302	4,815	3,273
Heliport	5,842	5,782	60	10
Seaplane Base	507	292	215	38
Ultralight	112	109	3	
Gliderport	35	30	5	
Balloonport	14	13	1	
Total	19,627	14,528	5,099	3,321

Numbers and Types of Existing Airports in the United States (as of May 2018)

The guiding principles of the NPIAS have been in place since 1946 and, for the most part, have remained unchanged since. According to the FAA, cooperation between the FAA, State, and local agencies should result in an airport system with the following attributes:

- Airports should be safe and efficient, located where people will use them, and developed and maintained to appropriate standards;
- Airports should be affordable to both users and the Government, relying primarily on producing self-sustaining revenue and placing minimal burden on the general revenues of the local, state, and federal governments;
- Airports should be flexible and expandable and able to meet increased demand and accommodate new aircraft types;
- Airports should be permanent with assurance that they will remain open for aeronautical use over the long term;
- Airports should be compatible with surrounding communities, maintaining a balance between the needs of aviation, the environment, and the requirements of residents;
- Airports should be developed in concert with improvements to the air traffic control systems and technological advancements;
- The airport system should support a variety of critical national objectives, such as defense, emergency readiness, law enforcement, and postal delivery; and
- The airport system should be extensive, providing as many people as possible with convenient access to air transportation, typically by having most of the population within 20 miles, or 30-minute drive time of a NPIAS airport.

8.2 SUCCESSFUL COMPLIANCE

When Airport owners and operators accept Federal grants, they agree to preserve and operate their facilities in a safe and efficient manner and comply with certain conditions and assurances. The following documents outlined in this section help set the stage for successful compliance.

8.2.1 AIRPORT MASTER PLAN

An Airport Master Plan is a comprehensive study of an airport and typically describes plans for short-, medium-, and long-term airport development. Airport Master Plans are prepared to support the modernization or expansion of existing airports or the creation of new airports. The goal of a Master Plan is to provide the framework needed to guide future airport development that will cost-effectively satisfy aviation demand, while considering potential environmental and socioeconomic impacts. The master planning process will vary with the size, complexity, and role of the study airport and may include a variety of supporting studies. In most cases, the master plan will include the following elements:

- **Pre-planning-** The pre-planning process includes an Initial Needs Determination, Request for Proposals and Consultant Selection, Development of Study Design, Negotiations of Consultant Contract, and Application for Study Funding.
- **Public Involvement-** Once the consultant team is under contract and has been issued a notice-to-proceed, establish a public involvement program and identify and document the key issues of various stakeholders.
- **Environmental Considerations-** A clear understanding of the environmental requirements needed to move forward with each project in the recommended development program.
- **Existing Conditions-** An inventory of pertinent data for use in subsequent plan elements.

- **Aviation Forecasts-** Forecasts of aeronautical demand for short-, medium-, and long-term horizons.
- **Facility Requirements-** Assess the ability of the existing airport, both airside and landside, to support the forecast demand. Identify the demand levels that will trigger the need for facility additions or improvements and estimate the extent of new facilities that may be required to meet that demand.
- **Alternative Development and Evaluation-** Identify options to meet projected facility requirements and alternative configurations for each major component. Assess the expected performance of each alternative against a wide range of evaluation criteria, including airport operations, environmental, and financial considerations. A recommended development alternative will emerge from this process and will be further refined in subsequent tasks. This element should aid in developing the purpose and need for subsequent environmental documents.
- **Airport Layout Plans-** One of the key products of a master plan is a set of drawings that provides a graphic representation of the long-term development plan for an airport. The primary drawing in this set is the Airport Layout Plan. Other drawings may also be included, depending on the size and complexity of the individual airport.
- **Facilities Implementation Plan-** Provides a summary description of the recommended improvements and associated costs. The schedule of improvements depends, in large part, on the level of demand that triggers the need for expansion of existing facilities.
- **Financial Feasibility Analysis-** Identify the financial plan for the airport, describe how the sponsor will finance the projects recommended in the master plan, and demonstrate the financial feasibility of the program.

Regardless of the size and complexity of the master plan, each master plan should meet the following objectives:

1. Document the issues that the proposed development will address.
2. Justify the proposed development through the technical, economic, and environmental investigation of concepts and alternatives.
3. Provide an effective graphic presentation of the development of the airport and anticipated land uses in the vicinity of the airport.
4. Establish a realistic schedule for the implementation of the development proposed in the plan, particularly the short-term capital improvement program.
5. Propose an achievable financial plan to support the implementation schedule.
6. Provide sufficient project definition and detail for subsequent environmental evaluations that may be required before the project is approved.
7. Present a plan that adequately addresses the issues and satisfies local, state, and Federal regulations.
8. Document policies and future aeronautical demand to support municipal or local deliberations on spending, debt, land use controls, and other policies necessary to preserve the integrity of the airport and its surroundings.

9. Set the stage and establish the framework for continuing planning process. Such a process should monitor key conditions and permit changes in planning recommendations as required.

8.2.2 AIRPORT LAYOUT PLAN

The Airport Layout Plan (ALP) serves as a critical planning tool that depicts both existing facilities and planned development for an airport. An ALP is required by statute to be up to date. This derives directly from Title 49 U.S.C. 47107(a)(16). Grant Assurance No. 29 obligates an airport sponsor to “keep up to date at all times a layout plan of the airport”, and also to obtain FAA approval for any ALP update, revision, or modification. Further, any proposed AIP or Passenger Facility Charge (PFC) funded projects must be on an approved ALP.

An update of the ALP should be an element of any master plan. The Airport is to, at all times, keep an up-to-date ALP showing current and future property boundaries, facilities/structures, and the location of existing and proposed non-aviation areas and improvements.

By definition, the ALP is a plan for a specific airport that shows:

- Boundaries and proposed additions to all areas owned or controlled by the sponsor for airport purposes and/or other encumbrances (i.e. utility easements, access rights-of-way, etc.);
- The location and nature of existing and proposed airport facilities and structures; and
- The location on the airport of existing and proposed non-aviation areas and improvements thereon.

A current FAA-approved ALP is a prerequisite for issuance of a grant for airport development. Changes to the ALP for the benefit of the airport and its safety, utility, efficiency, and operations must be completed in conformity with the ALP Standard Operating Procedures and approved through appropriate FAA authorization. As part of this Master Plan Update, the ALP is being revised and will be reviewed by appropriate FAA divisions.

8.2.3 EXHIBIT ‘A’ PROPERTY MAP

The Exhibit ‘A’ property map provides an overview of the inventory of parcels that make up obligated airport property. The Exhibit ‘A’ highlights how parcels of land were acquired, the funding source for the land and if the land was conveyed as federal surplus land or government property. The Exhibit ‘A’ must show all obligated airport property regardless of the type of funds (AIP, state, local, etc.) used to acquire the property. All land described in a project application and shown on an Exhibit ‘A’ (per Grant Assurance #5) constitutes the airport property federally obligated for compliance under the terms and covenants of a grant agreement. An Airport Sponsor has a federal obligation to submit accurate Exhibit ‘A’ Airport Property Inventory Maps when applying for and prior to execution of certain federal grants. A copy of the Airport’s Exhibit ‘A’ is located in Appendix A.

8.2.4 ZONING ORDINANCE

Land uses around an airport are to be planned and implemented in a way that ensures compatibility with the airport and its operations. Ensuring compatible land use near federally obligated airports is an important responsibility and an issue of federal interest. In effect since 1964, Grant Assurance 21, *Compatible Land Use*, implementing Title 49 United States Code (U.S.C.) § 47107 (a) (10), requires, in part, that the sponsor:

“...take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which federal funds have been expended.”

8.2.4.1 Airport Approach Protection Regulations

The Town of Chatham has adopted Airport Approach Protection Regulations to limit the height of structures and objects of natural growth in the vicinity of the Airport to “promote health, safety and general welfare of the public by preventing the creation, establishment and maintenance of airport hazards, thereby protecting the lives and property of users of the Chatham Airport and of the occupants of land in its vicinity and preventing destruction or impairment of the airport and the public investment therein.” A full copy of the Airport Approach Zone bylaws can be found on the Town of Chatham’s website.¹ The following is an outline of the limitations set forth by the Town of Chatham’s Airport Approach Protection Regulations:

- No structure may be erected, or tree allowed to grow to a height exceeding the elevation required by the airport approach zone. This height is defined as “1/20 of the shortest horizontal distance from the structure of tree (or any part thereof) to a line 200 feet outward from and parallel to the end of the runway within the approach zone in which the structure or tree is located.”
 - A detailed depiction of this zone can be found on the “Map of Approach Zones” referenced in the bylaws. The dimensions of this zone can be found in Table 12-1 below:

Table 8-1: Chatham Airport Approach Zone Dimensions

<i>Distance from Runway End</i>	200'
<i>Inner Width</i>	250'
<i>Outer Width</i>	2,250'
<i>Length</i>	10,000'

- Any structures or trees exceeding the heights prescribed shall be lowered or altered to conform to the regulations.

¹ <https://www.chatham-ma.gov/town-meeting/pages/general-bylaws>

- Individuals desiring to erect or increase the height of structures located within this zone may apply for a variance with the Airport Commission.
 - Variances may be approved if practical difficulty or unnecessary hardship would result otherwise.
 - The owner of the structure or tree must permit the Town at its own expense to install, operate and maintain obstruction markings or lights as required.

8.2.5 MINIMUM STANDARDS

Minimum standards set forth the minimum requirements an individual or entity wishing to provide aeronautical services to the public on a public-use airport must meet in order to provide those services, such as required equipment, minimum leasehold size, hours of operations, fees, etc. Minimum standards should be imposed to facilitate an adequate level of safe and efficient services available to the public. While the FAA does not require minimum standards, the FAA strongly recommends that sponsors adopt minimum standards, as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation (see FAA Grant Assurance #19 Operation and Maintenance). FAA provides recommendations for minimum standards and related policies in *AC 150/5190-7, Minimum Standards for Commercial Aeronautical Activities*.

The Town of Chatham adopted the *Chatham Municipal Airport Minimum Standards for Commercial Activities*² in June 2000 to ensure the airport would be operated with “prudence and sound judgment for the social and economic wellbeing of the Town of Chatham, airport users, and environs.” The minimum standards outline the requirements of commercial operators conducting business at the airport and define specific activities considered to be “commercial activities” limited by the rules contained within the standards. Requirements imposed by these standards include:

- General Requirements – Documentation required to be on file with the Airport Commission:
 - Verification of the commercial operator’s organization and tax status;
 - Lease or certificate of title, including floor plan; and
 - Certificate of insurance.
- Special Requirements – Additional requirements for specific commercial activities:
 - Flight Operations
 - Office space on airport property;
 - Business telephone attended during normal business hours;
 - Premises liability insurance;
 - Demonstrated ability to meet certification requirements of FAA, Massachusetts, and local authorities;
 - One licensed, airworthy aircraft for Part 135 charter operations;
 - Full-time personnel available 7 days a week;
 - Tie-downs or hangars for all aircraft; and
 - Formal, documented pilot airport procedures education program.

² https://www.chatham-ma.gov/sites/chathamma/files/uploads/chatham_airport_minimum_stds.pdf

- Scheduled Air Carrier FAR Part 121
 - Airport Commission must first conduct appropriate public hearings and filed for appropriation of funding to upgrade the Airport to a FAR Part 139 facility prior to any scheduled air carrier can operate at the Airport.
 - Commercial operator must:
 - Show evidence to support the need for such service;
 - Show the availability of facilities to accommodate public users in the numbers forecast;
 - Obtain approval of flight scheduling with the Commission; and
 - Provide reports that show the number of enplaning and deplaning passengers at the Airport.
- Flight Instruction
 - Office and classroom space on Airport property, including appropriate training equipment;
 - Tie-downs or hangars for all aircraft;
 - Minimum of two aircraft for flight instruction;
 - Business telephone attended during normal business hours;
 - Demonstrated ability to meet certification requirements of FAA, Massachusetts, and local authorities;
 - Premises liability insurance; and
 - Formal, documented pilot and student airport procedures education program.
- Ground Operations, Aircraft Service, Avionics Service
 - Waiting room and hangar on airport property;
 - Business telephone attended during normal business hours;
 - Liability insurance;
 - Two full-time mechanics on duty during normal business hours, five days a week;
 - Minimum equipment;
 - Minimum stock of spare parts;
 - Suitable facilities for cleaning aircraft parts;
 - Service to remove any non-airworthy aircraft from the Airport;
 - Plan for removal of waste fluids or cleaning materials approved by the Fire Department and Airport Commission; and
 - A SWPPP and Hazardous Spill Prevention/Cleanup Plan,
- Fuel Storage and Dispensing – the Commission reserves exclusive right to sell all aviation and motor fuels on the Airport.
- Unique Services
 - A Fixed Base Operator providing aerial photography, advertising, surveying or other such services must provide:
 - Office space on airport property;
 - License/authorization to do business in Massachusetts;
 - Business telephone attended during normal business hours;
 - Premises liability insurance; and

- A suitable tie-down.
- Noncompliance with these standards shall result in immediate termination of related commercial activity.

8.2.6 LEASE AGREEMENTS

Regarding rental rates, the FAA is opposed to excessively low (or no) rent for public owned/federally obligated land, regardless of whether it is considered aviation or non-aviation use land (see FAA Grant Assurance #22 Economic Nondiscrimination). CQX's fees and rental structures are expected to be implemented in a manner that makes the Airport as self-sustaining as possible. Airport properties cannot be made available for private use without obtaining fair market value (i.e. private use of the airport for non-aeronautical activity requires fair-market value as if the use was off-airport and must be approved by MassDOT/AD and/or FAA in advance). Revenue generated from airport-related fees and rents are necessary to support day-to-day operational needs. Having invested public funds in the airport, the public owner and the FAA have developed an asset and created an opportunity for privately owned aviation services and non-aviation uses which otherwise would not exist. Therefore, the sponsor has the right and obligation to require a reasonable return on the investment of public funds. Periodic review of the fee and rental structure should be conducted to ensure that reasonable charges are established to support this goal.

It is the policy of the Chatham Airport Commission to enter into standard lease agreements with all hangar tenants. The *Standard Lease* document stipulates payment amounts, non-permitted uses, and insurance requirements, and incorporates the *Airport's T-Hangar Rules and Regulations* as part of the lease agreement. The *T-Hangar Rules and Regulations* specify the types of storage and activities allowed within the hangar, environmental and fire prevention conditions, and general safety and housekeeping requirements.

While the FAA does not review all leases, and there is no requirement for a sponsor to obtain FAA approval before entering into a lease, it is the sponsor's responsibility to develop lease agreements that maintain compliance at a minimum with the following federal obligations:

Nondiscrimination

"The tenant for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration thereof, does hereby covenant and agree that (1) no persons on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no persons on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subject to discrimination, (3) that the tenant shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, Airport Owner shall have the right to terminate the lease and to re-enter and as if said lease had never been made or issued. The provision shall not be effective until the procedures of Title 49, Code of Federal Regulations, Part 21 are followed and completed, including exercise or expiration of appeal rights.”

Property Rights Preserved

“This lease and all provisions hereof are subject and subordinate to the terms and conditions of the instruments and documents under which the Airport Owner acquired the subject property from the United States of America and shall be given only such effect as will not conflict or be inconsistent with the terms and conditions contained in the lease of said lands from the Airport Owner, and any existing or subsequent amendments thereto, and are subject to any ordinances, rules or regulations which have been, or may hereafter be adopted by the Airport Owner pertaining to the _____ Airport.”

Exclusive Rights (required in aviation leases only)

“Notwithstanding anything herein contained that may be, or appear to be, to the contrary, it is expressly understood and agreed that the rights granted under this agreement are non-exclusive and the Lessor herein reserves the right to grant similar privileges to another Lessee or other Lessees on other parts of the airport.”

Escalation Clauses

Since the annual cost of satisfactorily operating and maintaining an airport will most likely increase throughout the term of the lease, provisions should be made to ensure that fair market rental value rates remain current throughout the life of the lease. Accordingly, rental rates should be adjusted at a minimum of 5-year increments. An escalating clause or other means of automatically adjusting must be incorporated into long term leases to provide for this adjustment. A local, state or federal cost of living index is just one possible example that can be utilized as the basis for determining the increase. The following is sample clause:

“Lessor and lessee recognize and agree that the purchasing power of the United States dollar is evidenced by the (name of appropriate index). In (year or lease), and every five years thereafter, the parties hereto will compare the price index for said year with the price index for (state year the lease is executed) and the annual rental payments shall be increased (or decreased) in the same portion as said price index has increased (or decreased) with the price index for (state the year the lease is executed).”

Effectively, sponsors must ensure they do not enter into agreements that would surrender their capability to control the airport or subordinate its federal obligation to the lease agreement. FAA Order 5190.6B Chapter 12 *Review of Aeronautical Lease Agreements*³ discusses expectations for lease agreements between the sponsors and aeronautical users.

³ https://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/media/5190_6b.pdf

8.3 FAA GRANT ASSURANCES

Currently there are 39 FAA grant assurances included in FAA Order 5190.6B. As described in Section A. of the Grant Assurances, when an airport sponsor accepts funds from FAA-administered airport financial assistance programs, they must agree to certain obligations (or assurances), and the assurances become part of the grant agreement. These obligations require recipients to maintain and operate their facilities safely and efficiently and in accordance with specified conditions. As described in Section B. of the Grant Assurances, they remain in full force and effect throughout the useful life of the facilities developed or equipment acquired. For airport development or noise compatibility program projects, the useful life is not to exceed twenty (20) years. In the case of equipment acquired under an airport development or noise compatibility program project, the useful life shall be no less than ten (10) years from the date of acceptance of Federal aid for the project. Below are examples of some of the grant assurances.

8.3.1 SPONSOR FUND AVAILABILITY (ASSURANCE #3)

Once a grant is issued to the airport sponsor, the receiving sponsor commits to providing their portion of the total project cost. Currently, airport sponsors are responsible for five percent of the total eligible project costs. In addition, the receiving airport also commits to having adequate funds to maintain and operate the airport in the appropriate manner that protects the investment in accordance with the terms of the assurances attached to and made part of the grant agreement.

8.3.2 PRESERVING RIGHTS AND POWERS (ASSURANCE #5)

Actions that might take away any rights or powers necessary for the sponsor to perform or fulfill any condition set forth by the assurances included as part of the grant agreement are not allowed. If there is an action taken or activity permitted that might hinder any of those rights or powers, it must be discontinued. An example of an action that can adversely affect the rights and powers of an airport is a Through-the-Fence (TTF) activity. TTF activities allow access to airport facilities from off-airport users. In many instances, the airport sponsor cannot control the activity of those operating off the airport resulting in less sponsor control. This loss of control can potentially have an adverse impact to airport users. For example, TTF activities often do not pay the same rates and charges as on-airport users, resulting in an unfair competitive advantage for businesses/users located off-airport versus those on-airport.

8.3.3 CONSISTENCY WITH LOCAL PLANS (ASSURANCE #6)

All projects must be consistent with city and county comprehensive plans, transportation plans, zoning ordinances, and hazard mitigation plans. The airport sponsor and planners should all familiarize themselves with local planning documents before a project is considered and ensure that all projects follow local plans and ordinances.

Further, airport sponsors should be proactive in order to prevent noncompliance with this assurance. The airport sponsor should assist in the development of local plans that incorporate the airport and consider its unique aviation related needs. Sponsor efforts should include the development of goals, policies, and implementation strategies to project the airport as part of local plans or ordinances.

8.3.4 OPERATION AND MAINTENANCE (ASSURANCE #19)

All federally obligated airport facilities must operate at all times in a safe and serviceable manner. The airport sponsor should not allow for any activities that inhibit or prevent this. The airport sponsor must always promptly mark and light any hazards on the airport, and promptly issue Notices to Airmen (NOTAMs) to advise of any conditions that could affect safe aeronautical uses. Exceptions to this assurance include when temporary weather conditions make it unreasonable to maintain the airport, acts of God, and/or other conditions or circumstances beyond the control of the airport sponsor. Further, this assurance does not require the airport sponsor to repair conditions that have happened because of a situation beyond the control of the sponsor.

8.3.5 HAZARD REMOVAL AND MITIGATION (ASSURANCE #20)

Airport sponsors, in an effort to maintain clear airspace, are obligated to take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport are adequately cleared. This includes removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creating of future airport hazards.

8.3.6 COMPATIBLE LAND USE (ASSURANCE #21)

Land uses around an airport should be planned and implemented in a manner that ensures surrounding development and activities are compatible with the airport. To ensure compatibility, the sponsor is expected to take appropriate action, to the extent practicable, including the adoption of zoning laws to guide land use in the vicinity of airports under their jurisdiction. Incompatible land use around airports represents one of the greatest threats to the future viability of airports.

8.3.7 ECONOMIC NONDISCRIMINATION (ASSURANCE #22)

Any reasonable aeronautical activity offering service to the public should be permitted to operate at the airport as long as the activity complies with airport-established standards for that activity and the Grant Assurances. Any agreement made with the airport must have provisions making sure certain persons, firms, or corporations will not be discriminatory when it comes to services rendered as well as rates or prices charged to customers. Provisions include:

- All similarly situated Fixed Based Operators (FBOs) on the airport should be subject to the same rate fees, rentals, and other charges;
- All persons, firms, or corporations operating aircraft can work on their own aircraft with their own employees;
- If the airport sponsor at any time exercises the rights and privileges of this assurance, they will be under all of the same conditions as any other airport user would be;
- The sponsor is encouraged to establish fair conditions which need to be met by all airport users to make the airport safer and more efficient.

The sponsor can prohibit any type, kind, or class of aeronautical activity if it is for the safety of the airport. An example of an activity that may be considered for prohibition is sky diving. It is important to point out that the FAA will review such prohibitions and will make the final determination as to whether or not a particular activity type is deemed unsafe at the airport based on current operational dynamics.

8.3.8 EXCLUSIVE RIGHTS (ASSURANCE #23)

Exclusive Rights at an airport is often a complicated subject usually specific to individual airport situations. The assurances state the sponsor “will permit no exclusive right for the use of the airport by any persons providing, or intending to provide, aeronautical services to the public...”. There are exceptions to this rule. If the airport sponsor can prove that permitting a similar business would be unreasonably costly, impractical, or result in a safety concern, the sponsor may consider granting an exclusive right. To deny a business opportunity because of safety, the sponsor must demonstrate how that particular business will compromise safety at the airport. Exclusive rights are very often found in airport relationships with FBOs, but exclusive rights can also be established with any other business at the airport that could assist in the operation of an aircraft at the airport. Currently, if exclusive rights agreement exists, they must be dissolved before a future federal grant is awarded to the airport.

8.3.9 FEE AND RENTAL STRUCTURE (ASSURANCE #24)

Fee and rental structure at an airport must be implemented with the goal of generating enough revenue from airport-related fees and rents to become self-sufficient in funding day to day operational needs. The airport sponsor should routinely monitor its fee and rental structure to ensure reasonable fees are being charged to meet this goal. Common fees charged by airports include fuel flowage, tie-down, landing fees, hangar rent, and non-aeronautical uses/event fees.

8.3.10 AIRPORT REVENUES (ASSURANCE #25)

All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, must be expended for the capital or operating costs of the airport, local airport system, or other facilities which are owned by the same owner of the airport which will directly impact air transportation passengers or property or for noise mitigation on or off airport property. Use of airport revenue to support or subsidize other non-aviation activities or functions of the sponsor is not allowed and is considered revenue diversion. Revenue diversion is a serious compliance issue subject to scrutiny by the FAA.

8.3.11 AIRPORT LAYOUT PLAN (ALP) (ASSURANCE #29)

An airport sponsor’s ALP should be kept up to date at all times and should include on it both current and future boundaries, facilities/structures, and the location of any non-aviation areas and existing improvements, among other items. No changes should be made to the airport that is not in conformity with the ALP. Any changes of this nature could adversely affect the safety, utility, or efficiency of the airport. If any changes are made to the airport without authorization, the alteration must be changed back to its original condition, or the airport will have to bear all costs associated with moving or changing

the alteration to an acceptable design or location. Additionally, no federal participation will occur for improvement projects not shown on an approved ALP.

8.4 MASSDOT GRANT ASSURANCES

In addition to the standard FAA Grant Assurances, MassDOT/AD issues its own set of Grant Assurances that sponsors must accept to in order to receive state funding for a project. These assurances include requirements for the topics described in the following sections. A complete copy of the Grant Assurances can be found in Appendix B.

8.4.1 DURATION

This assurance states that the conditions of the Grant assurances take effect on the date of execution and shall remain in effect for twenty (20) years from the date of receipt of funds.

8.4.2 CERTIFICATIONS BY THE AIRPORT COMMISSION

This assurance states that the Airport Commission will comply with all applicable federal, state, and local laws, regulations, executive orders, policies, and guidelines as they relate to the acceptance, application, and use of state funds as they relate to the custody, care, management, and operation of the Airport. This section further describes specific certifications relating to the management of the Airport and the grant program.

8.4.3 CERTIFICATION OF THE CHAIRMAN OF THE BOARD OF SELECTMEN OF CHATHAM

This assurance stipulates that the Town of Chatham and its Board of Selectmen will not interfere with the autonomy of the Airport Commission, including the ability to comply with the laws and regulations relating to the management of the grant or the care and custody of the Airport.

8.4.4 ACCOUNTING SYSTEM, AUDIT AND RECORD KEEPING REQUIREMENTS

This assurance binds the Commission to depositing all grant funds into a segregated Airport Commission bank account, keeping all project accounts that fully disclose financial records relating to the project for the purposes of financial audit, and making available to MassDOT/AD any books, documents, papers, and records pertaining to the project.

8.4.5 CONFORMITY TO PLANS, SPECIFICATIONS AND AERONAUTICS DIVISION APPROVALS

This assurance requires the Commission to execute the project according to approved plans and specifications and provide competent technical and administrative supervision to ensure the project is completed in accordance with grant assurances, approved plans and specifications, budgets, and schedules.

8.4.6 AIRPORT OPERATION AND MAINTENANCE

This assurance requires that the Airport be maintained as a public facility for only those uses approved by the Aeronautics Division and the FAA and specifies that non-aeronautical uses of Airport property must

be approved in writing by FAA. This section also requires that the Airport be maintained in a safe and serviceable condition as prescribed by the Airport's established minimum standards and that the Commission may not cease to operate, abandon, dispose of the Airport for any reason other than those specifically outlined in the section. Additionally, the Airport Commission and Town must agree not to close or restrict the use of the Airport or its facilities.

8.4.7 COMPATIBLE LAND USE

This assurance states that the Airport Commission and Town shall take action to the extent reasonable to restrict the use of land adjacent to or in the immediate vicinity of the Airport to activities and purposes compatible with normal airport operations.

8.4.8 ECONOMIC NONDISCRIMINATION

This assurance requires that the Airport Commission and Board of Selectmen make the Airport available to the public on fair and reasonable terms without unjust discrimination to all types, kinds, and classes or aeronautical use. It also requires that any tenant of the airport shall conduct operations in a nondiscriminatory manner and that all airport users should be subject to the same rates, fees, and charges.

8.4.9 AIRPORT REVENUES

This assurance requires the Airport Commission to set rental structures to make the Airport as self-sustaining as possible. It also requires the Commission to deposit all revenues into a segregated account.

8.4.10 REPORTS AND INSPECTIONS

This assurance requires the Airport Commission to make Airport budgetary information available to the public in a format prescribed by the Aeronautics Division.

8.4.11 AIRPORT LAYOUT PLAN

This assurance defines information required to be included on the Airport Layout Plan.

8.4.12 CIVIL RIGHTS

This assurance prohibits the Airport Commission from excluding people from participating in activities conducted with or benefiting from the grant on the grounds of race, creed, color, national origin, gender, age, or disability.

8.4.13 DISPOSAL OF LAND AND AIRPORT FACILITIES

This assurance prohibits the Airport Commission and Board of Selectmen from selling or otherwise transferring ownership of the Airport without approval from the Aeronautics Division.

8.5 NON-AERONAUTICAL USE REQUEST

Public-use airports that receive federal grant assistances are obligated to keep their airports open for aeronautical purposes. Given the amount of land that airports typically occupy, sponsors are frequently approached by the public to use a portion of the airport for some non-aeronautical purposes. In the case of CQX, to ensure compliance with the obligations under the federal grants, they are required to receive approval from the FAA for such activities proposing temporary closure of the Airport for non-aeronautical purposes. In order to protect the continued safe use of airports for aeronautical purposes, CQX must submit sufficient information for the FAA to be able to complete the review and issue a finding.

8.6 FAA ADVISORY CIRCULARS, ORDERS, REGULATIONS, LAWS, AND POLICIES

The following information provides guidance material to the aviation industry with respect to standards, procedures, and practices acceptable to the FAA.

8.6.1 FAA ADVISORY CIRCULARS

Advisory circular (AC) refers to a type of publication offered by the FAA to provide guidance for compliance with airworthiness, pilot certification, operational standards, training standards, and any other rules within the 14 CFR Aeronautics and Space Title. In accordance with FAA Grant Assurance No. 34, the use of ACs is mandatory for all projects funded with federal monies through the Airport Improvement Program (AIP) and/or with revenue from the Passenger Facility Charges (PFC) program. Some examples of ACs are listed below.

- 150/5300-13A- Airport Design Standards
- 150/5220-20A- Airport Snow and Ice Control Equipment
- 150/5340-1L- Standards for Airport Markings

8.6.2 FAA ORDERS

FAA Orders are documents that establish policies and procedures for FAA personnel to follow in carrying out the FAA's responsibilities. They provide basic guidance for FAA personnel in interpreting and administering the various continuing commitments airport owners make to the United States as a condition for the grant of federal funds. Some examples of FAA Orders include:

- 1050.1F- Environmental Impacts: Policies and Procedures
- 5050.4B- National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions
- 5190.6B- FAA Airport Compliance Manual
- 5100.38D- Airport Improvement Program Handbook
- 5090.3C- Field Formulation of the National Plan of Integrated Airport Systems (NPIAS)

8.6.3 REGULATIONS, LAWS, AND POLICIES

The Code of Federal Regulations (CFR) is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal Regulation.

Title 14 of the Code of Federal Regulations (14 CFR) are the regulations that govern today's aircraft. There are 68 regulations organized into three volumes under Title 14, Aeronautics and Space. These 68 regulations can be separated into the following three categories:

- 1) Administrative
- 2) Airworthiness Certification
- 3) Airworthiness Operation

8.7 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

The Disadvantaged Business Enterprise (DBE) program is designed to help ensure that there is a level playing field for socially and economically disadvantaged firms to compete for federally funded airport contracting and concession opportunities. Airport sponsors in the United States that receive FAA grants for airport planning or development and award prime contracts exceeding \$250,000 (federal share) in cumulative value in a fiscal year must have an FAA Office of Civil Rights approved DBE program and meet related requirements as a condition of receiving these funds. Airports are required to report annually on their DBE goal accomplishments, and their DBE goals must be updated every 3 years (or more often if needed).

DBE goals are not quotas, but simply an estimate, based on relative availability of what participation would be expected in the absence of discrimination. Airports must make good faith efforts to meet their overall goals, and account for cases in which they fall short of their goals. The DBE program provides a vehicle for increasing participation by bona fide small firms, owned and controlled by a socially and economically disadvantaged individual(s), certified to participate as DBEs in USDOT federally assisted programs. To be certified as a DBE, a firm must be a small business owned and controlled by socially and economically disadvantaged individuals. Certifiers make the determinations based upon on-site visits, personal interviews, reviews of licenses, stock ownership, equipment, bonding capacity, work complete, resume of principal owners and financial capacity.

A copy of CQX's most recent DBE program methodology (FY 2018- FY 2020) is located in Appendix C.

8.8 PREVIOUS FAA LAND USE COMPLIANCE AUDIT REPORTS

The purpose of the land use inspections is to determine whether a sponsor is in substantial compliance with its federal obligations for land use. These federal obligations accrue to the sponsor when the sponsor accepts grants or transfers of property. Land use is an important aspect of successful and lawful airport management and operation.

In Senate Report No. 106-55, issued in May 1999, Congress directed the FAA to conduct land use inspections at all airports with lands acquired with federal assistance. It required the FAA to report on

the survey results, including the scope of improper and noncompliant land use changes, the proposed enforcement and corrective actions, changes made to FAA's guidelines for use by Airport District Offices (ADOs) and regional airport divisions to assure more consistent and complete monitoring and enforcement, and the extent of FAA approved land releases. Accordingly, the FAA developed the Regional Land Use Inspections Program, which requires the FAA to conduct a minimum of 18 inspections (two per region) per year, and to conduct additional inspections as needed and where resources allow.

The FAA last conducted a land use inspection at the Airport on July 27, 2015. During the inspection, the FAA noted the following findings and suggested actions:

- Avigation easements within the Runway Protection Zone were not depicted on the Town's copy of the Exhibit A, and several non-aeronautical areas currently in use were not identified on the ALP. FAA suggested the following actions:
 - Identify and verify the most current version of the Exhibit A and update the document according to current ARP SOP 3.00 standards.
 - Continue to identify and remove obstructions within the current approaches to Runway 6-24.
- Four non-aeronautical uses were identified during the discussion of the Exhibit A. The Town of Chatham may need to complete surveys of these areas to clearly define property boundaries. There are 10 lots in total, and though a rules and regulations document was created for this area, monthly fees for each lot were not known, which is a violation of Grant Assurance #24. These fees are collected by the Harbormaster and are not deposited into the Airport's account, which is a violation of Grant Assurance #25. Additionally, there was no change to release the property from aeronautical land use to non-aeronautical land use, which is a violation of Grant Assurance #5, Item b. FAA suggested the following actions:
 - Develop a formal release of the area for non-aeronautical use and update the ALP and Exhibit A to reflect the new use.
 - Review and update the rules and regulations for this area.
 - Deposit all future revenues from this area into the Airport's account and recover and credit the previous six years of revenues to the Airport's account.
- No formal release for community use was pursued for the construction of a bicycle trail on Airport property, which is a violation of Grant Assurance #5 and #25. However, it was noted that the agreement to build the trail stipulated that the cost of any relocation of the bicycle path due to the need of the land for Airport use would be borne by the Town and not through the Airport budget. FAA suggested the following actions:
 - Provide information regarding the approval for the development of this trail or obtain a formal release from FAA to change the use of this property from aeronautical to non-aeronautical use.
 - Provide the agreements whereby the costs to relocate the bicycle trail be borne by the Town of Chatham, not Airport revenue, should airport expansion in this area be required.
- The Town Sewer Department built a sewer pump on Airport land without the Airport Commission's knowledge. This area was previously used for the Town's kennel. This is a violation of Grant Assurance #5, Item b #24 and #25. FAA suggested the following actions:

- Develop a formal release of this area for non-aeronautical use and update the ALP and Exhibit A.
- Complete an appraisal of the property to determine fair market rental value and develop a long-term rental lease of the property with appropriate subordination and escalation clauses. The Airport's account should be credited for six years of historical payments.
- The outer portion of the Veterans of Foreign Wars (VFW) recreational field was not formally release for non-aeronautical use. This is a violation of Grant Assurance #5 and #25. FAA suggested that the airport take one of the following two actions:
 - Develop a formal release of the area for non-aeronautical use and update the ALP and Exhibit A accordingly.
 - Sell the property as the area cannot be used for aeronautical use.

8.8.1 CORRECTIVE ACTION PLAN

In May of 2018, the Chatham Airport Commission filed a Corrective Action Plan with the FAA to identify action items, responsible parties, and implementation status. At the time of the submission, all action items identified in the Plan were completed, as follows:

- Exhibit 'A': Updated to conform with current ARP SOP 3.00, including indication of all easements and land requirements, and submitted to FAA on May 31, 2018.
- Runway Approach Clearing: All obstructions were identified as recommended during the annual Aeronautics Division survey of Runway 6-24 in 2016. The Airport will continue to execute needed runway approach clearing as identified annually.
- Fisherman's Storage Area:
 - Prior Revenue: Restitution completed in 2016 and monies from permit holders for the fisherman's storage area are being deposited into the Airport Revolving Fund on an annual basis.
 - Appraisal: A fair market value appraisal was submitted to FAA on May 26, 2017.
 - Review Charges: Charges were revised according to the appraisal review and submitted to FAA on August 31, 2017.
 - Change of Use: A formal release of land for non-aeronautical use request was submitted to FAA on May 31, 2018.
 - Removal: A cleanup effort to remove items prohibited by Airport Rules and Regulations was completed by the Harbormaster's Office during the fall of 2016. Annual reviews and removals will be conducted moving forward.
 - Mapping: Updated mapping of individual storage areas within the overall area submitted to FAA on June 30, 2017.
 - Management: Revised Rules and Regulations conforming with Grant Assurances and Federal Management Regulations submitted to FAA on August 31, 2017 with additional regulation changes to be considered during the fall of 2018 with Harbormaster input.
- Old Colony Trail:
 - Change of Use: A formal release of land for nonaeronautical use request was submitted to FAA on June 30, 2017.

- Reversion Documentation: The 2003 Airport Master Plan indicated that the Town of Chatham through its Board of Selectmen have committed to relocate or remove the bike path in the future should the property be needed for aeronautical or safety purposes. Release submitted to FAA on June 30, 2017.
- Recreation Field:
 - Change of Use: Town Counsel and FAA review of Federal Management Regulation compliance with revised lease agreement complete in May of 2018.
- Sewer Pump Station/Municipal Building:
 - Change of Use: A formal release of land for municipal use request was submitted to FAA on June 30, 2017.
 - Appraisal: A fair market value appraisal was submitted to FAA on May 26, 2017.
 - Lease: A lease/use agreement was developed crediting Town funding expended for connecting the Airport to the municipal sewer system. The lease/use agreement and offset calculation were submitted to FAA on August 31, 2017.
 - Revenue: Town expenditures for legal fees and other support services were proposed in lieu of recovering six years of rent payments. Documentation of this agreement and recovery calculations were submitted to FAA on August 31, 2017.

8.9 FAA CIVIL RIGHTS FILING A COMPLAINT

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Governing Regulation

49 CFR Part 21 Appendix C (b)(3) "Each airport owner subject to this part shall, within 15 days after he receives it, forward to the [FAA Regional Office] in which the airport is located a copy of each written complaint charging discrimination because of race, color, or national origin together with a statement describing all actions taken to resolve the matter and the results thereof. Each airport operator shall submit to the [FAA Regional Office] in which the airport is located a report for the preceding year on the date and in a form prescribed by the Federal Aviation Administrator".

Complaint Received by Airport

Airports are required under 49 CFR Part 21 to forward a copy of any written complaint based on race, color or national origin to the FAA along with a statement describing all actions taken to resolve the matter, and the results thereof. The FAA may advise the airport during their attempts at resolution.

The airport must notify the complainant of the right to file a complaint directly with the FAA.

Complaint Made Directly to FAA

Any person who believes that he or she, individually or as a member of any specific class of persons, was discriminated against based on race, color, national origin, sex, creed, or disability in public services or

employment opportunities may file a written complaint to the FAA, Office of Civil Rights, 800 Independent Ave. SW, Washington, D.C., 20591.

The complaint must be filed no later than 180 days after the date of the alleged discriminatory act or if the discrimination is ongoing, the date the conduct was disclosed.

FAA Title VI Complaint Process

The FAA, Office of Civil Rights and regional Civil Rights Staff, in conjunction with the Department of Transportation Office of Civil Rights, will conduct the following activities:

1. Determine jurisdiction and investigate merit of the complaint. This is based on the status of AIP funding, timeliness of the complaint, and assessment whether allegations are covered by 49 CFR 21.
2. Notify the complainant and the recipient.
3. Review the recipient's AIP funding, past compliance reviews, and the status of assurances.
4. Investigate the complaint. This may include information requests, interviews and/or site visits.
5. Write an investigative report and notify parties of the result.
6. Take appropriate action to remedy any determination of discrimination and/or non-compliance.

This section discusses both the informal and formal resolution of complaints involving federally assisted airports. Under 14 CFR Part 13, any person who knows of a violation of federal aviation laws, regulations, rules, policies, or orders may report the violation to the FAA informally as a "report violation". 14 CFR Part 16 contains the agency procedures for filing, investigating, and adjudicating formal complaints against airport operators. The Part 16 process is the formal administrative process by which the FAA may make a formal agency finding regarding an airport sponsor's status of compliance with its federal obligations.

8.9.1 FAA GENERAL COMPLAINTS

The following information provides FAA guidance for filing information or formal complaints with the FAA.

8.9.1.1 14 CFR Part 13

As outlined in Chapter 5 of the *FAA Order 5190.6B, FAA Airport Compliance Manual*⁴, the informal filing of a complaint permits the reporting party to submit its report of complaint verbally or in writing (letter or email). However, the receiving office may request the complaining parties to submit the allegations and supporting information in writing. When evaluating a complaint, the investigating FAA office must distinguish between the facts and separate facts from unsubstantiated allegations. Only complaints supported by facts may be considered in finding an airport in noncompliance. The complaining party has the responsibility to provide sufficient factual information to support the allegation(s).

⁴ https://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/media/5190_6b.pdf

The Airport District Office (ADO) or regional airports divisions will attempt to resolve these complaints. In the case of Block Grant States, if the ADO receives the complaint about an airport sponsor, that FAA office should contact that state department of transportation or aeronautics division to decide on a protocol for resolving the allegations. Accordingly, those offices will:

1. Evaluate the facts surrounding the filing and identify possible sponsor violations.
2. Clarify the rights and responsibilities of the airport sponsor and the complaining party.
3. Offer assistance to resolve the dispute in a manner consistent with the sponsor's federal obligations.
4. Provide the sponsor the opportunity to comply with its federal obligations voluntarily when a violation is identified.

The ADO will review the filing and assist both parties in reaching a mutually agreeable resolution. If mutually agreed-upon resolution is not possible, the FAA office reviewing the complaint will make a preliminary determination based on facts presented. Although there are no legislative or regulatory deadlines for completing information complaints, regional offices and ADOs are encouraged to attempt to reach resolution within 120 days.

8.9.1.2 14 CFR Part 16

FAA Order 5190.6B- FAA Compliance Manual states that Part 16 covers matters within the jurisdiction of the Associate Administrator for Airports involving federal obligations incurred by an airport sponsor in accepting federal property or FAA grants. This primarily involves financial compliance and reasonable and nondiscriminatory access but includes all obligations in the grant assurances and property deeds. As outlined in 5190.6B, the Part 13 process can facilitate a complainant meeting the pre-complaint resolution requirements of 14 CFR § 16.21. Under that section, potential complainants are required to engage in good faith efforts to resolve the disputed matter informally with potentially responsible respondents before filing a formal Part 16 complaint. Informal resolution may include mediation, arbitration, use of a dispute resolution board, or other form of third-party assistance, including assistance from the responsible FAA ADO or regional airports division. When filing a Part 16 complaint, the complainant must certify that good faith efforts have been made to achieve informal resolution. The Part 16 process is the formal administrative process by which the FAA may make a formal agency finding regarding an airport sponsor's status of compliance with its federal obligations.

However, there are exceptions:

- a) The USDOT handles complaints by air carriers regarding the reasonableness of airport fees filed under 49 U.S.C § 47129. (Refer to 14 CFR Part 302, *USDOT Rules of Practice in Proceedings.*) Carriers may choose whether to file a complaint over the reasonableness of airport fees with USDOT under Part 302 or with FAA under Part 16.
- b) The FAA regional offices of Civil Rights handle airport matters involving civil rights, disadvantaged business enterprises, and persons with disabilities.
- c) The Federal Bureau of Investigations (FBI) handles criminal investigations. Matters that appear to involve a criminal violation should be brought to the attention of the FAA Office of Airports

(ARP) management, who will forward the information to the USDOT Office of the Inspector General for investigation and referral to the FBI.

- d) The National Transportation Safety Board (NTSB), as an independent federal agency charged by Congress, investigates civil aviation accidents in the United States and issues safety recommendations aimed at preventing future accidents. The NTSB determines the probable cause of all U.S. civil aviation accidents and certain public use aircraft accidents.
- e) Other matters that fall outside of the FAA Associate Administrator for Airports jurisdiction are issues involving flight standards and airspace.

8.10 LESSONS LEARNED/IMPLEMENTATION TIMING

- Airport Master Plan- The Airport maintains an active Master Plan describing plans for short-, medium-, and long-term airport development.
- Airport Layout Plan- The Airport maintains an up-to-date ALP showing current and future property boundaries, facility/structures, and the location of existing and proposed aviation and non-aviation areas and improvements.
- Exhibit 'A' Property Map- The Airport maintains an up-to-date Exhibit 'A' Property Map showing all obligated airport property.
- Town Zoning- As identified in Section 8.2.4 of this Chapter, the Town of Chatham has Airport Approach Protection regulations in place. These regulations meet current FAA Part 77 standards for visual runways; however, the existing zoning dimensions are not adequate to meet proposed Part 77 approach dimensions required to establish non-precision approaches, as recommended in *Chapter 5, Facility Requirements*. Further, as a result of the 2009 runway reconstruction project, Runway 6-24 was extended by 50 feet on the Runway 06 end and shortened by 50 feet on the Runway 24 end, thereby changing the starting points of the approach zones on both runway ends. In order to meet FAA requirements for the Airport's existing visual approach, the following changes to Town's Airport Approach Protection regulations are recommended:
 - Change the "Map of Approach Zones Chatham Airport, Chatham, Massachusetts" to reflect the current runway in its existing configuration, referencing the following Part 77 approach dimensions: Start of surface 200 feet beyond the runway end, inner width of 250 feet, length of 5,000 feet expanding uniformly to a width of 1,250 feet at a slope of 20 feet horizontally for every one foot vertically.

In order to meet FAA requirements for the proposed straight-in approach, the following changes to the Town's Airport Approach Protection regulations must be made:

- Change the "Map of Approach Zones Chatham Airport, Chatham, Massachusetts" to reflect the current runway in its existing configuration, referencing the following Part 77 approach dimensions for non-precision approaches: Start of surface 200 feet beyond the

runway end, inner width of 500 feet, length of 5,000 feet expanding uniformly to a width of 2,000 feet at a slope of 20 feet horizontally for every one foot vertically.

- Minimum Standards- As discussed in section 8.2.5 of this Chapter, the Airport's minimum standards are defined in the *Chatham Municipal Airport Minimum Standards for Commercial Activities* (CQX Minimum Standards) and include guidelines for a variety of commercial businesses that may wish to operate out of CQX. Last updated in June of 2000, these standards do not contain some of the recommended provisions, as suggested in FAA AC 150/5197-7, *Minimum Standards for Commercial Aeronautical Activities*. Further, some information contained within the existing Minimum Standards appears to be outdated. Recommended changes to reflect current information and FAA's suggested provisions are as follows:
 - Page 1, *Definitions, Chatham Municipal Airport* identifies the "seaplane base at White Pond" as part of the Airport. This base is no longer operational, and therefore this reference should be removed.
 - Page 3, *Flight Instruction Aircraft Rental, Sales Sightseeing Flights*. Consider revising this section to include the following:
 - Type of flight training to be provided.
 - Type of aircraft to be made available.
 - Contact information for the local Flight Standards District Office.
 - Page 4, *Fuel Storage and Dispensing* states that, "The Commission reserves the right to sell all aviation and motor fuels on the Airport." According to Airport Management, the FBO currently handles fuel operations. Consider revising this section to include the following:
 - Requirement for the FBO to follow environmentally-sound practices as defined by the Stormwater Pollution Prevention Plan (SWPPP) and the Spill Prevention, Control, and Countermeasures (SPCC) Plan.
 - Amount of fuel to be available on airport.
 - Fueling operator insurance requirements.
 - Ultralight Vehicles and Sport Aviation. Consider developing language in the Minimum Standards to define safe practices and accommodations for ultralight and light sport aircraft activities.
- Compatible Land Use- Existing land uses surrounding the Airport include the following districts: Residential (R20 and R60), Municipal (M), and General Business (GB3). Town Bylaws specify standard permitted uses, special condition uses, and uses requiring special permits in these districts. Residential land is considered by FAA to be generally incompatible with airports and aircraft mainly due to noise, but also for safety and other environmental reasons. FAA has

established a guidance document titled “Land Use Compatibility and Airports”⁵ to assist state and local governments in efforts to establish and maintain compatible land uses around airports. According to this guidance, “the objectives of compatible land use planning are to encourage land uses that are generally considered to be incompatible with airports (such as residential, schools, and churches) to locate away from airports and to encourage land uses that are more compatible (such as industrial and commercial uses) to locate around airports.”

Additionally, the Airport is obligated under Grant Assurance 21, Compatible Land Use, to “take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport.”

The Airport Commission has reviewed land use compatibility resources and will coordinate with local zoning officials to update zoning ordinances as reasonable to address incompatible land uses surrounding the Airport.

- Disadvantaged Business Enterprise Program- The Airport updates and maintains a current DBE plan every three years, as required. CQX’s most recent DBE plan covers FY-2018 – FY-2020.
- Land Use Compliance Audit Reports- In response to the FAA’s 2015 land use inspection, the Town of Chatham filed a Corrective Action Plan, which was completed in May 2018 and addressed all issues raised during the 2015 inspection.

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https://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/planning_toolkit/media/III.B.pdf