

CHATHAM MUNICIPAL AIRPORT "GOVERNANCE II" PRESENTATION

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Chatham Municipal Airport Governance II - Overview

Joint Meeting

Select Board and Airport Commission

September 14, 2021

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Presentation Overview

After a Brief Chronology on the History/Establishment of the Chatham Municipal Airport, the following authority areas will be covered:

- Airport Commission authority under Massachusetts General Laws (MGL) Chapter 90
- Select Board authority related to the Airport (Town Charter and MGL)
- Town Manager authority related to Airport administration (Town Charter)
- FAA authority (key federal laws and regulations)
- Local Land Use Regulation (General Bylaws)

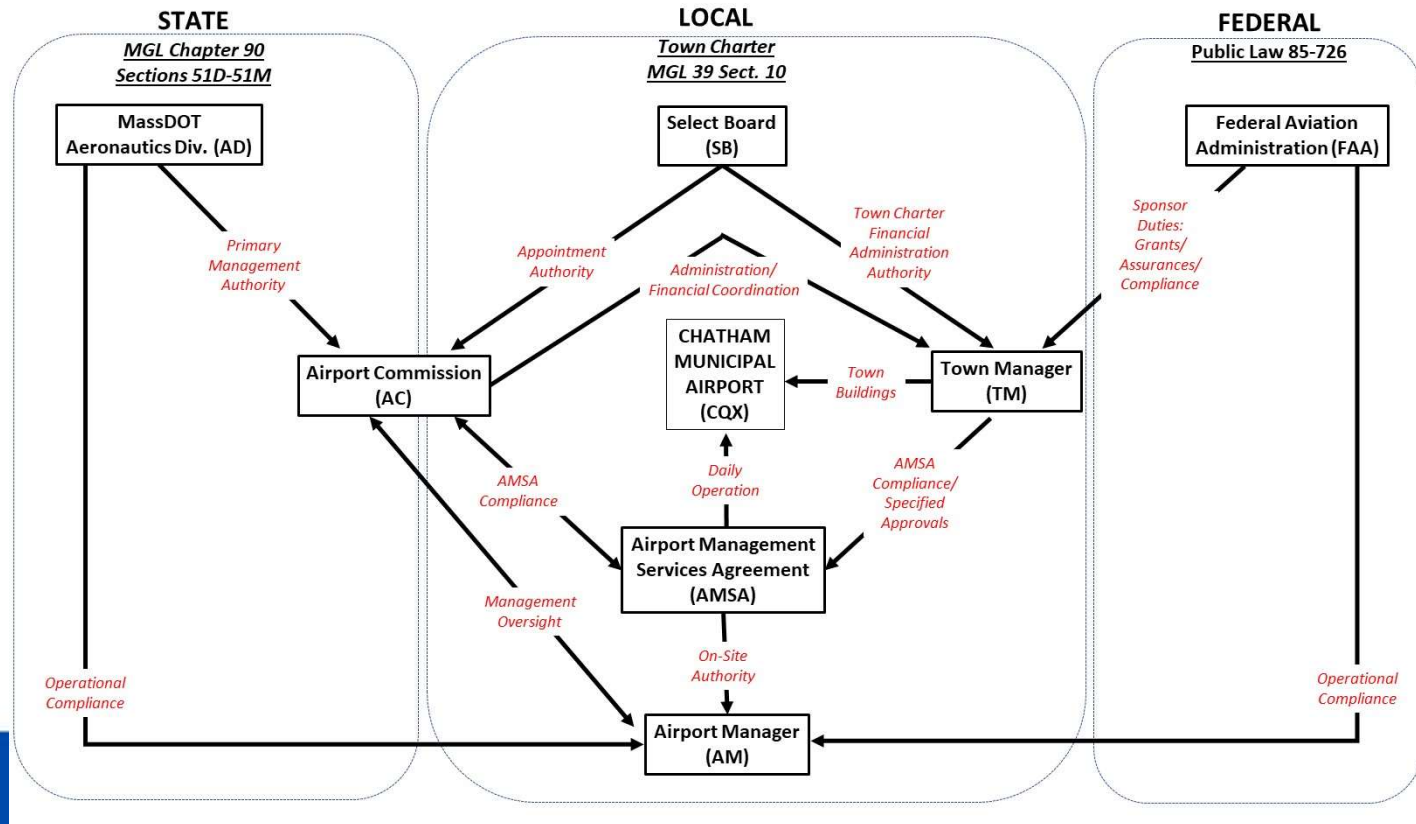
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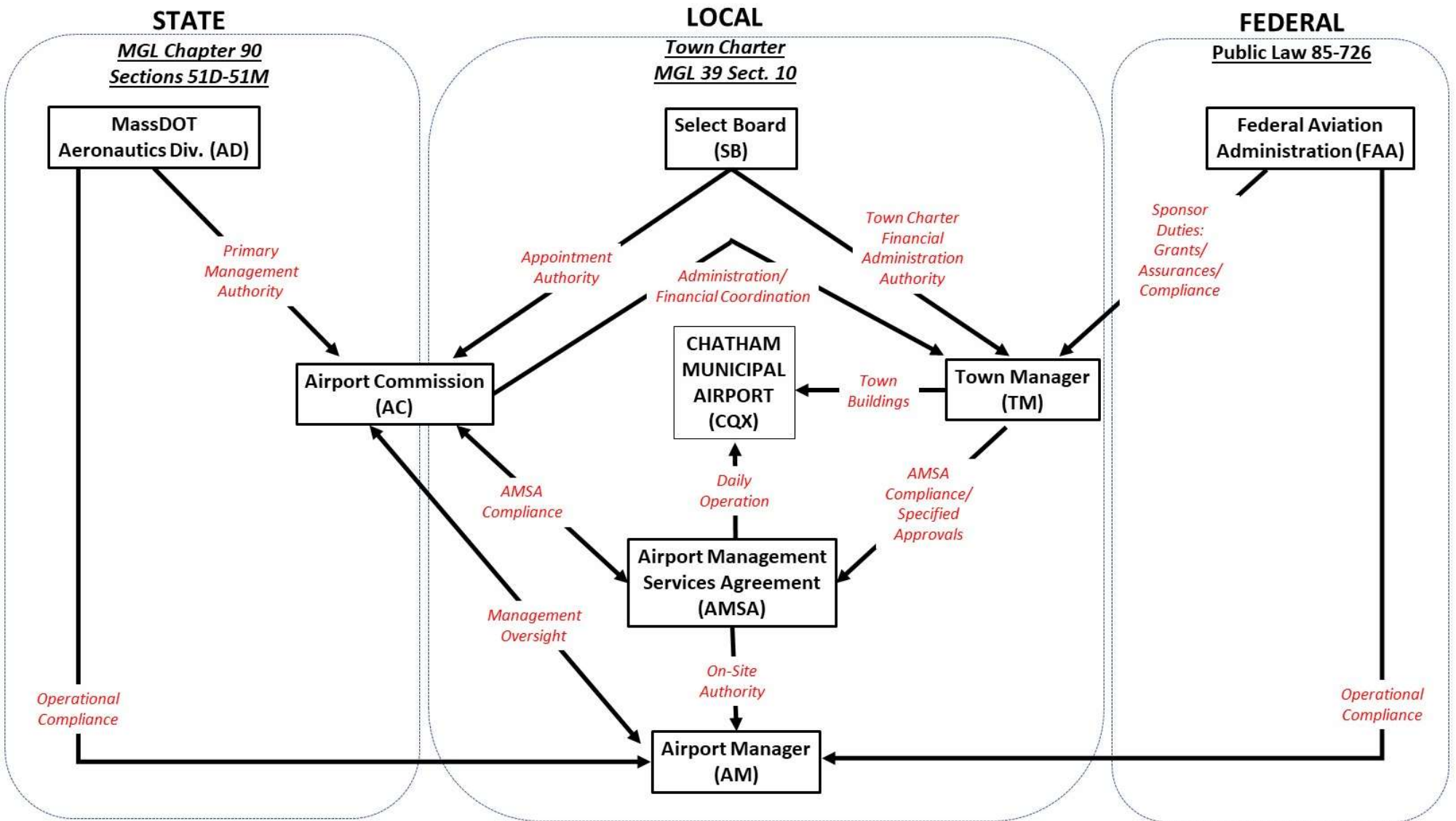
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Multi-Jurisdiction Framework



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History/Establishment

- Late 1920s - eight parcels were assembled by Wilfred Berube for an airfield
- Privately owned and operated in the 1930s
- Massachusetts Aeronautics Commission (MAC) approved commercial use in 1940

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History/Establishment

- In 1949, Town Meeting allocated \$43,750 (to match in \$43,750 – State and \$87,500 Federal contributions) to acquire properties/make runway improvements and establish the Chatham Airport Commission (ATM 1949 - Article 42)
- Recognition of Chatham Municipal Airport as part the Federal Aviation Administration's (FAA) National Plan of Integrated Airport Systems (NPIAS) makes Chatham Municipal Airport eligible for Airport Improvement Program (AIP) funding

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MGL Chapter 90

- Airport Commission's primary authority to manage, operate and maintain the Airport on behalf of the Town is derived from MGL Chapter 90, Sections 51D-51M:
 - 51D – Town Authority to Establish an Airport
 - 51E – Commission Members and Appointing Airport Manager
 - 51F – Authority to Lease Land up to 20 Years
 - 51G – Eminent Domain Authority for Easements Mitigating Aviation Hazards Outside Airport Property Boundary under MGL Chapters 79/80a
 - 51H – Commission Authority to Set Charges for Rentals or Use of Property

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MGL Chapter 90

- Airport Commission's primary authority to manage, operate and maintain the Airport on behalf of the Town is derived from MGL Chapter 90, Sections 51D-51M:
 - 51I – Authorizes Commission to Expend Funds and Make Contracts
 - 51J – Adopt Rules and Regulations consist with State/Federal Regulations
 - 51K – State Authority to Receive Federal Funds on behalf of the Airport Commission (MassDOT Aeronautics Division (AD))
 - 51L – Procurement Compliance with Applicable State and Federal Laws
 - 51M - Exclusive Leasing Motor Vehicle Rights Prohibition

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Chapter 100 – Airport Approach Protection

- Chapter adopted pursuant to the authority conferred by MGL c. 90, §§ 40A through 40I [ATM 03/04/1958, Art. 34]
- Regulates and restricts the height of structures and objects of natural growth in the vicinity of the Chatham Airport
- Promote the 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

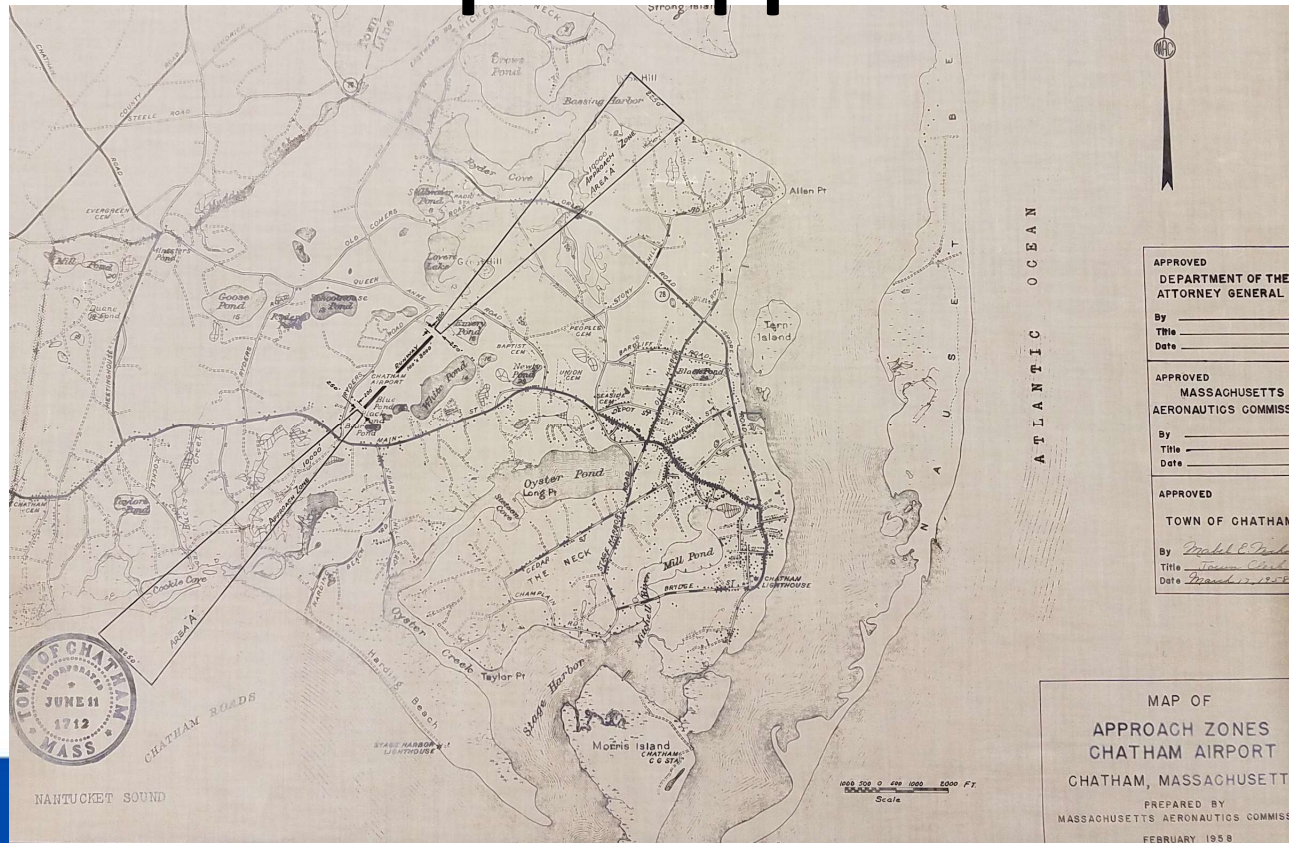
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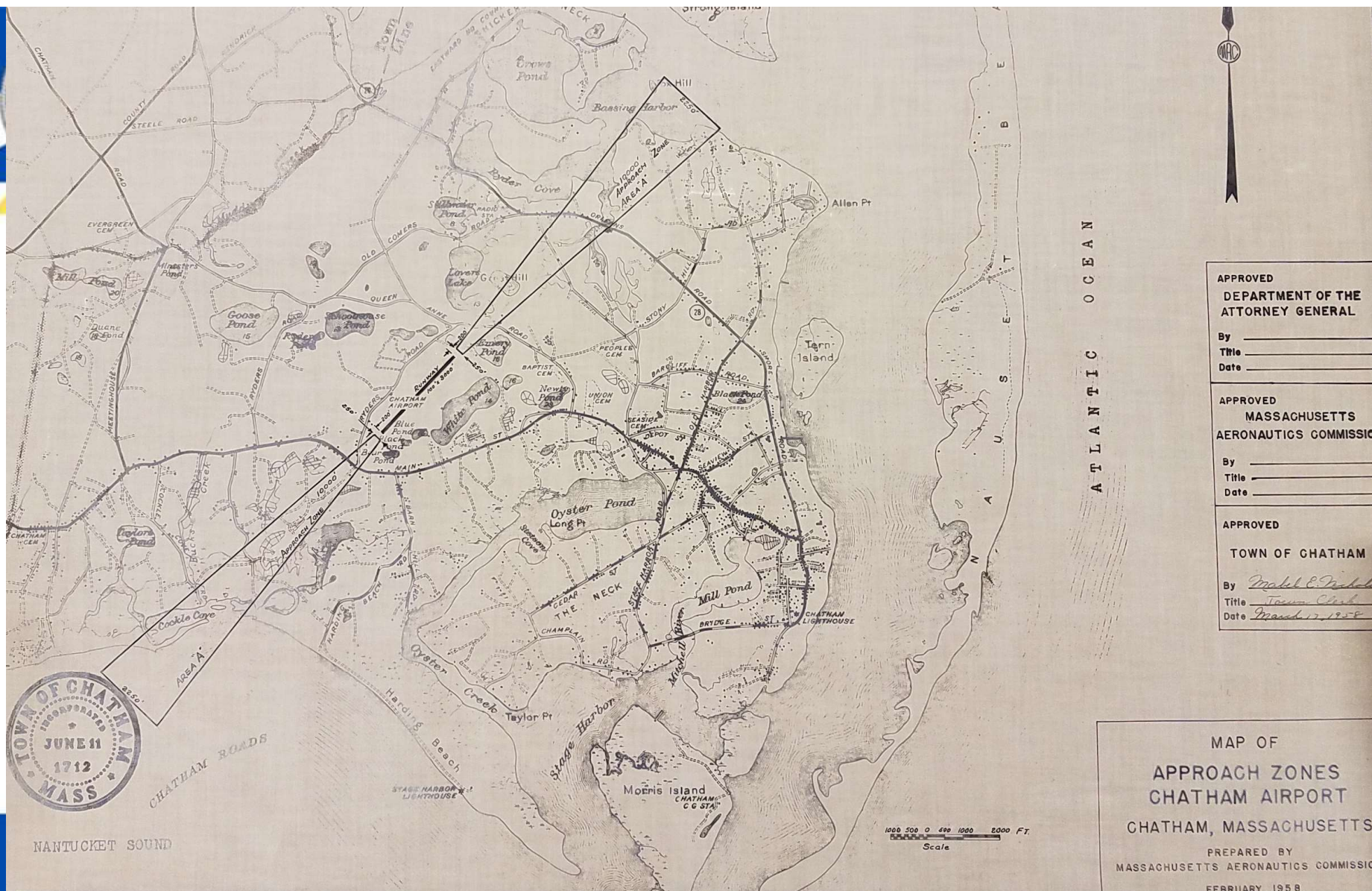
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Chapter 100 – Airport Approach Protection



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Town Manager Powers/Duties

Section 4-7 of the Town Charter spells out the Authority of the Town Manager, primary aspects related to the Airport include:

- Daily administration/proper operation of the affairs of the Town including but not limited to the governmental functions of administration/finance and operation/maintenance of buildings/facilities
- Administer and enforce all provisions of the Laws of the Commonwealth or Special Laws applicable to the Town (e.g., Codes, OML, PRR, etc.)
- Financial Oversight Authority to ensure that financial/administrative activity of the Town are maintained as Chief Procurement Officer

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Select Board

- Executive Authority of the Town who Serve as the Chief Policy Making Agency [Town Charter]
- Appoints Airport Commissioners [MGL Chapter 90 Section 51E / Town Charter]
- Control of Town Meeting Warrant (e.g., airport capital requests for non-eligible buildings, AIP local match, etc.) [MGL Chapter 39 Section 10]

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Federal Sovereignty / Use of Airspace

- Navigable airspace = airspace above the minimum altitudes of flight prescribed by FAA regulations, including airspace needed to ensure safety in the taking off and landing of aircraft [49 USC §40102]
- The United States has exclusive sovereignty of airspace of the United States and there is a public right of transit through navigable airspace in the United States [49 USC §40103]
- Congress directed FAA to prescribe rules for the safe and efficient use of navigable airspace [14 CFR Part 77 - Safe, Efficient Use and Preservation of the Navigable Airspace]

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FAA Regulations

- Except when necessary for takeoff or landing, navigable airspace begins at an altitude of 500' above the surface [14 CFR §91.119]
- To maintain safe and efficient use of navigable airspace, FAA standards to identify obstructions to air navigation, "imaginary surfaces", navigational aids/facilities (including; natural growth, terrain, permanent or temporary construction, equipment and apparatus) used for determining hazards to navigable airspace [14 CFR Part 77]

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Maintain Clear Airspace

- Grant Assurances 19 - Airport must commit to ensure that airspace is cleared of present and future hazards
- Chatham's regulatory mechanism to prohibit obstructions to air navigation is through "Chapter 100 – Airport Approach Protection" of the Town's General Bylaws.

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Noise Regulation

- Regulation of Airport/Aircraft noise is preempted from local regulation
- Local governments may not adopt noise abatement controls that impinge upon aircraft operations
- State and Local Police Power regulation of aircraft noise and safety is federally preempted when it impinges upon air space management, aircraft flight, and operations

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Reporting Violations

The screenshot shows a web browser window with the URL <https://www.chatham-ma.gov/660/Reporting-AircraftAirport-Concerns>. The page features a navigation menu on the left with icons for Agendas & Minutes, Meeting Videos, Online Services, and Document Center. The main content area is titled 'Reporting Aircraft/Airport Concerns' and includes sections for 'Aircraft Noise', 'Low Flying Aircraft', 'Ground Operations', and 'Airport Policy'. A sidebar on the left lists 'Airport Documents' such as 'Airport Governance, Regulations & Agreements', 'Airport Master Plan Update (AMPU) February 2021', 'Environmental Assessment (EA) Portal', 'Hangar Information', 'Use of Drones in Chatham', and 'Reporting Aircraft/Airport Concerns'.

Airport Documents

- Airport Governance, Regulations & Agreements
- Airport Master Plan Update (AMPU) February 2021
- Environmental Assessment (EA) Portal
- Hangar Information
- Use of Drones in Chatham
- Reporting Aircraft/Airport Concerns

Reporting Aircraft/Airport Concerns

To assist the public in reporting various concerns they may have regarding aircraft take-offs/landings and the Airport please use the following contacts:

Aircraft Noise

The jurisdiction of the Airport Commission and the Airport Manager is limited to advising pilots about voluntary noise abatement through the **Fly Friendly Program**, as well as signage at the departure ends of the runways. If an aircraft's volume seems excessive, the public can report it online to the Federal Aviation Administration (FAA) Regional Noise Ombudsman via email to 9-an-noise@faa.gov

Members of the public who would prefer to phone in a complaint should call 781-238-7400.

Low Flying Aircraft

Complaints regarding low flying aircraft, drone/UAV, bird/wildlife strike, military aircraft operation, or other in-air operations should contact the FAA's Reporting Hotline online at <https://hotline.faa.gov> or by calling 1-800-255-1111.

Ground Operations

Questions or concerns about ground operations at the Airport should be directed to the Airport Manager: **Email the Airport Manager** or call 508-945-9000. Messages will be returned as soon as practicable.

Airport Policy

Questions or concerns about Airport policy should be directed to the Airport Commission: **Email the Airport Commission** or call 508-945-5109. Messages will be returned as soon as practicable.

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Funding Overview

- Airport Manager/Fixed Based Operator (FBO) pays to use the facility via Airport Management Service Agreement (AMSA) and provides daily onsite management by a State Certified Airport Manager
- AMSA, Fisherman's Storage Area, and Hangar payments fund the Airport Revolving Fund (ARF) operational expenses/local match requirements (ARF established ATM 1996 – Article 5)
- Funding for airport infrastructure, navigation aids and planning projects are typically eligible for Airport Improvement Program (AIP) funding with 90% Federal and 5% State funding match with 5% Town contribution

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AIP Grants

- *The FAA refers to recipients of AIP grants as "sponsors". A sponsor's eligibility to receive funds under the AIP program varies per the type of airport and the type of proposed project. In general, a sponsor may be a public agency, a private owner, or a State entity that is associated with a public-use airport. Sponsors must be legally, financially, and otherwise able to carry out the assurances and obligations contained in the project application and grant agreement. [AIP Sponsor Guide – 100]*
- *Determination of the public sponsor representative is pursuant to the applicable jurisdictional and governing authority of the agency*
- Sponsor eligibility and requirements are defined in Chapter 2 of the AIP Handbook [Order 5100.38D]

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Town Manager "Sponsor" Duties

"Sponsor" eligibility to receive funds under the AIP program in Chatham is the Town Manager via Finance/Administrative authority conveyed in the Charter:

- Signatory for Applications, Grants and other FAA Correspondence (Compliance, Actions, etc.)
- Co-signatory for AMSA and AMSA Concession Agreements

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Grant Assurances/Compliance Status

- There are no known current Federal or State Grant Assurance Violations
- FAA has reviewed and issued findings on multiple citizen assertions regarding Federal GA Violations, none were identified (January 2016)
- Past identified land use inspection compliance issues were addressed through a Corrective Action Plan and resolved (June 2018)
- Efforts are underway to address identified land use/safety conflicts in Wildlife Habitat Assessment by initiating Fisherman's Storage Area closure

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Conclusion

Hopefully, the Recurring Questions Regarding Airport Governance have been addressed including:

- FAA Authority over Air Travel/Aircraft/Regulation of Noise
- Clarification of Sponsor Representatives
- Compliance with Grant Assurances/Land Use/Avigation Easements
- Chapter 90/Charter
- and other questions

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Questions and Answers