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Basic Reading for new (and experienced) Airport attorneys

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The Basics—FAA Grant Assurances

- FAA Grant Assurances—The Sponsor's contract with the government
- Read all 39 but some are implicated more often than others:
 - Assurance 5 - Preserving Rights and Powers
 - Assurance 22 - Economic Nondiscrimination
 - Assurance 23 - Exclusive rights
 - Assurance 24 - Fee and Rental Structure
 - Assurance 25 - Airport Revenue



Understand the limitations on Airport Revenue

- Order 5190.6B, Airport Compliance Manual (2009)
 - Chapter 15 – Permitted and Prohibited Uses of Airport Revenue
 - Chapter 16- Resolution of Unlawful Revenue Diversion
- Policy and Procedures Concerning the Use of Airport Revenue, 64 Fed Reg 7696 (1999)
- Proceeds from Taxes on Aviation Fuel, 79 Fed Reg 66282 (2014)
- ACRP LRD 2, Theory and Law of Airport Revenue Use and Diversion (2008)
- Air Carrier Incentive Program Guidebook: A Reference for Airport Sponsors (2010)



Know what the Airport can charge and what can (or cannot) be taxed by local governments

- Policy Regarding Rates and Charges, 78 Fed Reg 55330 (2013)
- Order 5190.6B, Airport Compliance Manual (2009)
 - Chapter 17 - Self Sustainability
 - Chapter 18 - Airport Rates and Charges
- 49 U.S. Code § 40116 - State taxation (Anti-Head Tax Act)
- Proceeds from Taxes on Aviation Fuel, 79 Fed Reg 66282 (2014)



Basic Reading on Aeronautical Users

- Order 5190.6B, Airport Compliance Manual (2009)
 - Chapter 8 – Exclusive Rights
 - Chapter 9 – Unjust Discrimination
 - Chapter 12 – Review of Aeronautical Lease Agreements



Procurement

- Procurement and Contracting Under AIP– these rules may conflict with local government procedures or rules on procurement
 - Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
 - FAA Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Projects
 - The procurement standards in Title 2 CFR Part 200, §§ 200.317-200.326

