

September 6, 2014

U.S. Department of Transportation
West Building, Ground Floor
Room W12-140, Routing Symbol M-30, 1200
New Jersey Avenue S.E., Washington, DC

Delivered electronically via www.regulations.gov

RE: DOCKET NO. FAA-2014-0463, NOTICE OF PROPOSED POLICY: POLICY ON THE NON-AERONAUTICAL USE OF AIRPORT HANGARS

The National Air Transportation Association (NATA) is the public policy group representing the interests of aviation businesses before Congress, federal agencies and state governments. NATA's nearly 1,600 member companies are a vital prerequisite for a vibrant general aviation sector providing fuel, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, and fractional aircraft program management. As a result, our members are potentially impacted by the FAA's proposed policy on non-aeronautical use of airport hangars and we therefore appreciate the opportunity to submit comments.

The Notice of Proposed Policy preamble outlines the FAA's historic interpretations of grant assurances related to airport sponsor obligations, specifically grant assurance 22, *Economic Nondiscrimination*, and grant assurance 19, *Operation and Maintenance*. NATA agrees with the need to enforce the grant assurance requirements to ensure airport availability for aeronautical activities and prohibit the airport sponsor from causing or permitting activity that would interfere with the use of airport property for airport purposes. This policy is also essential to ensuring federal airport funds are used appropriately. In general, the FAA's proposed policy is sound and NATA supports it.

NATA does have concerns with the proposed policy's description of incidental use and limitations on homebuilt aircraft projects as outlined in the Notice of Proposed Policy and offers the following related recommendations to enhance the proposal's clarity and flexibility.

INCIDENTAL USE

The Notice of Proposed Policy's preamble discussion states, "If the presence of non-aeronautical items in a hangar does not interfere with these obligations, then the FAA will generally not consider their presence to constitute a violation of the sponsor's obligation to provide reasonable access to aeronautical users and tenants." NATA agrees with this description. If the hangar is primarily used for aeronautical purposes, such as the storage of an aircraft, and the storage of the non-aeronautical item, regardless of the item, does not account for the majority portion of the hangar and does not interfere with safe aircraft operations, the non-aeronautical item should be considered acceptable and not a breach of grant assurance requirements.

However, the proposed policy's description of incidental use specifically states, "Provided the hangar is used primarily for aeronautical purposes, an airport sponsor may permit limited, non-aeronautical use items to be stored in hangars provided the items are incidental to aeronautical use of the hangar and occupy an insignificant amount of hangar space (e.g. a small refrigerator)." It is common for an aircraft tenant or owner at a small general aviation airport to have, for example, a workbench or even a vehicle in the hangar. The inclusion of a single example, such as a small refrigerator, could easily lead an inspector or airport sponsor to unnecessarily limit storage of non-aeronautical use items by judging such items by size or function in comparison to a "small" refrigerator. NATA has been very appreciative and supportive of the agency's efforts with regard to consistent regulatory interpretation and, in that spirit, recommends removing this example or at least including additional examples to provide clarity to field inspectors, airport sponsors, and hangar tenants and owners.

HOMEBUILT AIRCRAFT

NATA recognizes the FAA's effort to formalize existing policy regarding homebuilt aircraft. The Proposed Policy Notice clarifies that "final assembly of an aircraft, leading to the completion of the aircraft to a point where it can be taxied, will be considered an aeronautical use." While this language would certainly provide some clarity for local FAA inspectors, it does not appropriately address the unique aspects of a homebuilt aircraft project.

- The FAA appears concerned about the possibility of never-ending homebuilt projects that take up valuable hangar space. While it is true the length of time needed to complete a homebuilt aircraft can vary significantly because of the builder's experience, personal time available to work on the aircraft, and other issues, NATA does not believe this is a reason to keep all homebuilt aircraft projects off the airport until final assembly.

NATA believes a homebuilt aircraft scenario could be handled similarly to commercial aircraft manufacturers: an active homebuilt aircraft project is considered aeronautical use, regardless of the stage of build, and the local authorities should address issues of time to complete the aircraft through lease agreements or other local policies.

Indeed homebuilt aircraft projects can take a number of years to complete, often from delays for reasons beyond the builder's control. However, it is definitely more convenient and arguably safer (as unreported internal damage occurring during transit could create a significant safety concern) to build an aircraft in one location, rather than building it in one location and moving it in pieces to another location to complete final assembly. NATA recommends all activity related to homebuilt aircraft be considered aeronautical use and local authorities be permitted to manage homebuilt aircraft activity through hangar leases and local policy.

NATA requests the FAA revise the proposed policy in accordance with the recommendations above. These revisions would be consistent with the FAA's goal of ensuring grant assurances are appropriately met while allowing flexibility among FAA inspectors, airport sponsors, and hangar tenants and owners.

NATA values the opportunity to participate in this discussion and we applaud efforts by the FAA to standardize and formalize its non-aeronautical use of airport hangars policy.

Sincerely,

A handwritten signature in blue ink, appearing to read "John McGraw".

John McGraw

Director, Regulatory Affairs