



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Associate Administrator  
for Airports

800 Independence Ave., SW.  
Washington, DC 20591

**AUG 27 2009**

Mr. Brent Blue  
P.O. Box 15240  
Jackson Hole, WY 83002

Dear Mr. Blue:

Administrator Babbitt asked me to respond to your August 4 letter about the Federal Aviation Administration's position on "through-the-fence" (TTF) agreements.

You believe FAA seeks to cancel TTF agreements and is using the denial of Airport Improvement Program (AIP) grant funding to bring this about. You also believe there is no rule forbidding TTF agreements or a rule against residential hangars.

The FAA has a longstanding policy opposing residential encroachment on federally obligated airports. One of the grant assurances an airport accepts as part of a grant agreement is to take proper action, to the extent reasonable, to restrict the use of land next to an airport to activities compatible with airport operations. This is codified at 49 U.S.C. § 47107 (a) (10).

Residents of an airpark or an on-airport hangar home are no different from residents without airplanes. Both seek to preserve one of their most valued possessions, their home. They may seek to force restrictions (i.e., night curfews, no training, no jets or helicopters, etc.) to preserve their way of life.

The FAA has no objection to airparks at private airports. They operate for the benefit of the private owners. The same does not apply to public use airports receiving Federal financial aid. These public airports operate for the benefit of the public and the public interest should in no way become subordinate to the private interests of airpark residents. The Airport and Airway Improvement Act of 1982 that provides for the grant funding of airports never considered such funding as support for the private real estate interests of TTF airpark residents.

Over the years, FAA has issued grants totaling \$1.8 billion to buy land and homes, relocate residents, and mitigate the impacts of aircraft noise with soundproofing. It would be counterproductive for FAA to continue this program and at the same time allow more homes to be built on or next to the airport. If an airport sponsor approves residential development on or next to its airport, the sponsor will lose its credibility in defending the airport before zoning authorities to oppose other proposed incompatible residential development near the airport.

We are aware of the Aircraft Owners and Pilots Association (AOPA) members on both sides of this matter. Some members are airpark residents who believe as you do that airparks provide security and economic benefits to an airport. Other members that operate on airport express concern that the airport fees they pay may subsidize airpark residents. That is, they believe they must pay more to use the airport because airpark residents do not pay their fair share of airport costs.

In cases of residential encroachment on or next to an airport with TTF access, FAA tries to work with the airport to mitigate the encroachment. The FAA seeks to prevent future residential encroachment and mitigate noncompatible residential use at the end of the TTF agreement. The FAA is not directing airports to terminate TTF agreements.

The FAA may withhold future grant funding if the utility of the Federal investment in the airport is undermined. This may occur because an airport is unwilling to address residential encroachment. It may also occur if an airport has granted rights to a private party that undermines its ability to comply with FAA grant assurances.

Because there appears to be a fair amount of misinformation on this matter, I recently met with AOPA representatives. We committed to work together as FAA prepares guidance that will be uniform among its regions and stress a case-by-case approach to better clarify how airport sponsors address TTF matters.

Thank you for sharing your views on this topic.

Sincerely,



Catherine M. Lang  
Acting Associate Administrator  
for Airports