

## APPENDIX A, GRANT ASSURANCE DESCRIPTION

The following list organizes the grant assurances into two categories. It is important to note that the descriptions in the list are greatly paraphrased to provide a brief overview of each assurance. The full description of these assurances is a twenty-two page document which can be viewed on the FAA website: [goo.gl/Zj1wm5](https://www.faa.gov/airports/aip/grant_assurances/media/airport-sponsor-assurances-aip.pdf).<sup>1</sup>

### Grant Specific Assurance

**Assurance 2: Responsibility and Authority of the Sponsor**, requires the grant applicant to have authority to make the grant request and the financial ability to complete the requested project.

**Assurance 3: Sponsor Fund Availability**, requires the grant applicant to have sufficient funds to cover non-grant funded portion of the requested project and funding to continue maintenance on the funded project.

**Assurance 6: Consistency with Local Plans**, requires the sponsor to ensure the requested project is reasonably consistent plans of other local public agencies.

**Assurance 7: Consideration of Local Interest**. The sponsor must give fair consideration to the interest of communities in or near the project location.

**Assurance 8: Consultation with User**. During the decision making process on any airport development, the sponsor must consult with airport users.

**Assurance 9: Public Hearings**. For projects involving the location of an airport, airport runway, or major runway extension, the sponsor must provide public hearings to consider the economic, social, and environmental effects of the proposed project.

**Assurance 10: Metropolitan Planning Organization**. Applies to medium and large-hub commercial service airports.

**Assurance 12: Terminal Development Prerequisites**. On the date of application, the sponsor must have all required airport security and safety equipment.

**Assurance 13: Accounting Systems, Audit, and Record Keeping Requirements**. The sponsor must keep accurate accounting of all grant funding and make those books available to the Secretary and Comptroller General.

**Assurance 14: Minimum Wage Rates**. Any project over \$2,000 must include provisions for minimum wage.

**Assurance 15: Veteran's Preference**. Preference must be given to available and qualified veterans.

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<sup>1</sup> [https://www.faa.gov/airports/aip/grant\\_assurances/media/airport-sponsor-assurances-aip.pdf](https://www.faa.gov/airports/aip/grant_assurances/media/airport-sponsor-assurances-aip.pdf)

**Assurance 16: Conformity of Plans and Specifications.** Constructions plans must be approved by the Secretary prior to commencement of site preparation. Changes to the plans must also be approved by the Secretary.

**Assurance 17: Construction Inspection and Approval.** The sponsor will inspect work to ensure it is being completed in compliance with the approved plans.

**Assurance 18: Planning Projects.** The sponsor will complete the planning project in conformance with the project application; report to the Secretary as requested on the status of the project; make material available to the public and not copyright any such material; allow the Secretary unrestricted access to publish, disclose and distribute the material; allow the Secretary to disapprove any consultant hired for the project; allow the Secretary to disapprove sponsors employees completing any of the work; and agree that Secretary's approval of project does not imply commitment to approve any future grant applications.

**Assurance 32: Engineering and Design Services.** Award of engineering and design services contract shall be government by Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualification-based system.

**Assurance 33: Foreign Market Restrictions.** Grant funding cannot be expended on products or services from foreign countries on the United States Trade Representative list of countries that do not treat US products and supplies fairly.

**Assurance 34: Policies, Standards, and Specifications.** The project will be carried out in conformance with policies, standards and specifications

**Assurance 35: Relocation and Real Property Acquisition.** The sponsor will follow 49 CFR part 24, subparts B, C, D & E when acquiring real property.

**Assurance 37: Disadvantaged Business Enterprises.** The sponsor must have an FAA approved DBE program and comply with those terms. The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract.

## Long-Term Commitments

**Assurance 1: General Federal Requirements.** This assurance lists twenty-six Federal Legislations acts, six Executive Orders and twenty-three Federal Regulations with which the sponsor must comply. They include such items as the Davis-Bacon Act, Federal Fair Labor Standards Act, Clean Air Act, etc.

**Assurance 4: Good Title.** The grant applicant must hold good title to the landing area of the airport.

**Assurance 5: Preserving Rights and Powers.** The sponsor may not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary. *The sponsor will not sell, lease, encumber, or otherwise transfer or dispose of any property shown on Exhibit A without approval of the Secretary.* If the airport is managed by an

agency or person other than the sponsor, the sponsor will reserve sufficient rights and authority to ensure the airport will be operated and maintained appropriately. Sponsors will not allow through-the-fence agreements at commercial service airports. At general aviation airports, through-the-fence agreements must comply with Sec. 136 of Public Law 112-95.

**Assurance 11: Pavement Preventive Maintenance.** The sponsor must have a pavement management program in place, and use it for the useful life of any pavement constructed, reconstructed or repaired with federal assistance.

**Assurance 19: Operations and Maintenance.** The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal state and local agencies for maintenance and operation.

**Assurance 20: Hazard Removal and Mitigation.** Sponsor will work to ensure airspace needed for visual or instrument approaches around the airport will be kept clear of obstacles.

**Assurance 21: Compatible Land Use.** As is reasonable, the sponsor will take appropriate action to restrict use of land adjacent to or in the immediate vicinity of the airport, to activities compatible with normal airport operations.

**Assurance 22: Economic Nondiscrimination.** Make the airport reasonably available to all aviation uses; ensure on-airport businesses are providing services at a fair and not unjustly discriminatory basis; charge reasonable rates to all users; allow airport users to service their own aircraft and equipment or use any FBO they desires; do not provide exclusive rights to any entity other than the airport sponsor; when the sponsor provides services, it will do so in a reasonable manner; sponsor may develop reasonable and not unjustly discriminatory conditions for all airport users; sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport is such action is necessary for the safe operation of the airport<sup>2</sup>.

**Assurance 23: Exclusive Rights<sup>3</sup>.** The sponsor may not permit exclusive use of the airport by any person providing aeronautical services to the public.

**Assurance 24: Fee and Rental Structure.** The sponsor will charge rent and fees to make the airport as self-sustaining as possible given the circumstances of the airport.

**Assurance 25: Airport Revenues.** All revenue generated by the airport will be expended by it for the capital or operation costs of the airport.<sup>4</sup>

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<sup>2</sup> As an obligated airport, the FAA is the final arbiter as to what constitutes a reasonable restriction. As the County has experiences, the FAA does not automatically agree with the sponsor and can require that the sponsor allow activity that it might otherwise deem undesirable.

<sup>3</sup> The FAA makes special reference to Exclusive Rights assurance and indicates that these requirements do not expire with the expiration of other grant assurances.

<sup>4</sup> The FAA makes special reference to Airport Revenue assurance and indicates that these requirements do not expire with the expiration of other grant assurances.

**Assurance 26: Reports and Inspections.** The sponsor shall make annual budget, financial and operations reports available to the Secretary and public. For airport development projects and noise compatibility program projects, all airport records and documents affecting the airport, including deeds, lease, operation and use agreements, and regulations must be available for inspection by the Secretary upon reasonable request.

**Assurance 27: Use by Government Aircraft.** The sponsor will make the airport available to government aircraft without charge.<sup>5</sup>

**Assurance 28: Land for Federal Facilities.** Airport owned property will be provided at no charge to the federal government for the installation and maintenance of air traffic control, air navigation activates or weather-reporting and communication equipment.

**Assurance 29: Airport Layout Plan.** The sponsor will keep its Airport Layout Plan up to date at all times.

**Assurance 30: Civil Rights.** The sponsor will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

**Assurance 31: Disposal of Land.** When airport property is no longer needed for its intended use for either noise compatibility purposes or airport uses, it may be sold at fair market value. Revenue must be reinvested in either an approved noise compatibility project, a grant eligible capitol project or transferred to another eligible public airport or paid to the Secretary for deposit in the Airport and Airway Trust Fund.

**Assurance 36 Access by Intercity Buses.** The sponsor will permit intercity buses or other modes of transportation to have access to the airport.

**Assurance 38: Hangar Construction.** Airport sponsor may grant to aircraft owner, a long-term lease to construct his own hangar, subject to reasonable terms and conditions the sponsor may impose.

**Assurance 39: Competitive Access.** When a medium or large hub airport cannot accommodate an air carriers request for access to gates or other airport facilities, the sponsor must report that denial to the Secretary.

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<sup>5</sup> There are several exceptions to the no-charge clause of this assurance. See the full description for all details.