

§ 151.99 Modifications of programming standards.

The Director, Airports, Service, or the Regional Director concerned may, on individual projects, when necessary for adaptation to meet local conditions, modify any standard set forth in or incorporated into this subpart, if he determines that the modification will provide an acceptable level of safety, economy, durability, or workmanship.

[Amdt. 151-13, 31 FR 11605, Sept. 2, 1966]

Subpart D—Rules and Procedures for Advance Planning and Engineering Proposals

AUTHORITY: 49 U.S.C. 106(g), 40113, 47151, 47153.

SOURCE: Docket No. 6227, 30 FR 8040, June 23, 1965, unless otherwise noted.

§ 151.111 Advance planning proposals: General.

(a) Each advance planning and engineering proposal must relate to an airport layout plan or plans and specifications for the development of a new airport, or the further development of an existing airport. Each proposal must relate to a specific airport, either existing or planned, and may not be for general area planning.

(b) Each proposal for the development or further development of an airport must have as its objective either the development of an airport layout plan, under §151.5(a), or the development of plans designed to lead to a project application, under §§ 151.21(c) and 151.27, or both.

(c) Each proposal must relate to planning and engineering for an airport that—

(1) Is in a location shown on the National Airport Plan; and

(2) Is not served by scheduled air carrier service and located in a large or medium hub, as identified in the current edition of "Airport Activity Statistics of Certificated Route Air Carriers" (published jointly by FAA and the Civil Aeronautics Board), that is available for inspection at any FAA Area or Regional Office, or for sale by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(d) Each proposal must relate to future airport development projects eligible under subparts B and C.

(49 U.S.C. 1115; sec. 308, 72 Stat. 750, 49 U.S.C. 1349)

[Doc. No. 6227, 30 FR 8040, June 23, 1965, as amended by Amdt. 151-24, 33 FR 12545, Sept. 5, 1968]

§ 151.113 Advance planning proposals: Sponsor eligibility.

The sponsor of an advance planning and engineering proposal must be a public agency, as defined in §151.37(a), and must be legally, financially, and otherwise able to—

(a) Make the certifications, representations, and warranties required in the advance planning proposal, FAA Form 3731;

(b) Enter into and perform the advance planning agreement;

(c) Provide enough funds to pay all estimated proposal costs not borne by the United States; and

(d) Meet any other applicable requirements of the Federal Airport Act and this subpart.

§ 151.115 Advance planning proposals: Cosponsorship and agency.

Any two or more public agencies desiring to jointly participate in an advance planning proposal may cosponsor it. The cosponsorship and agency requirements and procedures set forth in §151.33, except §151.33(a)(1), also apply to advance planning proposals. In addition, the sponsor eligibility requirements set forth in §151.113 must be met by each participating public agency.

§ 151.117 Advance planning proposals: Procedures; application.

(a) Each eligible sponsor desiring to obtain Federal aid for the purpose of advance planning and engineering must submit a completed FAA Form 3731, "Advance Planning Proposal", to the Area Manager.

(b) The airport layout plan, if in existence, must accompany the advance planning proposal. If the advance planning proposal includes preparation of plans and specifications, enough details to identify the items of development to be covered by the plans and

§ 151.119

specifications must be shown. The proposal must be accompanied by evidentiary material establishing the basis for the estimated costs under the proposal, such as an offer from an engineering firm containing a schedule of services and charges therefor.

[Doc. No. 6227, 30 FR 8040, June 23, 1965 as amended by Amdt. 151-11, 31 FR 6686, May 5, 1966]

§ 151.119 Advance planning proposals: Procedures; funding.

The funding information required by § 151.23, except the last sentence, also is required in connection with an advance planning proposal. The sponsor's share of estimated proposal costs may not consist of or include the value of donated labor, materials, or equipment.

§ 151.121 Procedures: Offer; sponsor assurances.

Each sponsor must adopt the following covenant implementing the exclusive rights provisions of section 308(a) of the Federal Aviation Act of 1958, that is incorporated by reference into Part I of the Advance Planning Agreement:

The sponsor—

(a) Will not grant or permit any exclusive right forbidden by section 308(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)) at the airport, or at any other airport now or hereafter owned or controlled by it;

(b) Agrees that, in furtherance of the policy of the FAA under this covenant, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right at the airport, or at any other airport now or hereafter owned or controlled by it, to conduct any aeronautical activities, including, but not limited to, charter flights, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity;

(c) Agrees that it will terminate any existing exclusive right to engage in the sale of gasoline or oil, or both, granted before July 17, 1962, at such an airport, at the earliest renewal, cancellation, or expiration date appli-

14 CFR Ch. I (1-1-08 Edition)

cable to the agreement that established the exclusive right; and

(d) Agrees that it will terminate any other exclusive right to conduct any aeronautical activity now existing at such an airport before the grant of any assistance under the Federal Airport Act.

[Amdt. 151-30, 34 FR 3656, Mar. 1, 1969 as amended by Amdt. 151-32, 34 FR 9617, June 19, 1969]

§ 151.123 Procedures: Offer; amendment; acceptance; advance planning agreement.

(a) The procedures and requirements of § 151.29 also apply to approved advance planning proposals. FAA's offer and the sponsor's acceptance constitute an advance planning grant agreement between the sponsor and the United States. The United States does not pay any of the advance planning costs incurred before the advance planning grant agreement is executed.

(b) No grant is made unless the sponsor intends to begin airport development within three years after the date of sponsor's written acceptance of a grant offer. The sponsor's intention must be evidenced by an appropriate written statement in the proposal.

§ 151.125 Allowable advance planning costs.

(a) The United States' share of the allowable costs of an advance planning proposal is stated in the advance planning grant agreement, but is not more than 50 percent of the total cost of the necessary and reasonable planning and engineering services.

(b) The allowable advance planning costs consist of planning and engineering expenses necessarily incurred in effecting the advance planning proposal. Allowable cost items include—

(1) Location surveys, such as preliminary topographic and soil exploration;

(2) Site evaluation;

(3) Preliminary engineering, such as stage construction outlines, cost estimates, and cost/benefit evaluation reports;

(4) Contract drawings and specifications;

(5) Testing; and

(6) Incidental costs incurred to accomplish the proposal, that would not have been incurred otherwise.