

(c) The purpose of the hearing is to help the Administrator discover facts relating to the location of the airport that is proposed to be developed under an application pending before him. There are no adverse parties or interests and no defendant or respondent. They are not hearings for the purposes of 5 U.S.C. 554, 556, and 557, and do not terminate in an adjudication as defined in that Act.

(d) Each hearing under this section is conducted by a hearing officer designated by the Administrator. The hearing officer decides the length of the hearing, the kind of testimony to be heard, and all other matters respecting the conduct of the hearing. The hearing is recorded in a manner determined by the hearing officer and the record becomes a part of the record of the project application. The Administrator's decision is not made solely on the basis of the hearing, but on all relevant facts.

[Doc. No. 1329, 27 FR 12351, Dec. 13, 1962, as amended by Amdt. 151-11, 31 FR 6686, May 5, 1966; Amdt. 151-35, 34 FR 13699, Aug. 27, 1969]

#### § 151.67 Forms.

(a) The various forms used for the purposes of subparts B and C are as follows:

(1) Requests for Federal-aid, FAA Form 5100-3: Contains a statement requesting Federal-aid in carrying out a project under the Federal Airport Act, with appropriate spaces for inserting information needed for considering the request, including the location of the airport, the amount of funds available to the sponsor, a description of the proposed work, and its estimated cost.

(2) Project application, Form FAA-1624: A formal application for Federal-aid to carry out a project under this part. It contains four parts:

(i) Part I—For pertinent information regarding the airport and proposed work included in the project.

(ii) Part II—For incorporating the representations of the sponsor relating to its legal authority to undertake the project, the availability of funds for its share of the project costs, approvals of other non-United States agencies, the existence of any default on the compliance requirements of §151.77(a), possible disabilities, and the ownership of

lands and interests in lands to be used in carrying out the project and operating the airport.

(iii) Part III—For incorporating the sponsor's assurances regarding the operation and maintenance of the airport, further development of the airport, and the acquisition of any additional interests in lands that may be needed to carry out the project or for operating the airport.

(iv) Part IV—For a statement of the sponsor's acceptance, to be executed by the sponsor and certificated by its attorney.

(3) [Reserved]

(4) Grant agreement, Form FAA-1632:

(i) Part I—Offer by the United States to pay a specified percentage of the allowable costs of the project, as described therein, on specified terms relating to the undertaking and carrying out of the project, determination of allowability of costs, payment of the United States share, and operation and maintenance of the airport in accordance with assurances in the project application.

(ii) Part II—Acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and certification by its attorney.

(5) Periodic cost estimate, Form FAA-1629: a certification to be executed by the contractor, with space for information regarding the progress of construction work as of a specific date, and the value of the completed work.

(6) Application for grant payment, FAA Form 5100-6: Application for payment under a grant agreement for work completed as of a specific date or to be completed by a specific date, with space for an appropriate breakdown of project costs among the categories shown therein, and certification provisions to be executed by the sponsor and the Area Manager.

(7) Summary of project costs, Form FAA-1630: For inserting the latest revised estimate of total project costs, the total costs incurred as of a specific date, an estimate of the aggregate of those total costs incurred to date and those to be incurred before a specific date in the future.

(b) Copies of the forms named in this section, and assistance in completing

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and executing them, are available from the Area Manager.

[Doc. No. 1329, 27 FR 12351, Dec. 13, 1962, as amended by Amdt. 151-8, 30 FR 8040, June 23, 1965; Amdt. 151-11, 31 FR 6686, May 5, 1966; Amdt. 151-17, 31 FR 16525, Dec. 28, 1966; Amdt. 151-25, 33 FR 14535, Sept. 27, 1968; Amdt. 151-34, 34 FR 12883, Aug. 8, 1969]

### Subpart C—Project Programming Standards

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

SOURCE: Docket No. 1329, 27 FR 12357 Dec. 13, 1962, unless otherwise noted.

#### § 151.71 Applicability.

(a) This subpart prescribes programming and design and construction standards for projects under the Federal-Aid Airport Program to assure the most efficient use of Program funds and to assure that the most important elements of a national system of airports are provided.

(b) Except for the standards made mandatory by § 151.72(a), the standards prescribed in this subpart that apply to any particular project are those in effect on the date the sponsor accepts the Administrator's offer under § 151.29(c). The standards of § 151.72(a) applicable to a project are those in effect on the date written on the notification of tentative allocation of funds (§ 151.21(b)). Standards that become effective after that date may be applied to the project by agreement between the sponsor and the Administrator.

(Secs. 1-15, 17-21, 60 Stat. 170, 49 U.S.C. 1120)  
[Amdt. 151-19, 32 FR 9220, June 29, 1967]

#### § 151.72 Incorporation by reference of technical guidelines in Advisory Circulars.

(a) *Provisions incorporated; mandatory standards.* The technical guidelines in the Advisory Circulars, or parts of Circulars, listed in appendix I of this part, are incorporated into this subpart by reference. Guidelines so incorporated are mandatory standards and apply in addition to the other standards in this subpart. No provision so incorporated and made mandatory supersedes any provision of this part 151 (other than of App. I) or of any other part of the Fed-

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eral Aviation Regulations. Each Circular is incorporated with all amendments outstanding at any time unless the entry in appendix I of this part states otherwise.

(b) *Amendments of Appendix I.* The Director, Airports Service, may add to, or delete from, appendix I of this part any Advisory Circular or part thereof.

(c) *Availability of Advisory Circulars.* The Advisory Circulars listed in appendix I of this part may be inspected and copied at any FAA Regional Office, Area Office, or Airports District Office. Copies of the Circulars that are available free of charge may be obtained from any of the offices or from the Federal Aviation Administration, Printing Branch, HQ-438, Washington, D.C. 20553. Copies of the Circulars that are for sale may be bought from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 for the price listed.

[Amdt. 151-13, 31 FR 11605, Sept. 2, 1966, as amended by Doc. No. 8084, 32 FR 5769, Apr. 11, 1967]

#### § 151.73 Land acquisition.

(a) The acquisition of land or any interest therein, or of any easement or other interest in airspace, is eligible for inclusion in a project if it was made after May 13, 1946, and is necessary—

(1) To allow the initial development of the airport;

(2) For improvement indicated in the current National Airport Plan;

(3) For ultimate development of the airport, as indicated in the current approved airport layout plan to the extent consistent with the National Airport Plan;

(4) For approach protection meeting the standards of § 77.23 as applied to §§ 77.25 and 77.27 of this chapter;

(5) To allow installing an ALS (as described in § 151.13), in which case the costs of acquiring land needed for it are eligible for 75 percent United States participation if the need is shown in the National Airport Plan, based on the best information available to the FAA for the forecast period;

(6) To allow proper use, operation, or maintenance of the airport as a public facility, including offsite lands needed for locating necessary parts of the utility systems serving the airport;