



United States
General Accounting Office
Washington, D.C. 20548

Resources, Community, and
Economic Development Division

B-281433

January 29, 1999

The Honorable John R. Kasich
Chairman, Committee on the Budget
House of Representatives

Subject: U.S. Airports: Selected Airports' Views on Federal Requirements

Dear Mr. Chairman:

For over half a century, the federal government has maintained a central role in the development of the nation's system of airports. Through a succession of major aviation laws and grant programs, the federal government has sought to create an air transportation system that is safe and has sufficient capacity to handle expected growth in passenger and cargo traffic. As a result, numerous requirements pertaining to airports' development, operations, and financing have evolved. Some airport officials have complained about the cost of adhering to these requirements, as well as the obstacles federal regulations create in obtaining nonfederal funding.

You asked us to provide you with information on the severity of these complaints. Specifically, you asked us to identify (1) which federal laws, regulations, and administrative requirements potentially affect airports' development, operations, and financing and (2) which federal requirements airport officials view as having a positive or negative effect on their airports and why.

To respond to your request, we developed a list of federal requirements applicable to airports. After developing this list, we surveyed officials from approximately 100 airports as to the effect of these requirements on their airports. The airports ranged in size from small airports serving privately owned aircraft to the country's largest commercial airports. Because not all airports in our survey were randomly selected, the comments obtained may not be representative of all U.S. airports. In tabulating airport officials' views on the requirements, we did not verify the actual effect of these requirements on airports nor did we make any judgments as to the rationale or effectiveness of the various requirements.

RESULTS IN BRIEF

The federal statutes, regulations, and administrative requirements that airports are subject to can be grouped into 11 categories, ranging from environmental, noise, and security requirements to bond rules. Many of these requirements, such as federal design and construction standards and federal contracting procedures, are tied to airports' acceptance of federal grant moneys. Other

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Airport Improvement Program (AIP) grants—a major source of federal aid to airports. The responding officials indicated that requirements in these areas had a generally positive effect because they provided guidance and structure to decision-making. None of the categories elicited a majority of negative responses, though more airport officials indicated a negative effect than a positive one for two categories—federal environmental requirements and contracting requirements. Those officials commenting unfavorably characterized these requirements as burdensome to administer or not cost-effective.

BACKGROUND

While public airports are owned and operated by local authorities, the federal government has the broader responsibility of ensuring a safe air transportation system. In addition, the federal government has assumed responsibility for ensuring adequate air system capacity to meet the nation's demand for air travel and the movement of goods—a demand that has grown significantly in recent decades. As a result, federal laws and programs have evolved to ensure that airports are safe and secure and keep pace with capacity needs and that federal funds are properly accounted for and directed to their best uses.

The federal government's involvement in airport development began during World War II, when the government transferred excess military bases and related properties to state and local governments under the Surplus Property Act of 1944, as amended. These lands were provided on condition that they be used as public airports. In 1946, the Federal Airport Act created a federal aid program to fund airport development. These grants were funded through the government's general tax receipts. In 1970, a matching grant program—financed through a dedicated trust fund supported by user taxes on domestic and international airline travel, domestic cargo transported by air, and noncommercial aviation fuel—was established. Over time, legislation has been added to make the federal government responsible for safety standards, periodic inspections of airfields, and other requirements affecting airports.

AIP, the current federal grant program for airports, was established under the Airport and Airway Improvement Act of 1982, as amended, and is administered by the Federal Aviation Administration (FAA). Since 1982, more than \$20 billion in airport improvement grants have been extended to airports through this program.¹ Funding for AIP grants, a major source of federal funding for airports, has grown to \$1.95 billion for fiscal year 1999.² As a condition of receiving AIP grants, airport owners sign a series of assurances that the funds will be spent according to pertinent laws, regulations, or administrative policies. As AIP funding has grown, the federal government has also assumed a larger percentage and wider range of grant-funded development costs for the 3,300 airports that make up the national system. Between 1946 and 1970, federal aid covered 50 percent of eligible airports' capital improvement costs and its use was generally limited to airfield improvements. Since 1970, the federal share has steadily

¹In 1996, AIP contributed about 20 percent of airports' funding needs. For additional information on airport financing, see Airport Financing: Funding Sources for Airport Development (GAO/RCED-98-71, Mar. 12, 1998).

²Title I, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (P.L. 105-277, Oct. 21, 1998), allows AIP obligations of \$1.95 billion; however, it authorized AIP only through Mar. 31, 1999, and permits obligations of not more than \$975 million until the program's authority is further extended.

grown--in some cases equal to 90 percent of a project's costs--and expanded to include terminal development and noise mitigation.

While federal grants have helped create an extensive airport system, concern has been expressed by airport officials that federal requirements may also impose additional costs and impede certain types of innovative financing, such as equity participation from private owners. The Congress has periodically considered alternative funding arrangements. For example, as it drafted the Airport and Airway Improvement Act of 1982, the Congress considered removing larger airports from AIP but did not. Rather, the 1982 act required the Secretary of Transportation to ". . . report on whether, and to what extent, those airports which have the ability to finance their capital and operating needs without federal assistance should be made ineligible to receive federal assistance for airport development and airport planning. . . ."⁴ The Secretary's report, released in 1987, supported that administration's proposal to allow airports to voluntarily withdraw from the grant program in exchange for permission to levy a passenger facility charge (PFC).⁵ While the PFC proposal eventually passed in 1990, airports have not been released from AIP requirements. Later in the 1990s, declining funding for airports and other factors increased interest in allowing private ownership of commercial airports—presumably private owners would be exempted from some federal requirements—as a means to devolve federal participation in airports. Except for a small pilot program authorized under the Federal Aviation Reauthorization Act of 1996,⁶ privatization has not advanced because various financial and regulatory constraints still impede private control.⁷

FEDERAL LAWS, REGULATIONS, AND ADMINISTRATIVE REQUIREMENTS

The federal requirements we identified affect all facets and phases of airports' development, operations, and financing. The requirements can generally be grouped into 1 of the following 11 categories:

- design and construction standards,
- environmental requirements,
- noise requirements,
- contracting requirements,
- employment and personnel requirements,
- security requirements,
- certification and operational requirements,

³Airport and Airway Improvement Act of 1982, section 522.

⁴Airport and Airway Improvement Act of 1982, section 522.

⁵The Effects of Airport Defederalization, U.S. Department of Transportation (DOT-P-36-87-4, Feb. 1987).

⁶The pilot program, authorized under the Federal Aviation Reauthorization Act of 1996, exempts selected airports from certain regulatory requirements, such as a requirement to use all airport-generated revenue only for airport purposes, provided a majority of airlines that use the airport agree.

⁷See Airport Privatization: Issues Related to the Sale or Lease of U.S. Commercial Airports (GAO/RCED-97-3, Nov. 7, 1996).

- AIP grant program requirements,
- bond rules,
- rates and charges policies, and
- PFC.

Some of these requirements, such as the design and construction standards or the contracting requirements, apply only to those airports that accept a federal grant. (See enc. I for further details.) In addition, some of these requirements are in force only while the grant money is being spent. Others may extend for the useful life (typically about 20 years) of the asset acquired, or in the case of land, may never expire. Presumably, if airports withdraw from the grant program, some of these requirements, particularly grant assurances, could lapse. However, some states already have similar requirements, particularly in areas such as employment and personnel. The federal government could impose new requirements—for example, access for government aircraft or certain design and construction standards, to replace those requirements that lapse.

Other federal requirements, such as environmental laws and safety standards, are not tied to federal grants but apply to all airports. These requirements would still apply to airports even if they were no longer bound by their grant assurances. Also, some of these requirements, such as safety standards, are tied to airports' operating certificates, regardless of whether the airports receive grants.⁸ Other requirements, such as bond rules, apply throughout the nation to all entities, including other public agencies and private corporations.

AIRPORTS' VIEWS ON THE REQUIREMENTS

The airport officials who responded to our survey were generally neutral or positive about the effect of the federal requirements on the development, operations, and financing of their airports. The survey asked the airports to indicate whether the federal requirements in each of the 11 categories had a positive, neutral, or negative effect—or no effect at all. For 3 of the 11 categories, a majority of the respondents said that the federal requirements had a positive effect (see table 1). For the remaining eight categories, neither a positive nor a negative effect received a majority of the responses. When we compared only the positive and negative responses for these eight categories, we found that the positive responses outweighed the negative responses for six, and the negative responses outweighed the positive responses for two.

⁸Airport operating certificates are awarded by FAA under 14 C.F.R. part 139 for any airport servicing aircraft that are operated by a scheduled passenger carrier and can seat more than 30 passengers. Airports seeking or holding an operating certificate must adhere to specific standards and procedures in their operations.

Table 1: Airport Officials' Views on the Effect of the Federal Requirements

Response rates in percentages

Requirement category	Response			
	Positive effect	Neutral effect	Negative effect	No effect
Categories with a majority of positive responses				
Design and construction	70	23	4	3
Certification and operational	66	11	1	21
AIP grants	65	17	12	6
Categories with more positive than negative responses				
Passenger facility charges	47	6	8	39
Noise	43	21	7	29
Employment and personnel	35	29	7	28
Security	34	17	19	30
Rates and charges	30	25	10	35
Bond rules	18	27	3	52
Categories with more negative than positive responses				
Contracting	26	30	33	11
Environmental	23	40	30	7

The reasons for the respondents' predominantly positive views in the nine categories varied, but by a wide margin, the most commonly cited reason was that the federal requirements provide guidance and structure for decision-making on complicated issues. The officials also said that the requirements remove politics from decision-making, simplify decision-making, and protect against lawsuits or other actions. (See enc. II for the responses from the airports.) Some airports also provided specific comments on the effect of these requirements. (See fig.1.)

Figure 1: Comments on the Positive Effect of the Federal Requirements

Design and Construction: “Federal airport standards and specifications are essential to preserve and sustain the best airport system in the world. System standardization cannot be achieved by local airport operators unless national standards are promulgated.”

Certification and Operational Requirements: “We at [airport] take the [part] 139 compliance and cert[ification] inspection (process to obtain airport operating certificate) very serious[ly] and have found the FAA inspectors [to be] very thorough.”

AIP Grant Program: “The AIP grant process has been simplified and unnecessary paperwork has been eliminated.”

Passenger Facilities Charges: “PFCs have been an essential part of providing and planning for capital needs at the airport. The process in place works reasonably well.”

Noise: “National noise standards promote common application of land use development, zoning, and legal interpretation that otherwise could be chaotic and inconsistent throughout the country.”

Security: “The [FAA] Administrator has learned (on occasion) from past mistakes. No longer are wholesale security decisions made for all airports, regardless of size, location, etc.”

Rates and Charges Policies: “Federal airport rates and charges policies now in effect are generally consistent with good business practices. They are, therefore, consistent with what bond buyers and underwriters like to see.”

In none of the 11 categories did a majority of the respondents indicate that the federal requirements have a negative effect. However, more airport officials believed that the federal contracting and environmental requirements have a negative effect on their airports than a positive one. The reason most often cited for the negative effect is that the requirements are burdensome to administer. In addition, some officials indicated that some environmental and contracting requirements are insufficiently funded or not cost-effective, duplicate or contradict other requirements, or are outdated. (See enc. II for responses from the airports.) Airport officials also provided some additional comments as to why the requirements negatively affect their airports. (See fig. 2.)

Figure 2: Comments on the Negative Effect of the Federal Requirements

Environmental: "Regulations appear to be promulgated without first reviewing the impacts to the industries or governments, especially local, who must implement regulations. [We have a] serious lack of clear understanding of what will be expected. There is a serious lack of public education on most regulations. Interpretation of regulations by regulators varies between regulating agencies, inspectors and consultants who attempt to interpret regulations."

"Federal standards often conflict with [state] requirements such as drainage, water retention, wetlands protection and restoration. These issues put the airports in the middle. There needs to be more participation by [federal] and state [officials] to resolve issues."

Contracting Requirements: "Contractors tell us these national requirements add 20-30 percent to local construction costs."

"[An] inordinate amount of time, money, and resources [are] needed to implement contracting standards."

In July 1983, the Department of Transportation, as part of its congressionally mandated study of airport defederalization, surveyed the busiest 288 commercial airports. In addition to requesting information from the airports on their funding and views on defederalization, the survey sought comments from them on federal requirements. The responses to the survey were similar to the responses we received. Most airports were neutral toward the federal requirements, and only 6 out of the 59 requirements drew a total of 10 or more comments, favorable and unfavorable.

SCOPE AND METHODOLOGY

To develop the list of federal requirements, we reviewed the U.S. Code, Code of Federal Regulations, and AIP grant assurance agreements between FAA and airport grant recipients. We also interviewed officials in FAA's Office of Airport Planning and Programming and Office of Airport Safety and Standards. We contacted the Airports' Council International-North America (ACI-NA), American Association of Airport Executives (AAAE), National Association of State Aviation Officials (NASAO), and airport executives.⁹

To assess airports' concerns, we surveyed 102 U.S. airports. Of that number, 52 received the survey at the 1998 ACI-NA annual conference. We also sent 50 surveys to smaller airports whose representatives did not attend the conference, thinking that smaller airports might have different concerns. While the airports we surveyed vary in size and geographic location, they were not randomly selected and, therefore, their responses do not necessarily represent the views of the nation's 3,300 airports. We received responses from 72 airports.

We performed our work from August 1998 through January 1999 in accordance with generally accepted government auditing standards.

⁹ACI-NA represents local, state, and regional governing bodies that own and operate commercial service airports in the United States, Canada, and Bermuda. AAAE is the world's largest professional organization for people that manage commercial service and general aviation airports. NASAO represents the state government aviation agencies in all 50 states, Guam, and Puerto Rico.

AGENCY COMMENTS

We provided a draft of this report to FAA and the Department of Transportation. FAA officials, including the Director of the Office of Airport Safety and Standards and the Deputy Director of the Office of Airport Planning and Programming, said the report was clear and accurately presented the facts. The officials also said they were pleased with the positive results of the survey. FAA and DOT provided some clarifying comments to the report, which we incorporated.

We are sending copies of this report to interested congressional committees; the Secretary of Transportation; the Administrator, Federal Aviation Administration; and the Director, Office of Management and Budget. We will also make copies available to others upon request.

Major contributors to this report are Paul Aussendorf, Jonathan Bachman, Dana Greenberg, Dave Hooper, and Randy Williamson. Please call me at (202) 512-3650 if you have any questions.

Sincerely yours,



Gerald L. Dillingham, Ph.D.
Associate Director, Transportation Issues

Enclosures - 4

FEDERAL REQUIREMENTS GOVERNING AIRPORT
DEVELOPMENT, OPERATIONS, AND FINANCING

Federal requirements exist in statutes (U.S. Code or U.S.C.), regulations (Code of Federal Regulations or C.F.R.), and grant assurances (GA). Some requirements are also contained in Office of Management and Budget (OMB) circulars, executive orders (EO), or Internal Revenue Service (IRS) revenue procedures. These requirements may be tied to an airport's grant assurances; receipt of federal AIP grants or local aid (private facility charges); or operating certificate; or they may generally be applicable to all types of organizations, not just airports.

Category of requirements	Source citation	Basis		
		Federal grant or local user fees	Airport operating certificate	Applicable to all U.S. entities
Design and construction standards				
Americans with Disability Act (ADA)	42 U.S.C. 12101-12213 (49 C.F.R. 27)			X
Obstructions removal and alteration	49 U.S.C. 47107 (14 C.F.R. 77, GA 20)	X	X	
Airport design standards, FAA advisory circulars	49 U.S.C. 44701(b)(2)		X	
Airport layout plan	49 U.S.C. 47107(a)(16) (GA 29)	X		
Architectural Barriers Act of 1968	42 U.S.C. 4151	X		
Seismic Safety of Federal and Federally Assisted New Building Construction	42 U.S.C. 7701, (49 C.F.R. 41, EO 12699)	X		
National Historic Preservation Act of 1966, Archeological and Historic Preservation Act of 1974	16 U.S.C. 470f, 16 U.S.C. 469			X
Rehabilitation Act of 1973, Flood Disaster Protection Act of 1973	29 U.S.C. 794 42 U.S.C. 4012a	X		
Pavement maintenance program	49 U.S.C. 47105(e) 14 C.F.R. 139.305 (GA 11)	X	X	
Environmental requirements				
Clean Air Act Clean Water Act	42 U.S.C. 7401, 33 U.S.C. 1251			X
Compatible land use	49 U.S.C. 47107(a)(10) GA 21	X		
Consultation and hearing process	42 U.S.C. 4332	X		
Environmental Impact Statement, National Environmental Policy Act of 1969	42 U.S.C. 4332			X
Endangered Species Act	16 U.S.C. 668(a)			X

Category of requirements	Source citation	Basis		
		Federal grant or local user fees	Airport operating certificate	Applicable to all U.S. entities
Noise				
Noise compatibility and planning	14 C.F.R. 150	X		
Noise and access requirements	14 C.F.R. 161	X		
Contracting				
Procurement, contract and labor provisions, Contract Work Hours and Safety Standards Act, Labor standards applicable federally financed and assisted construction	U.S.C. 327, 49 C.F.R. 18.36, 29 C.F.R. 5	X		
Minority business participation	49 U.S.C. 47113 (49 C.F.R. 23)	X		
Restrictions on lobbying	49 C.F.R. 20	X		
Denial of public works contracts to countries that deny procurement market access	49 U.S.C. 50102, 50104 (49 C.F.R. 30) (GA 33)	X		
Davis-Bacon Act, Minimum wage rates Predetermination of wage rates, Wage reporting requirements	49 U.S.C. 47112, 40 U.S.C. 276(a), GA 14, 29 C.F.R. 1, 29 C.F.R. 3	X		
Federal Fair Labor Standards Act	29 U.S.C. 201			X
Copeland Anti-kickback Act	18 U.S.C. 874	X		
Procurement of engineering and design services	49 U.S.C. 47107(a)(17) (GA 32)	X		
Employment and personnel				
Equal Employment Opportunity and Affirmative Action	41 C.F.R. 60, (GA 30), (E.O. 11246)	X		X
Civil Rights Act of 1964	42 U.S.C. 2000d (49 C.F.R. 21)			X
Nondiscrimination of handicaps	49 C.F.R. 27	X		
Veterans' preference	49 U.S.C. 47112c (GA 15)	X		
Hatch Act	5 U.S.C. 1501	X		
Drug-Free Workplace Act of 1988	41 U.S.C. 702-706 (49 C.F.R. 29)	X		
Age Discrimination Act of 1975	42 U.S.C. 6101	X		
Security				
Airport security program, program updates, access control, and record-keeping	49 U.S.C. 44903 (14 C.F.R. 107)		X	

Category of requirements	Source citation	Basis		
		Federal grant or local user fees	Airport operating certificate	Applicable to all U.S. entities
Certification and operation				
Construction inspection	GA 17	X		
Suitably operate and maintain the Airport	49 U.S.C. 47107(a)(7) (GA 19)	X		
Certification, inspection, and operational requirements for airports serving passenger aircraft with more than 30 seats	49 U.S.C. 44706 (14 C.F.R. 139)		X	
AIP grant program				
Federal share	49 U.S.C. 47109	X		
Project eligibility	49 U.S.C. 47110	X		
Use (diversion) of airport revenues	49 U.S.C. 47107(b) and (l), 47133 (GA 25)	X		
Exclusive rights/use	49 U.S.C. 47107 (a)(4) (GA 33)	X		
Uniform administrative requirements for grants and cooperative agreements to state and local governments	49 C.F.R. 18	X		
Reimbursement for eligible costs	49 U.S. C. 47111	X		
Uniform Relocation Assistance and Real Property Acquisition Policies Act	42 U.S.C. 4601 (49 C.F.R. 24)	X		
Priority system	49 U.S.C. 47120	X		
Cost/benefit analysis for letters of intent and grants over \$5 million	49 U.S.C. 47115(d), OMB A-94, EO 12893, 62 Fed. Reg. 34108 (1997)	X		
Property cannot be sold, leased, or transferred for useful life or 20 years	49 U.S.C. 47107(a)(7) (GA B(1))	X		
Consistency with local plans, consideration of local interest, consultation of users, public hearings	49 U.S.C. 47106 (GA 6-9)	X		
Use by government aircraft	49 U.S.C. 47107 (GA 27)	X		
Record-keeping, reporting, and Inspections	49 U.S.C. 47121 (GA 26)	X		
Cost principles applicable to grants and Contracts	49 C.F.R. 18, OMB A-87	X		
Single Audit Act of 1984, audits of state and local governments	31 U.S.C. 7501 (OMB A-133)	X		
Bonding				
SEC bond disclosure requirements	17C.F.R. 240.15c2-12			X
IRS private activity bond rules	IRS Code 141, Rev. Procedure 97-13			X

Category of requirements	Source citation	Basis		
		Federal grant or local user fees	Airport operating certificate	Applicable to all U.S. entities
Airport rates and charges				
Economic nondiscrimination	49 U.S.C. 47107 (GA 22)	X		
Reasonableness of rates and charges	49 U.S.C. 40116(b)(e), 47107, 47129, 47134(c)	X		X
Reasonable access	49 U.S.C. 47107	X		
Expedited hearing process	49 U.S.C. 47129 (14 C.F.R. 302)	X		
Self-sustainability	49 U.S.C. 47107 (GA 24)	X		
Asset valuation	49 U.S.C. 47129(c)(2)	X		
Expensing of year 2000 costs	IRS Rev. Procedures 97-37 and 97-50			X
Passenger facility charges				
Collection and handling	49 U.S.C. 40117 (14 C.F.R. 158)	X		
Termination procedures	49 U.S.C. 40117 (14 C.F.R. 158)	X		
Record-keeping and reporting	49 U.S.C. 40117 (14 C.F.R. 158)	X		
Project eligibility	49 U.S.C. 40117 (14 C.F.R. 158)	X		

THE EFFECT OF FEDERAL REQUIREMENTS

Table I.1 presents the explanations airport officials gave as to why federal requirements have a positive or negative effect on their airports. Only reasons from officials that indicated a positive or negative effect on their airport are presented; reasons given by airport officials that indicated a neutral or no effect are excluded (see enc. III for a complete tabulation of responses). Because some airport officials gave more than one reason, the number of reasons exceeds the number of responses. Airports were offered the same set of possible reasons for each category of requirements and the opportunity to comment specifically if they chose. As a result, some of the specific reasons cited may show no response.

Table I.1: Number of Positive and Negative Responses and the Reasons Given

Design and construction standards

Positive effect (46 respondents)		Negative effect (3 respondents)	
Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	30	They are duplicative or contradictory with other requirements	0
They give guidance or structure for complicated issues	39	They are outdated	2
They simplify decision-making	24	There is insufficient funding, or they are not cost-effective	2
They protect against lawsuits or other actions	21	They are burdensome to administer or burdensome in total	3

Environmental requirements

Positive effect (16 respondents)		Negative effect (19 respondents)	
Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	11	They are duplicative or contradictory with other requirements	9
They give guidance or structure for complicated issues	12	They are outdated	5
They simplify decision-making	7	There is insufficient funding, or they are not cost-effective	11
They protect against lawsuits or other actions	11	They are burdensome to administer or burdensome in total	19

Noise standards

Positive effect (27 respondents)

Negative effect (5 respondents)

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	15	They are duplicative or contradictory with other requirements	1
They give guidance or structure for complicated issues	23	They are outdated	0
They simplify decision-making	12	There is insufficient funding, or they are not cost-effective	4
They protect against lawsuits or other actions	20	They are burdensome to administer or burdensome in total	3

Contracting requirements

Positive effect (17 respondents)

Negative effect (21 respondents)

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	10	They are duplicative or contradictory with other requirements	9
They give guidance or structure for complicated issues	12	They are outdated	10
They simplify decision-making	13	There is insufficient funding, or they are not cost-effective	15
They protect against lawsuits or other actions	9	They are burdensome to administer or burdensome in total	15

Employment and personnel requirements

Positive effect (22 respondents)

Negative effect (5 respondents)

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	11	They are duplicative or contradictory with other requirements	4
They give guidance or structure for complicated issues	19	They are outdated	3
They simplify decision-making	8	There is insufficient funding, or they are not cost-effective	3
They protect against lawsuits or other actions	15	They are burdensome to administer or burdensome in total	4

Security requirements

Positive effect (22 respondents)

Negative effect (11 respondents)

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	10	They are duplicative or contradictory with other requirements	2
They give guidance or structure for complicated issues	21	They are outdated	2
They simplify decision-making	13	There is insufficient funding, or they are not cost-effective	9
They protect against lawsuits or other actions	7	They are burdensome to administer or burdensome in total	10

Certification and operational requirements

Positive effect (41 respondents)

Negative effect (1 respondent)

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	20	They are duplicative or contradictory with other requirements	0
They give guidance or structure for complicated issues	38	They are outdated	1
They simplify decision-making	24	There is insufficient funding, or they are not cost-effective	1
They protect against lawsuits or other actions	21	They are burdensome to administer or burdensome in total	1

Airport Improvement Program

Positive effect (34 respondents)

Negative effect (8 respondents)

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	22	They are duplicative or contradictory with other requirements	2
They give guidance or structure for complicated issues	29	They are outdated	4
They simplify decision-making	20	There is insufficient funding, or they are not cost-effective	8
They protect against lawsuits or other actions	9	They are burdensome to administer or burdensome in total	5

Bond rules**Positive effect (12 respondents)****Negative effect (2 respondents)**

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	6	They are duplicative or contradictory with other requirements	1
They give guidance or structure for complicated issues	11	They are outdated	1
They simplify decision-making	5	There is insufficient funding, or they are not cost-effective	1
They protect against lawsuits or other actions	3	They are burdensome to administer or burdensome in total	2

Rates and charges policies**Positive effect (19 respondents)****Negative effect (6 respondents)**

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	11	They are duplicative or contradictory with other requirements	1
They give guidance or structure for complicated issues	16	They are outdated	2
They simplify decision-making	14	There is insufficient funding, or they are not cost-effective	0
They protect against lawsuits or other actions	9	They are burdensome to administer or burdensome in total	6

Passenger facilities charges**Positive effect 18 respondents)****Negative effect (5 respondents)**

Specific reasons cited	Number	Specific reasons cited	Number
They remove politics from decision-making	10	They are duplicative or contradictory with other requirements	0
They give guidance or structure for complicated issues	16	They are outdated	1
They simplify decision-making	12	There is insufficient funding, or they are not cost-effective	3
They protect against lawsuits or other actions	2	They are burdensome to administer or burdensome in total	3

GAO

The U.S. General Accounting Office (GAO), an agency that evaluates Federal programs for Congress, has been asked to examine Federal statutes, regulations, and requirements that affect airport development, operations, and financing. As a part of this examination we are sending this survey to a randomly selected sample of airports to identify which, if any, of these requirements are a concern to your airport. Please have the airport director or their representative complete this questionnaire. Provide a contact name and phone number below in the event we need to contact you to clarify your responses.

Your response to this survey is extremely important. The results of this survey, along with other work, will be used in the continuing debate over Federal airport programs.

Please return the survey in the self addressed return envelope in 7 days of receipt. If the envelope is missing, please mail the survey to:

Jonathan Bachman
U.S. General Accounting Office
Suite 2700
701 5th Ave.
Seattle, WA 98104

Or, you may fax your response to the attention of Jonathan Bachman at 206-287-4872

If you have any questions please call Paul Aussendorf at (206) 287-4807 or Dana Greenberg at (206) 287-4836. Thank you for your assistance.

Point of Contact Information:

Name of airport: _____ State:

Name/title of person completing survey:

Phone number of person completing survey: (____)

NOTE: Number of respondents=72 for all questions

FEDERAL DESIGN AND CONSTRUCTION STANDARDS

The following three questions ask your opinion of how Federal construction standards may affect your airport. Federal construction standards include but may not be limited to:

- FAA's airport design standards and advisory circulars
- Airport layout plan
- Obstructions removal and alteration, prevent establishment or creation of future airport hazards
- Americans with Disability Act (ADA)
- Architectural Barriers Act of 1968
- Seismic safety of Federal and federally assisted new building construction
- National Historic Preservation Act of 1966, Archeological and Historic Preservation Act of 1974, Flood Disaster Protection Act of 1973, Rehabilitation Act of 1973
- Pavement preventative maintenance program

1. Have Federal construction standards generally had a positive or negative effect on the development of your airport? (Check one)

- 11% Very positive
- 57% Generally positive
- 22% Neutral
- 3% Generally negative
- 1% Very negative
- 3% No effect ⇒ SKIP TO NEXT PAGE
- 3% Missing

2. Why have Federal construction standards had a positive or negative effect on your airport? (Check all that apply)

- 46% Remove politics from decision-making
- 60% Give guidance or structure for complicated issues
- 40% Simplify decision making
- 31% Protect against lawsuits or other actions
- 11% Duplicative or contradictory with other requirements
- 7% Outdated
- 24% Insufficient funding / not cost-effective
- 15 Burdensome to administer or in total
- 13% Other (Please specify)

3. If you have specific comments or concerns about Federal construction standards, please enter them below and state why they are of concern.

32% had comments

FEDERAL ENVIRONMENTAL REQUIREMENTS

The following three questions ask your opinion about how Federal environmental requirements may affect your airport. Environmental requirements include but may not be limited to:

- Clean air and water acts
- Compatible land use requirements
- Consultation and hearing process
- Environmental Impact Statements (EIS); requirements under the National Environmental Policy Act of 1969
- Endangered Species Act
- Comprehensive Environmental Response, Compensation and Liability Act (Superfund)
- Resource Conservation and Recovery Act (hazardous waste disposal)

4. Have Federal environmental requirements generally had a positive or negative effect on the development your airport? (Check one)

- 1% Very positive
- 21% Generally positive
- 39% Neutral
- 28% Generally negative
- 1% Very negative
- 7% No effect ⇒ SKIP TO NEXT PAGE
- 3% Missing

5. Why have federal environmental requirements had a positive or negative effect on your airport? (Check all that apply)

- 26% Remove politics from decision-making
- 32% Give guidance or structure for complicated issues
- 15% Simplify decision making
- 25% Protect against lawsuits or other actions
- 26% Duplicative or contradictory with other requirements
- 10% Outdated
- 32% Insufficient funding / not cost-effective
- 49% Burdensome to administer or in total
- 15% Other (Please specify)

6. If you have any specific comments or concerns about Federal environmental requirements, please enter them below and state why they are of concern.

31% had comments

FEDERAL NOISE REQUIREMENTS

The following three questions ask your opinion about how Federal noise standards may affect your airport. Noise standards generally include but are not limited to:

- Part 150 Noise compatibility and planning
- Part 161 Noise and access requirements

7. Have Federal noise standards generally had a positive or negative effect on the development of your airport? (Check one)

- 6% Very positive
- 36% Generally positive
- 21% Neutral
- 6% Generally negative
- 1% Very negative
- 28% No effect ⇒ SKIP TO NEXT PAGE
- 3% Missing

8. Why have Federal noise requirements had a positive or negative effect on your airport? (Check all that apply)

- 25% Remove politics from decision-making
- 43% Give guidance or structure for complicated issues
- 21% Simplify decision making
- 35% Protect against lawsuits or other actions
- 4% Duplicative or contradictory with other requirements
- 1% Outdated
- 14% Insufficient funding / not cost-effective
- 8% Burdensome to administer or in total
- 11% Other (Please specify

9. If you have any specific comments or concerns about Federal noise standards, please enter them below and state why they are of concern.

24% had comments

FEDERAL CONTRACTING REQUIREMENTS

The following three questions ask your opinion about how Federal contracting requirements may affect your airport. Contracting requirements generally include but are not limited to:

- Procurement, contract and labor provisions, including Contract Work Hours and Safety Standards Act and labor standard provisions applicable to contracts covering federally financed and assisted construction
- Minority business participation (Disadvantaged Business Enterprises)
- Restrictions on lobbying
- Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access
- Davis-Bacon Act and minimum wage
- Predetermination of wage rates, wage reporting of contractor and subcontractors on public buildings
- Federal Fair Labor Standards Act
- Copeland Anti-kickback Act
- Procurement of engineering and design services (Federal Property and Administrative Services Act of 1949)

10. Have Federal contracting requirements generally had a positive or negative effect on the development your airport? (Check one)

4% Very positive

21% Generally positive

29% Neutral

26% Generally negative

6% Very negative

11% No effect ⇒ SKIP TO NEXT PAGE

3% Missing

11. Why have federal contracting requirements had a positive or negative effect on your airport? (Check all that apply)

24% Remove politics from decision-making

26% Give guidance or structure for complicated issues

21% Simplify decision making

17% Protect against lawsuits or other actions

25% Duplicative or contradictory with other requirements

22% Outdated

33% Insufficient funding / not cost-effective

42% Burdensome to administer or in total

18% Other (Please specify)

12. If you have specific comments or concerns about Federal contracting requirements, please enter them below and state why they are a concern.

25% had comments

FEDERAL EMPLOYMENT AND PERSONNEL REQUIREMENTS

The following three questions ask your opinion about how Federal employment and personnel standards may affect your airport. Employment and personnel standards generally include, but may not be limited to:

- EEO and affirmative action requirements
- DOT Title VI (Civil Rights Act)
- Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance
- Veteran's preference
- Hatch Act (political activities)
- Drug-Free Workplace Act of 1988 certification
- Age Discrimination Act of 1975

13. Have Federal employment and personnel standards generally had a positive or negative effect on the operations of your airport? (Check one)

- 7% Very positive
- 26% Generally positive
- 28% Neutral
- 7% Generally negative
- 0% Very negative
- 26% No effect ⇒ **SKIP TO NEXT PAGE**
- 6% Missing

14. Why have Federal employment and personnel requirements had a positive or negative effect on your airport? (Check all that apply)

- 19% Remove politics from decision-making
- 33% Give guidance or structure for complicated issues
- 14% Simplify decision making
- 28% Protect against lawsuits or other actions
- 13% Duplicative or contradictory with other requirements
- 11% Outdated
- 6% Insufficient funding / not cost-effective
- 21% Burdensome to administer or in total
- 7% Other (Please specify)

15. If you have any specific comments or concerns about Federal employment and personnel requirements, please enter them below and state why they are of concern.

4% had comments

FEDERAL SECURITY REQUIREMENTS

The following three questions ask your opinion about how Federal security requirements may affect your airport. Security requirements generally include but are not limited to :

- Part 107 Airport security (security program, access control, enforcement and record keeping)
- Part 108 Airplane operator security (passenger security, screening)

16. Have Federal security requirements generally had a positive or negative effect on the operations your airport? (Check one)

- 7% Very positive
- 26% Generally positive
- 17% Neutral
- 13% Generally negative
- 6% Very negative
- 29% No effect ⇒ SKIP TO NEXT PAGE
- 3% Missing

17. Why have Federal security requirements had a positive or negative effect on your airport? (Check all that apply)

- 19% Remove politics from decision-making
- 36% Give guidance or structure for complicated issues
- 24% Simplify decision making
- 11% Protect against lawsuits or other actions
- 7% Duplicative or contradictory with other requirements
- 7% Outdated
- 25% Insufficient funding / not cost-effective
- 26% Burdensome to administer or in total
- 17% Other (Please specify)

18. If you have any specific comments or concerns about Federal security requirements, please enter them below and state why they are of concern.

18% had comments

FEDERAL CERTIFICATION AND OPERATIONAL REQUIREMENTS

The following three questions ask about your opinion about how Federal certification and operational requirements may affect your airport. Certification and operational requirements generally include but are not limited to:

- Part 139 Certification, inspection, and operational requirements for all airports serving passenger aircraft with more than 30 seats
- Under grant assurances, all airports are required to suitably operate in safe and serviceable condition the airport and all facilities, thereon

19. Have Federal certification and operational requirements generally had a positive or negative effect on the operations of your airport? (Check one)

- 19% Very positive
- 44% Generally positive
- 11% Neutral
- 1% Generally negative
- 0% Very negative
- 21% No effect ⇒ SKIP TO NEXT PAGE
- 3% Missing

20. Why have Federal certification and operational requirements had a positive or negative effect on your airport? (Check all that apply)

- 29% Remove politics from decision-making
- 56% Give guidance or structure for complicated issues
- 36% Simplify decision-making
- 31% Protect against lawsuits or other actions
- 4% Duplicative or contradictory with other requirements
- 4% Outdated
- 13% Insufficient funding / not cost-effective
- 7% Burdensome to administer or in total
- 11% Other (Please specify)

21. If you have any specific comments or concerns about Federal certification and operational requirements, please enter them below and state why they are a concern.

18% had comments

FEDERAL (AIP) GRANT PROGRAM

The following three questions ask your opinion about how Federal AIP grant program requirements may affect your airport. AIP grant program requirements generally include but are not limited to:

- Project and sponsor eligibility
- Federal share specifications
- Use (diversion) of airport revenues
- FAA's priority system
- Restrictions on exclusive rights
- Reimbursement for eligible costs
- Uniform administrative requirements for grants and cooperative agreements to state and local governments
- Uniform relocation assistance and real property acquisition policies
- Cost/benefit analysis for LOIs and grants greater than \$5 million
- Consistency with local plans, consideration of local interest, consultation of users, public hearings
- Record keeping, reporting, and inspection requirements
- Cost principles applicable to grants and contracts
- Single Audit Act of 1984, financial reporting and audit certification (Form 5100/125)
- Block grant participation

22. Have Federal AIP grant program requirements generally had a positive or negative effect on the financing, operations, or development of your airport? (Check one)

- 20% Very positive
- 43% Generally positive
- 17% Neutral
- 10% Generally negative
- 1% Very negative
- 6% No effect => SKIP TO NEXT PAGE
- 4% Missing

23. Why have federal AIP grant program requirements had a positive or negative effect on your airport? (Check all that apply)

- 36% Remove politics from decision-making
- 42% Give guidance or structure for complicated issues
- 32% Simplify decision making
- 13% Protect against lawsuits or other actions
- 6% Duplicative or contradictory with other requirements
- 11% Outdated
- 29% Insufficient funding / not cost-effective
- 24% Burdensome to administer or in total
- 19% Other (Please specify)

24. If you have any specific comments or concerns about Federal AIP grant program requirements, please enter them below and state why they are of concern.

26% had comments

FEDERAL BOND RULES

The following three questions ask about your opinion about how Federal bond requirements may affect your airport. Bond requirements generally include but are not limited to:

- SEC Bond disclosure requirements
- IRS Private Activity Bond rules

25. Have Federal bond requirements generally had a positive or negative effect on the financing of your airport? (Check one)

- 0% Very positive
- 17% Generally positive
- 25% Neutral
- 3% Generally negative
- 0% Very negative
- 49% No effect ⇒ **SKIP TO NEXT PAGE**
- 7% Missing

26. Why have federal bonding requirements had a positive or negative effect on your airport? (Check all that apply)

- 14% Remove politics from decision-making
- 21% Give guidance or structure for complicated issues
- 11% Simplify decision making
- 7% Protect against lawsuits or other actions
- 4% Duplicative or contradictory with other requirements
- 4% Outdated
- 1% Insufficient funding / not cost-effective
- 10% Burdensome to administer or in total
- 4% Other (Please specify)

27. If you have any specific comments or concerns about Federal bond requirements, please enter them below and state why they are of concern.

7% had comments

FEDERAL RATES AND CHARGES POLICIES

The following three questions ask your opinion about how Federal airport rates and charges policies may affect your airport. Airport rates and charges policies generally include but are not limited to:

- Asset valuation requirements
- Economic nondiscrimination assurances
- DOT's expedited hearing process
- Self-sustainability assurances
- IRS rules for expensing of year 2000 costs

28. Have Federal airport rates and charges policies generally had a positive or negative effect on the financing your airport? (Check one)

- 3% Very positive
- 26% Generally positive
- 24% Neutral
- 7% Generally negative
- 3% Very negative
- 33% No effect => SKIP TO NEXT PAGE
- 4% Missing

29. Why have federal airport rates and charges policies had a positive or negative effect on your airport? (Check all that apply)

- 20% Remove politics from decision-making
- 31% Give guidance or structure for complicated issues
- 22% Simplify decision making
- 15% Protect against lawsuits or other actions
- 6% Duplicative or contradictory with other requirements
- 4% Outdated
- 0% Insufficient funding / not cost-effective
- 11% Burdensome to administer or in total
- 10% Other (Please specify)

30. If you have any specific comments or concerns about Federal airport rates and charges policies, please enter them below and state why they are of concern.

14% had comments

PASSENGER FACILITY CHARGES

The following three questions ask your opinion about how Federal Passenger Facilities Charge (PFC) requirements may affect your airport. PFC requirements generally include but are not limited to:

- Collection and handling
- Termination procedures
- Record-keeping and reporting
- Project eligibility

31. Have PFC requirements generally had a positive or negative effect on the financing of your airport? (Check one)

- 21% Very positive
- 22% Generally positive
- 6% Neutral
- 6% Generally negative
- 1% Very negative
- 36% No effect ⇒ SKIP TO NEXT PAGE
- 8% Missing

32. Why have PFC requirements had a positive or negative effect on your airport? (Check all that apply)

- 14% Remove politics from decision-making
- 25 Give guidance or structure for complicated issues
- 18% Simplify decision making
- 3% Protect against lawsuits or other actions
- 1% Duplicative or contradictory with other requirements
- 3% Outdated
- 11% Insufficient funding / not cost-effective
- 14% Burdensome to administer or in total
- 17% Other (Please specify)

33. If you have any specific comments or concerns about PFC requirements, please enter them below and state why they are of concern.

15% had comment

AIRPORTS THAT RESPONDED TO GAO'S SURVEY

Airport	City	State
Albany International	Albany	NY
Albuquerque International	Albuquerque	NM
Amarillo International	Amarillo	TX
Anchorage International	Anchorage	AK
Austin-Bergstrom International	Austin	TX
Baltimore/Washington International	Hanover	MD
Beaver Municipal	Beaver	OK
Boston-Logan International	Boston	MA
Bowers Field	Ellensburg	WA
Brownsville/South Padre Island International	Brownsville	TX
Burlington International	Burlington	VT
Carrizozo Municipal	Carrizozo	NM
Chattanooga Metropolitan	Chattanooga	TN
Cincinnati Northern Kentucky International	Cincinnati	OH
Columbia Metropolitan	Columbia	SC
Concord Municipal	Concord	NH
Cumberland Municipal	Rice Lake	WI
De Funiak Springs	De Funiak Springs	FL
Denver International	Denver	CO
Des Moines International	Des Moines	IA
Dimmitt Municipal	Dimmitt	TX
Dubois Municipal	Dubois	ID
Edward F. Knapp State	Berlin	VT
El Monte	El Monte	CA
Fairfield County	Ridge Way	SC
Fort Smith Regional	Fort Smith	AR
General Mitchell International	Milwaukee	WI
George M. Bryan	Mississippi State	MS
Hazen Municipal	Hazan	AR
Heber Springs Municipal	Heber Springs	AR
Henderson	Las Vegas	NV
Houston Airport System	Houston	TX
Houston Memorial	Houston	MO
Indianapolis International	Indianapolis	IN
Kansas City International	Kansas City	MO
Kent County International	Grand Rapids	MI
Keokuk Municipal	Keokuk	IA
Kissimmee Municipal	Kissimmee	FL
Lambert-St. Louis International	St. Louis	MO
Lampson Field	Lakeport	CA
La Porte Municipal	La Porte	IN
Lehigh Valley International	Allentown	PA

ENCLOSURE IV

Lewis University
 Lincoln Municipal
 Louisville International
 Mansfield Municipal
 Marion Municipal
 McKinley Field
 Miami International
 Milford Municipal
 Mobile Regional
 Northern Maine Regional-Presque Isle
 Ohio County
 Orlando International
 Oswego County
 Pittsburgh International
 Quad City
 Red Cloud Municipal
 Reno/Tahoe International
 Roanoke Regional
 Sacramento Executive
 Savannah International
 Sea-Tac International
 Sheldon Point
 Sheridan County
 Shreveport Regional
 Sioux Falls Regional
 Southwest Florida International
 Spokane International
 Sussex
 Tri-Cities
 Vinton Veterans Memorial

ENCLOSURE IV

Romeoville	IL
Lincoln	NE
Louisville	KY
Mansfield	MA
Marion	OH
Pearsall	TX
Miami	FL
Milford	UT
Mobile	AL
Presque Isle	ME
Hartford	KY
Orlando	FL
Fulton	NY
Pittsburgh	PA
Moline	IL
Red Cloud	NE
Reno	NV
Roanoke	VA
Sacramento	CA
Savannah	GA
Seattle	WA
Unalakleet	AK
Sheridan	WY
Shreveport	LA
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Fort Meyers	FL
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