



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

Denver Airports District Office
26805 E. 68th Avenue, Room 224
Denver, Colorado 80249
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May 19, 2016

The Honorable Alan McDonald, Mayor
Heber City Corporation
75 North Main Street
Heber City, Utah 84032

Heber City Municipal-Russ McDonald Field
Heber City, Utah

Dear Mayor McDonald,

The Federal Aviation Administration (FAA) is concerned with recent decisions being made by the Heber City Council including the delay in acceptance of the Airport Improvement Program (AIP) grant offer for a land purchase and Heber City Resolution 2016-9.

The FAA is concerned that the City has not accepted the AIP grant offer for the purchase of land which is located in the current, B-II, runway protection zone (RPZ). The RPZ standard is in place to protect people and property on the ground.

Since 1946, the Civil Aeronautics Administration (CAA), and later the FAA, has partnered with Heber City and the Heber City Municipal Airport to serve the aviation community. In 1949, the CAA issued Heber City a grant to purchase land for the airport. Airport Improvement Program (AIP) funds have supported the Heber Airport since 1986. The AIP support includes 26 airport development and planning grants, 12 of which include land acquisition. Over the past 30 years, the FAA has granted over \$15.6M in AIP funds to the City.

Every time the City accepts an AIP grant from the FAA, you acknowledge and accept a contract which includes the grant assurances. When federal funds are used to purchase land, there is no expiration of the term associated with the grant assurances. Therefore, Heber City and the Heber City Municipal Airport are obligated to abide by these grant assurances in perpetuity.

Additionally, the City has agreed to grant assurance #21, compatible land use. This assurance states that the City "...will take appropriate action, to the extent reasonable, including adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft." If the City decides not to accept AIP grant number 3-49-0011-027-2016 for land, the FAA is concerned that future use of this land may not be compatible with airport operations.

With the passage of Heber City Resolution 2016-9, the City is eliminating options that would otherwise be considered under a normal planning process. We have been working with representatives of the City to include a master plan study in your capital improvement plan. We are questioning whether passage of this Resolution has compromised the validity of the master planning process. Normally, the airport planning process is a chance to educate the sponsor,

community, and FAA about the current uses and future needs at the airport. By eliminating certain options for the airport, the City is reducing the effectiveness of the planning study to analyze the safety of current and future operations at the airport.

The City has provided the FAA with documentation showing that there are a significant number of operations of C category, or above, aircraft at the Heber City Municipal Airport. The FAA is not forcing the City to move to a C-II category airport, this is a local decision. However, there are ramifications associated with the decision to not meet standards associated with aircraft utilizing the airport. If the airport decides to not meet FAA standards, this will have an impact on future AIP funding. By statute, 49 USC 47105(b)(3), an airport must meet FAA standards or have a plan in place to bring the airport up to FAA standards in order to receive federal funding.

During the May 5, 2016, City Council meeting, the Council discussed a public vote on the future of the airport. By allowing a vote, the City may be giving up some of your rights and powers to govern the airport. Grant assurance #5, Preserving Rights and Powers, states that the City "...will 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..." It is the FAA's understanding that the City may be giving up their ability to make decisions regarding the airport by placing control of airport development outside of the City. Without the City having direct control over airport decisions, the FAA is concerned that the City may be relinquishing their rights.

In summary, all of these decisions impact how the FAA views funding strategies for the airport. Heber City Municipal Airport plays an important role in both the National Airspace System and the National Plan of Integrated Airport Systems and the FAA would like to see that role maintained. If the City wishes to not meet federal standards for the aircraft currently using the airport, the FAA will only consider funding maintenance projects and funding will be limited to non-primary entitlements.

We remain willing and available to come to Heber and speak to the City Council about these concerns. Please feel free to contact me if you have questions.

Sincerely,



John P. Bauer, Manager
Denyer Airports District Office

cc: Heber City Council
Heber City Manager
UDOT Aeronautics