



# Oregon

Kate Brown, Governor



3040 25th Street, SE  
Salem, OR 97302-1125  
Phone: (503) 378-4880  
Toll Free: (800) 874-0102  
FAX: (503) 373-1688

April 16, 2015

Independence Airpark Homeowners Association  
Board of Directors  
PO Box 31  
Independence, OR 97351

Dear IAHA Board of Directors,

On July 16, 2013, the Federal Aviation Administration adopted "Compliance Guidance Letter 2013-01 – FAA Review of Existing and Proposed Residential Through-the Fence (RTTF) Access Agreements." This letter is to provide guidance with regard to RTTF operations at federally funded airports and assist in interpreting section 136 of the FAA Modernization and Reform Act of 2012. Failure of the Airport Sponsor to comply with this law and guidelines may result in further compliance action, up to and including loss of federal money to maintain the airport and an economic responsibility to pay back federal grant monies already received.

This law was passed to allow RTTF access at federally funded, general aviation airports; however, it requires the property owner to comply with the following conditions:

- Pay access charges that the sponsor determines to be comparable to those fees charged to tenants and operators on-airport making similar use of the airport;
- Bear the cost of building and maintaining the infrastructure the airport sponsor determines is necessary to provide access to the airfield from property located adjacent to or near the airport;
- Maintain the property for residential, noncommercial use for the duration of the agreement;
- Prohibit access to the airport from other properties through the property of the property owner; and
- Prohibit any aircraft refueling from occurring on the property.

In order to remain in compliance and to insure that Federal Grant Assurances are maintained, the Oregon Department of Aviation is providing this letter as a reminder and to expound on the FAA's intent and our understanding of that intent.

The first two bullet points are easier for the ODA and FAA to ensure proper compliance. The last three bullet points are where airport sponsors find property owners skirting the line and sometimes blatantly crossing over the line between compliance and non-compliance. In order to remain compliant and guarantee that federal funding will not be lost and access points closed. ODA offers the following information:

