



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

Office of the Associate Administrator  
for Airports

800 Independence Ave., SW.  
Washington, DC 20591

MAY 22 2014

The Honorable Robert Pittenger  
House of Representatives  
Washington, DC 20515

Dear Congressman Pittenger:

Thank you for your April 17 letter, cosigned by your congressional colleagues, about the Charlotte Douglas International Airport Commission.

The Federal Aviation Administration (FAA) routinely reviews and approves the transfer of Federal obligations from one airport sponsor to another eligible airport sponsor. The FAA also issues airport operating certificates under title 49 United States Code, § 44706, as implemented by title 14 Code of Federal Regulations, part 139.

The FAA's policy is that airport governance is a local decision. However, we must ensure that federally obligated airports remain safe and financially self-sustaining. The FAA has the obligation to ensure that an airport sponsor is also capable of assuming all grant assurances and safety compliance. We make a determination on whether an entity is an eligible Airport Improvement Program (AIP) airport sponsor. We assess the airport sponsor's legal authority to apply for and comply with AIP grants. We review the airport sponsor's ability to finance and implement a proposed AIP project. This obligation extends to reviewing airport sponsor eligibility when state and local governments propose a change in the airport governance structure and ensuring that responsibility for the Federal obligations is assigned.

Typically, an airport sponsor or state authority considering the creation of an airport authority will solicit the FAA's comments on draft legislation prior to enactment. Either the airport sponsor's counsel or the State's Attorney General will provide a legal opinion regarding the status of the new airport authority.

With respect to the Commission, we did not have an opportunity to comment on the legislation prior to enactment. The FAA sought from the North Carolina Attorney General a legal opinion concerning which entity under North Carolina law – the city of Charlotte or the Commission – is empowered to enter into grant agreements and to fulfill requirements under the part 139 operating certificate. The FAA anticipated that the opinion would explain the Commission's status and clarify whether the Commission acts independently of the city. The absence of an interpretation from the Attorney General or the State Superior Court impedes

the FAA's ability to fulfill its fundamental obligation under Federal law. We need clarification of:

- whether the Commission is an agency of the city or an independent, special district; and
- who is now responsible for the key roles of the airport sponsor and operator.

As stated in our reply to Commission Chairman Robert Stolz, it is our view that the governance structure must be addressed at the state and local level before FAA could determine whether a part 139 operating certificate needs to be issued. Until the State's Attorney General and the city of Charlotte resolve this matter, the city remains the airport sponsor and holder of the part 139 operating certificate.

The FAA encourages the State and city to work together to resolve the status and authority of the Commission under State law.

We have sent an identical letter to each of the cosigners of your letter.

If you need further assistance, please contact Roderick D. Hall, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,



Benito De Leon  
Acting Associate Administrator  
for Airports