



THE DEPUTY SECRETARY OF TRANSPORTATION  
WASHINGTON DC 20590

September 18, 2014

The Honorable Robert Pittenger  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Pittenger:

Thank you for your letter regarding sponsorship of Charlotte Douglas International Airport. The U.S. Department of Transportation and the Federal Aviation Administration (FAA), like you, share a commitment to safe and efficient operations at Charlotte Douglas International Airport.

As you point out in your letter, FAA previously has explained its role with respect to a change in airport governance and the transfer of airport operational authority from an existing airport sponsor to a new sponsor. As a general matter, FAA is charged by law with ensuring that federally sponsored airports operate safely and efficiently for the benefit of the flying public and the Federal taxpayers who support ongoing investments in critical airport infrastructure.

While airport governance is a local decision, FAA has a statutory obligation to ensure that an airport sponsor is capable of assuming all grant assurances, safety compliance, and other Federal obligations, and has the expertise to operate the airport. Specifically, airport sponsorship may be transferred only if the new sponsor meets the requirements set out in title 49 United States Code (U.S.C.), § 44075, as implemented by title 14 Code of Federal Regulations, part 139, for obtaining an Airport Operating Certificate, and in title 49 U.S.C., § 47102, as implemented by FAA Order 5100.38C, chapter 2 (governing sponsor eligibility for Airport Improvement Program (AIP) funding). In this particular matter, the city of Charlotte, the airport sponsor of Charlotte Douglas International Airport, currently satisfies these requirements.

If FAA receives a request to transfer airport sponsorship from one entity to another, FAA, applying the legal provisions cited above, evaluates whether the new entity is an eligible AIP sponsor and has the legal authority to apply for, and comply with, AIP grants and to finance and carry out a proposed AIP project. This obligation extends to reviewing sponsor eligibility when state and local governments propose a change in the airport governance structure and ensuring there is no ambiguity regarding responsibility for the Federal obligations.

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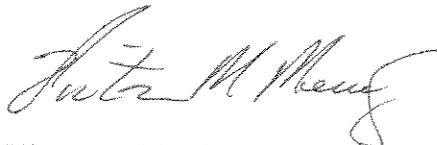
This process has not been triggered with respect to Charlotte Douglas International Airport because the current airport sponsor (the city of Charlotte) has not requested that FAA transfer sponsorship. Moreover, even if the city of Charlotte were to make such a request of FAA, FAA will refrain from evaluating the request where, as here, the ownership and control of the airport remains the subject of an ongoing legal dispute.

We are aware that North Carolina approved a bill in June that sought to clarify the Commission Act. The FAA has been in communication with the State Attorney General and the city representatives regarding the amended legislation, but the litigation remains unresolved.

Until the legal dispute is resolved and FAA makes an affirmative determination on the Airport Operating Certificate, the city of Charlotte remains the airport sponsor and the certificate holder. In the meantime, the parties should remain mindful of the Federal grant assurances and the revenue use requirements, including FAA's *Policy and Procedures Concerning the Use of Airport Revenue*, 64 Fed. Reg. 7,696 (Feb. 16, 1999) (Revenue Use Policy). The FAA continues to encourage the State and the city to work together to resolve the legal dispute regarding the control and operation of Charlotte Douglas International Airport for the benefit of the flying public and Federal taxpayers.

If I can provide further information or assistance, please feel free to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victor M. Mendez".

Victor M. Mendez