



U.S. Department of Transportation
Docket Operations, M-30
West Building, Ground Floor
Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590

To Whom It May Concern:

The Experimental Aircraft Association (EAA) is the world leader in recreational aviation. With an international membership of more than 180,000 people in over 100 nations, EAA brings together pilots, aircraft builders, owners, and aviation enthusiasts who are dedicated to sharing *the Spirit of Aviation* by promoting the continued growth of aviation, the preservation of its history and a commitment to its future.

EAA is commenting on the FAA's proposed policy regarding non-aeronautical use of airport hangars, contained in federal docket FAA-2014-0463 and published in the Federal Register as number 2014-17031.

EAA appreciates the FAA's effort to create a policy that guides airport sponsors and tenants with respect to non-aeronautical use of hangars. As these parameters are being defined, it is critically important to EAA that the community of recreational aviation maintains a robust and fully functional infrastructure and that all airports receiving federal grant assistance, from the largest to the smallest, remain open and available for aeronautical uses consistent with a vibrant and welcoming environment for personal and recreational aviation.

EAA is aware that federal grant assurances limiting non-aeronautical use of airport land and facilities are an important tool to prevent misuse of federal grant assistance both by airport sponsors and tenants. When aeronautical land and facilities are utilized improperly, our community is negatively affected. Therefore, we agree that FAA policy should emphasize that "aeronautical users requesting the use of a hangar for aircraft storage should not be denied access because the airport is permitting tenants to use hangars to store vehicles or household items, or to operate non-aviation businesses." We also agree that "non-aeronautical use is not a protected activity" under non-discrimination clauses of sponsors' federal obligations.

However, EAA strongly disagrees with some of aspects of the FAA's draft policy and we request that the language of the policy be revised to reflect the needs and realities of the recreational aviation community. Of the roughly 3,330 federally-obligated airports in the United States, approximately 2,950 are non-primary general aviation airports. Of these, a significant majority serves primarily private and recreational aviation. While we understand that the proposed hangar use policy is written

to encompass all obligated airports regardless of size or scope, we ask that our comments are especially understood in the context of regional and municipal airports.

EAA urges adoption of the following recommendations:

- 1) EAA recommends that the FAA's proposed policy be revised in Section II, *Standards for Aeronautical Use of Hangars*, to replace the word "final" with "active" in the description of permissible assembly of aircraft within a hangar so that it states, "Active assembly of aircraft."

Active assembly of aircraft is a widely recognized and traditionally accepted aeronautical use of hangars by both tenants and airport sponsors nationally. EAA firmly believes that the public should have formally recognized and sanctioned access to hangars to build and restore aircraft. Provided that hangar tenants can demonstrate active, ongoing progress on an aircraft project, the FAA should not deny them protected access to airport property and facilities, and these activities should be protected under the grant assurances.

EAA understands that acceptance of this revision rests on a project's "active" status, and we agree that hangars should not be used to house a stagnant project or simply to store parts and components, especially in cases where airport sponsors have a hangar waiting list populated by owners of currently airworthy aircraft. However, as experimental amateur-built aircraft construction is the only expanding segment of new aircraft manufacture and aircraft restoration becomes more prevalent and necessary to preserve an aging general aviation fleet, denying protected status to active aircraft builders and restorers is unwise and unwarranted. The issue is compounded by the fact that airports are the natural and intuitive place for individuals with aircraft building and restoration experience to congregate. Builders and restorers rely on the tribal wisdom and experience of their fellow pilots and mechanics to construct safe aircraft, and airports are the best place to tap into these vital communal resources.

- 2) EAA recommends that the section explaining storage of incidental non-aeronautical items in hangars be reworked to expand the permissible use to more than an "insignificant amount of hangar space." The reality is that there is a fixed number of aircraft that can be placed in a hangar, and there is often significant space around them and underneath the wings. We applaud the FAA's acknowledgement that this additional space is of *de minimis* value and that certain non-aeronautical items should be permissible. However, we are concerned that the phrase "insignificant amount" has the potential to lend itself to overly strict interpretation that the FAA does not intend. We also request that the FAA omit its parenthetical example "(e.g., a small refrigerator)" as there are any number of non-aeronautical items that can make the hangar a more functional and hospitable place.

EAA believes that once the aeronautical use of a hangar is satisfied, meaning that a tenant could not be reasonably expected to fit more aircraft into a hangar, the leftover space is all "insignificant" and utilizing that space for other purposes should not be considered a violation of federal grant assurances. The practice of aviation involves many related items that, taken individually and out of context, could be considered non-aeronautical such as tools and equipment used for aircraft construction and restoration, as well as items that lend themselves to socialization like couches, chairs, and refrigerators. In the context of hangars that are being clearly used for aircraft storage and/or construction and restoration, however, these items can be seen to contribute as much to the practice and culture of aviation as the aircraft themselves. It is important to note that the presence of these items does not detract from the hangar's proper

aeronautical use, and prohibiting them does nothing to protect the nation's aviation infrastructure or the FAA's investments. Moreover, EAA believes that there is a significant difference between items being "stored" in a hangar, as though it were a warehouse, versus items that are in a hangar to be used for their intended purpose at that location, such as tools, furniture, and other personal and social items.

EAA is firmly against aircraft hangars being used solely as storage lockers, but we believe it is detrimental to leave the phrase "insignificant amount of hangar space" open to potential overbearing and out of context interpretation.

3) EAA is concerned that EAA Chapter hangars, as well as hangars occupied by other not-for-profit aviation groups such as the Commemorative Air Force, the 99s, and the Civil Air Patrol might be vulnerable under this policy. As vital community based organizations (CBOs), the approximately 1,000 EAA Chapters nationwide serve a critical purpose to the public in disseminating safety information, providing a framework for developing strong aviation communities, and promoting growth of aviation through EAA's highly successful Young Eagles program. Other organizations perform similar functions through their various programs.

Many EAA Chapter hangars do not store aircraft, and Chapter hangars and other aviation CBOs are not specifically enumerated as protected aeronautical users in this hangar use policy or within Order 5190.6B. However, access to the airfield is necessary for EAA Chapters and many other aviation CBOs, as their members routinely fly in for social gatherings, meetings, and educational seminars. EAA is concerned that without specific acknowledgement of the aeronautical nature of EAA Chapters and other similar organizations, this proposed policy could have the unintended consequence of encouraging airport sponsors to believe that CBO hangars are an impermissible non-aeronautical use, which could lead to the dissolution of their hangar and/or land leases. This would have a devastating effect on the aviation community and EAA hopes that the FAA will recognize the importance and public benefits that these CBOs provide at airports.

Therefore, EAA requests that this hangar use policy be revised to include tenancy of community-based, not-for-profit and non-profit aviation organizations as an accepted aeronautical hangar use.

4) EAA recommends that the FAA formally recognize the judgment of local airport management in matters of evaluating appropriate aeronautical use for hangars in the airport managers' communities. As we mentioned previously, EAA is very aware that it is difficult to craft a uniform hangar use policy that provides guidance for all federally obligated airports from Chicago O'Hare International to Wittman Regional Airport. With incredible diversity amongst some 3,330 airports, a meaningful and lasting hangar use policy must have flexibility to account for the differences of primary, regional, and municipal airports. EAA believes that an FAA acknowledgement of local communities' judgment is appropriate in this case. To steal a phrase, airport managers know non-aeronautical use when they see it. However, the proposed policy should continue to set forth minimum standards for protected activities to serve as the basis for defending legitimate aeronautical uses from arbitrary elimination by local communities and airport sponsors such as homebuilding, restoration, CBOs, and other protected activities.

Airport sponsors understand that they are responsible under federal grant assurances for operating the airport in an aeronautically and fiscally sound manner. We urge the FAA to let them comply with those obligations on their own reasonable terms while still providing

protections to the aviation community and the public interest. As we know, “aeronautical use” is a term not to be understood as an absolute, but instead as a contextualized concept that is shaded by every airport’s unique needs and culture.

EAA believes that an acknowledgment of local airport managements’ judgment would pay dividends for the aviation community as well as the FAA. The FAA would in many cases be relieved of adjudicating local airport hangar use squabbles; the local aviation community, should it have a hangar use grievance, has a much more direct and locally accessible route of solving problems than appealing to the federal government. While nothing about our recommendation would remove the FAA from the position of final arbiter of any disputes, EAA believes that individual airports should enjoy more authority in determining aeronautical use at their own airports provided they serve protected uses as outlined in this policy.

EAA believes that the FAA’s ultimate goal in creating a non-aeronautical hangar use policy should be to eliminate abuse of hangar space, which is detrimental to both the public interest and that of our members, without causing collateral damage to the practical uses and social fabric of the recreational aviation community. Organizations dedicated to aviation education and promotion, individuals looking to utilize a hangar to actively construct or restore an aircraft, and utilization of otherwise aeronautically unusable hangar space should all be formally permitted without question, as they do not detract from the spirit of the grant assurances and promote healthy and vibrant airport environments.

Thank you for your time and consideration of our concerns and recommendations. Should you have any questions about homebuilding, the communal aspects of airports, EAA’s network of Chapters, or any other question about EAA’s position on airport issues, please do not hesitate to contact me directly at (920) 426-6537. I would be happy to provide clarification and/or amplification of any point made in these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sean Elliott", written in a cursive style.

Sean Elliott

Vice President, Advocacy and Safety