

Seattle ADO Update

October 2021



Federal Aviation
Administration



SEA ADO Team Updates



- **Vacancies to Fill**

- SEA ADO Interim Manager – Warren
- SEA ADO Assistant Manager (Val acting)
- SEA ADO OR EPS - TBA
- SEA ADO WA EPS - TBA
- SEA ADO MPA - Sydney Avise
- OR Planner Ben Mello
- WA Planner Agnes Fisher



FY-21 Results

- **Closeouts – Goal 30% of open grants**
 - Goal is 75. Closed 91
- **“Old dog” Closeouts: 2017**
 - Goal is to close all 32. Closed 32
- **Reducing Inactive Grants: No payments in 300 days**
 - Big push from 44 to 15.
 - Goal is 18 (8% of all open grants)



FY-2022 Financial Programs Update

Where we are today:

- **Full Year FY-22 Appropriation – nope!**
- **\$400M AIP Supplemental Program**
 - Retains 50/50 split with large airport and small airports
- **CARES – winding down**
- **CRRSA – outstanding issues**
- **ARPA – applications due 11/30/21**



Funding Summary

	CARES	CRRSAA	ARPA
Fund Source	General Fund	General Fund	General Fund
Dates Enacted	3/27/2020	12/27/2020	3/13/2021
Amount (Aviation)	\$10B	\$2B	\$8B
Primary Purpose	Airports to support O&M impacted by COVID	To provide relief for COVID-related impacts	To provide relief for COVID-related impacts
Development	Yes	Limited – must demonstrate combats spread of pathogen	Limited – must demonstrate combats spread of pathogen
Unclassified	Yes	No	No
Duration	4 years	1 year	1 year



Transportation Infrastructure Bill

FAA does not comment on pending legislation



Look on [Congress.gov](https://www.congress.gov) for latest information

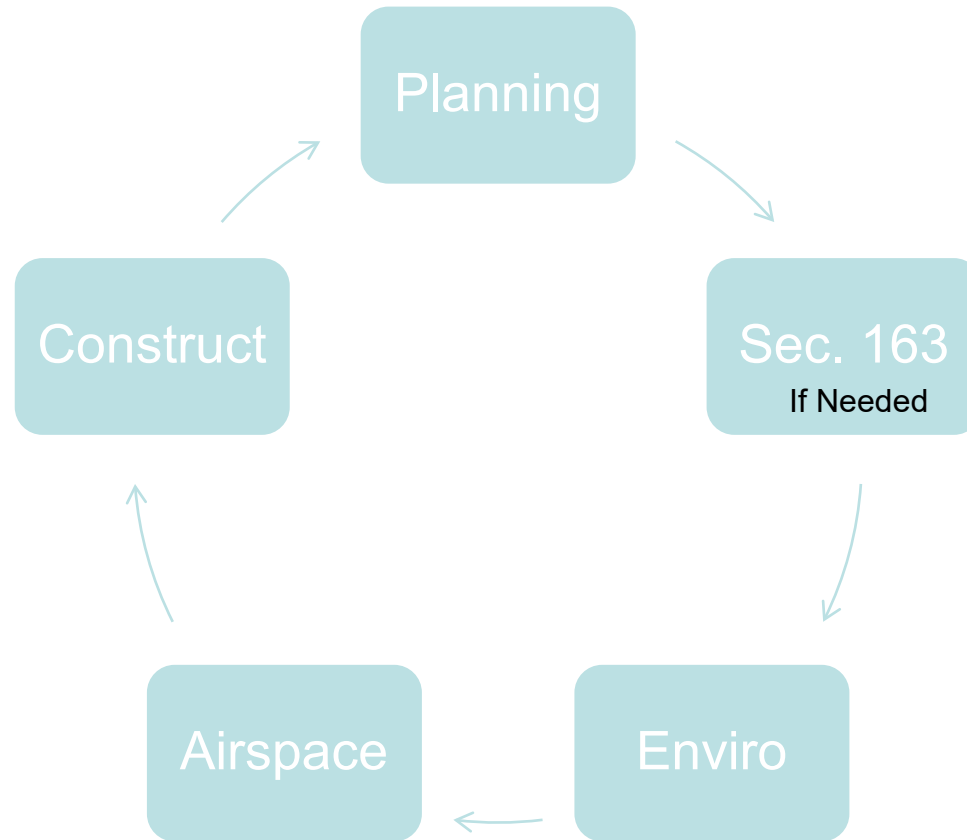


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The Big Picture



How Things Are Supposed To Work



Planning Update

Topics

- Section 163
- ADO Involvement in Master Plans/ALP and Process Improvement
- Important Reminders



New Topic!

Section 163

Section 163 of the “FAA
Reauthorization Act of 2018”
changed the FAA approval authority
for airport projects



Section 163 Discussion Topics

- What is Section 163?
- When does it matter?
- How does the ADO implement it?
- Why is the Exhibit A important?
- Does ADO review of ALPs change?
- Does Section 163 affect NEPA?



What is Section 163?

163 (d) - limits FAA approval authority over ALPs

163(a) limits FAA jurisdiction and authority over airport land use

163(b) – provides exceptions where the FAA retains jurisdictions

163(c) – preserves FAA authority over airport revenue



When does it matter?

Anytime a project is proposed on an airport, the ADO staff needs to determine whether the FAA has ALP Approval authority for that project (Section 163(d)) and whether it has the authority to regulate land use Section 163(a).

Section 163 (c) did not change the FAA authority to ensure that:

- The sponsor must receive not less than fair market value for the use, lease encumbrance, transfer or disposal of real property; and
- Revenues generated from commercial transactions must still be consistent with Grant Assurance 25 and 31 (Airport Revenue and Disposal of Land).



How does the ADO Implement it?

For Sections 163(d) - there are three criteria that need to be answered by ADO staff to determine whether the FAA has **ALP approval authority** –

Does the project:

- i. materially impact the safe and efficient operation of aircraft?
- ii. adversely affect the safety of people/property adjacent to the airport as a result of aircraft operations?
- iii. adversely affect the value of prior Federal investments?

The answers to these question can result in a :

1. “Yes”
2. “Yes, but only for a portion of the project”
3. “No, the FAA has no ALP approval authority



Implementation (cont.)

For Sections 163(a-c) – In order to determine whether the FAA has regulatory authority, *how the property was acquired* becomes important. Was the property purchased using:

- local funds?
- AIP or Surplus Property?
- ADAP, FAAP, AP4?
- PFC?

Was the property purchased using local funds but then used as a local match for a federal grant?

Is a release of obligations required? If yes, FAA has a Federal action and NEPA applies, if no, then no Federal action and no NEPA.



Why is the Exhibit A Important?

Details matter when it comes to implementing Section 163 (a-c).

Your Exhibit A must be kept up to date with parcel level detail *including what source of funds* were used to acquire the property.



Does the ADO review of ALPs submitted under a planning project change under 163?

The short answer is a qualified no....

1. Planners will continue to review ALPs to ensure they meet design standards, provide for safety/efficiency and meet future demand.
2. The ADO can make Section 163 land use determinations during the master planning process.

BUT, please show Section 163 actions on the ALP drawing set



Does Section 163 affect NEPA?

The short answer is yes...

- Where proposed projects or parts of projects no longer require any FAA approval, NEPA is not required



Section 163 – What does an Airport Submit for a Hangar Project?

Tell the story:

- Location, size and current use
- Revised ALP drawing or proposed revisions
- Timeframe or deadline needed
- Information on how land was acquired



New Topic!

ADO Involvement in Master Plans/ALP Update Process

We seek:

- A partnership with airport sponsors and consultants
- A focus on scope and schedule of the master plan process
- Receipt of work products as they are developed
- No surprises (unless it's our birthday and cake is served)

You will receive:

- Acknowledge of receipt of work products sent to the ADO
- Substantive comments (but no QA/QC on the work products)
- Timely responses from the ADO

Key Concept: Master Plans are taking too long to complete – the above will help us - help you - succeed!



Is a Current ALP Important?

A current ALP is needed if the following is important to your airport:

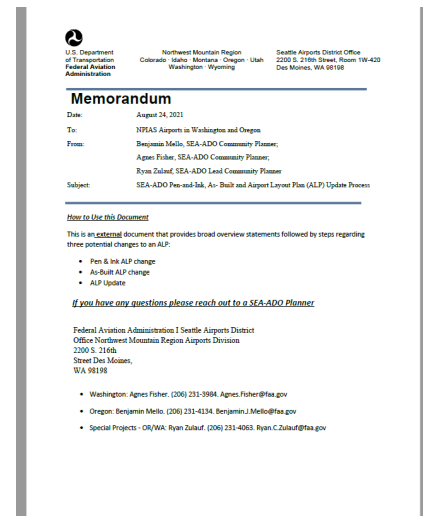
- Federal investment in your airport
- Procedure development to your runways
- Orderly on-airport development
- Being prepared for new on-airport hangar and business development
- Efficient and Timely Airspace Analysis and Response



Airport Layout Plan - Process Improvement

SEA-ADO sent out an e-mail in late August to Sponsors explaining our ALP processes going forward – Topics were:

1. Pen and Ink ALP Change – (*minor* changes to ALP)
2. As-Built ALP Change – (documenting a change)
3. ALP Update with Narrative Report – (a planning study)



Remember: Planning is the foundation for your projects. Help us - help you to go fast by keeping your ALP up to date! ***It's ALL up to you!***



New Topic!

Important Reminders

1. **Based Aircraft** - Remember that its time to update your Based Aircraft at <https://www.basedaircraft.com>
2. **Airport CIPs are overdue!** Remember that for AIP funding, the ADO views your first two years as locked – Sponsors who are constantly changing their CIP in the first two years may receive extra review of their funding request....
3. **Reimbursable Agreements (RA) reminder** – The ATO needs to know whether your airport needs an RA *sooner* (than later) - the sooner the better – 2-3 years in advanced notice would be greatly appreciated!



Environmental Update

Topics

- EPS Personnel Updates
- Amended CEQ Regulations
 - Under the supervision of the agency
 - Page limits
 - Time limits & Date of decision to prepare an EA
- Reviews and documentation - reminders



Amended CEQ Regulations – “NEPA Rules”

- Council on Environmental Quality (CEQ) regulations effective on September 14, 2020
- Any NEPA review begun after this date must follow the amended CEQ Regulations
- FAA's Order 1050.1F will be updated (1050.1G) to reflect the amended regs and also integrate Order 5050.4B guidance
- Redline version of CEQ changes available <https://ceq.doe.gov/laws-regulations/regulations.html>



Preparation of NEPA documents “under the supervision of the agency”

Section 1506.5(b) (*italics added under new Guidance*):

An agency...may direct an applicant or authorize a contractor to prepare an environmental document *under the supervision of the agency*.

- (1) The agency..., for the preparation of environmental documents, shall *provide guidance* to the applicant or contractor and *participate in their preparation*.
- (2) The agency shall *independently evaluate*...the environmental document and shall be *responsible for its accuracy, scope, and contents*.



Page Limits

- **Section 1501.5(f) - Environmental Assessments**
 - ‘The text of an environmental assessment shall be no more than 75 pages, not including appendices...’
- **Section 1502.7 – Environmental Impact Statements**
 - ‘The text of final environmental impact statements shall be 150 pages or fewer and for proposals of unusual scope or complexity shall be less than 300 pages or fewer...’
- Purpose for the page limit implementation is to provide an “approachable amount of information”
- Purpose and Need, Alternatives, Affected Environment, Environmental Consequences
- Table of contents, list of preparers, figures, tables, and appendices do not count towards the page limits



Time Limits

- **Section 1501.10**

- (b)(1) – ‘**Complete environmental assessments within 1 year** unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit. One year is measured from the date of agency decision to prepare an environmental assessment to the publication of an environmental assessment or a FONSI.’
- (b)(2) – ‘**Complete environmental impact statements within 2 years** unless a senior agency official of the lead agency approves a longer period in writing and establishes a new time limit. Two years is measured from the date of NOI to the date the ROD is signed.’



Date of Decision to Prepare an EA

- **Section 1501.10(b)(1)**
 - the “date of agency decision to prepare an environmental assessment,” **starts the clock on the presumptive one-year time limit** for completing environmental assessments (EAs)
- *Not the date when grant is signed; Not the date of the project kick-off meeting*
- Date of decision is when project planning is sufficiently mature to allow meaningful evaluation of the proposed action’s environmental effects
- *And*, when there is sufficient information and analysis to support a decision that an EA is the appropriate level of NEPA review
- This occurs after the development of the purpose and need, project description, preliminary alternatives, identification of required studies and conducting field assessments, identification of cooperating and participating agencies, potentially significant environmental issues and mitigation strategies, development of public involvement plan, and schedule



Environmental review & documentation - *reminders*

- Has planning been sufficiently completed to allow for the analysis of environmental impacts? Is the project ripe for review?
- What type of environmental documentation is needed to complete evaluation under NEPA and special purpose laws?
 - EIS, EA, Documented CATEX, Undocumented CATEX
- Endangered Species Act (ESA) Section 7 consultation - must be completed prior to environmental finding
- National Historic Preservation Act (NHPA) Section 106 consultation - must be completed prior to environmental finding; FAA is lead with support from sponsor and consultant team
- Clean Water Act (CWA) Section 404 permitting - pathway determined during NEPA process and permits (typically) pursued after environmental finding



Engineering/Project Management



FY-2022 AIP Program Schedule

Environmental Deadline	Bid Deadline	Project Type
NLT November 1, 2021	February 15, 2022	1. Tier 1 discretionary candidates
NLT January 15, 2022	April 1, 2022	1. Tier 2 discretionary candidates 2. Entitlement only grants for current year construction 3. State apportionment grants for current year construction
NLT January 15, 2022	May 15, 2022	1. Tier 3 discretionary candidates 2. Entitlement only grants for next year construction
NLT January 15, 2022	June 1, 2022	1. Entitlement only grants for equipment (e.g. ARFF vehicle) 2. Entitlement only grant for planning & environmental (SOW/IFE due) 3. Entitlement only grant for land (purchase agreement)



Schedule Clarifications

- **NLT / Due Dates**
 - Not ideal dates. Will result in very tight schedule depending on project type.
- **Bid Deadline – Intent?**
 - All costs associated with grant should be known at this time
 - Estimated Admin, “Other” (Utility costs, Permits), etc.
 - Finalized scope/fee for professional services
 - Bids open, recommendation of award complete and submitted to FAA.
 - Ready to submit grant application shortly following date



Key Considerations

- **Deliverable production and FAA review time.**
 - Time to produce sponsor items often overlooked. E.G.: Recommendation to Award document after bid opening
- **Long lead project elements**
 - Flight procedures, RA's, Airspace review, etc.
- **Restrictions by anticipated funding type**
 - Discretionary funding - No programming until all final numbers known
- **Programming cut-off dates**
 - Interaction with AIP schedule



Timing Is Everything: FY-22 AIP Programming

	Program Cut Off Dates*	Number of grants expected to be programmed
Deadline 3	March 5	Goal: 90% of all entitlement only grants
Deadline 4	April 22	Rest of grants for design/construction this year
Deadline 5*	June 17	Any Remaining
Deadline 6*	August 4	Last few discretionary grants

*Estimated

*Unlikely to have construction this year



Best Practices

- **Bid Dates – Earlier is Better**
 - In practice, especially for Discretionary funded construction projects, bid dates in February, March or earlier will be required to allow construction that season
- **Build contingency time into schedule**
 - Some dates, such as programming deadlines, are not static. Identify long lead items well in advance
 - Items may need to be identified years in advance. E.G.: flight procedure impacts – feasibility study. Pre-design already too late.
- **Consider Historical Timing**
 - Reference grant announcement timing from past years. Set estimates accordingly. Consider 120 day bid hold time.



