



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

Office of Airports  
Western Pacific Region  
Phoenix Airports District Office

3800 N. Central Ave.  
Suite 1025, 10<sup>th</sup> Floor  
Phoenix, AZ 85012

June 20, 2019

Marily M. Mora, A.A.E.  
President/CEO  
Reno Tahoe Airport Authority  
P.O. Box 12490  
Reno, Nevada 89510-2490

Dear Ms. Mora:

Thank you for your submission and request to the Federal Aviation Administration (FAA) and a possible federal action on the proposed non-aeronautical development of approximately 62 acres of airport property (the proposed Project) at the Reno-Stead Airport (RTS).

On October 5, 2018, HR 302, the “FAA Reauthorization Act of 2018” (the Act) was signed into law (P.L. 115-254). Section 163(d) of the Act limits the FAA’s review and approval authority for Airport Layout Plans (ALPs) to those portions of ALPs or ALP revisions that:

1. Materially impact the safe and efficient operation of aircraft at, to, or from the airport;
2. Adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations; or
3. Adversely affect the value of prior Federal investments to a significant extent.

Section 163 of the Act also limits the FAA’s authority to directly or indirectly regulate an airport owner or operator’s acquisition, use, lease, encumbrance, transfer, or disposal of land, any facility upon such land, or any portion of such land or facility. However, the Act does not affect the FAA’s authority:

1. To ensure the safe and efficient operation of aircraft or safety of people and property on the ground related to aircraft operations;
2. Over land and facilities acquired or modified using Federal funding;
3. Under Surplus Property Act instruments of transfer; or
4. Under the Passenger Facility Charge (PFC) statute (Title 49 U.S. Code, § 40117).

In light of these statutory changes, the FAA’s Phoenix Airports District Office (PHX ADO), Western-Pacific Region and the Office of Airport Planning & Programming

completed a review of the submission from your organization dated November 21, 2018 in order to determine if the proposed Project requires FAA approval.

The proposed Project involves the lease and development of approximately 62 acres of airport land to a private developer in order to accommodate a commercial/industrial warehousing facility located on the southwest side of the airport, adjacent to the approach end to Runway 8, and south of the Runway Protection Zone for that runway. The development will generate revenue for the airport.

The land subject to this project, which comprises a portion of the land designated as Area A, Parcel 1 on the Airport Property Map, was acquired by the City of Reno via Surplus Property Act transfer from the U.S. Government in 1966. The land was subsequently deeded to the Washoe County Airport Authority (now the Reno-Tahoe Airport Authority) in 1979. The currently approved ALP, dated March 2011, shows the parcel being reserved for future aeronautical use, which is consistent with its required use as surplus property. However, the airport has determined, and the PHX ADO agrees, that the parcel will not be needed for aeronautical purposes and that future aviation demand can be accommodated elsewhere on the airport.

#### Determination Regarding the Change to the Airport Layout Plan

For the purpose of determining whether the ALP change for the proposed Project requires FAA approval, we have determined that the proposed Project would have no impact on aircraft operations at, to, or from RTS and would not adversely affect the safety of people or property on the ground adjacent to the airport as a result of aircraft operations. We have also made an initial determination that the proposed Project would not have an adverse effect on the value of prior Federal investments to a significant extent. We will make our final determination on this question in conjunction with our review of RTS's request for release of Surplus Property Act obligations per the FAA procedure referenced below.

#### Determination Regarding the Proposed Land Use Re-designation

As stated above, we have confirmed that the property was acquired from the U.S. Government via a Surplus Property Act deed and was conveyed as aeronautical use property. Title 49 U.S. Code, § 47153(c) requires the FAA to provide notice to the public, for not less than 30 days, prior to waiving any condition imposed on an interest in surplus property.

Therefore, under Section 163(b) of the Act, the FAA has the legal authority to approve or disapprove the change in land use from aeronautical to non-aeronautical for the proposed Project. Please submit a release request in accordance with 14 CFR Section 155.11, *Form and Content of Requests for Release*, for the property in question so we may review the proposed Project.

#### Applicability of NEPA

The FAA's release of the sponsor's federal obligations under the Surplus Property Act deed would be subject to the National Environmental Policy Act (NEPA). As a result, the sponsor will be required to perform an environmental review for the proposed development on this parcel that conforms to the requirements in FAA Order 5050.4, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.

Sponsor Obligations Still In Effect

As a reminder, Section 163 still requires the airport to receive not less than fair market value for the use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities. The airport must also ensure that all revenues generated as a result of this lease may only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport.

Additionally, this project is still subject to airspace review under the requirements of 14 CFR Part 77, and Grant Assurance 29 still requires the airport to update and maintain a current ALP. If the project is completed, then please send us an updated ALP that depicts the development. Also, please submit an updated Exhibit A – Airport Property Map once the release is granted.

If you have further questions or need for clarification, please feel free to contact me at 602-792-1064.

Sincerely,



 Mike N. Williams, AAE  
Manager  
Phoenix Airports District Office

CC: Mike Hines, Office of Airport Planning & Programming  
Brian Armstrong, Manager, Safety & Standards