



07/06/2016

Aviation Group Client Update

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FAA ISSUES FINAL POLICY ON NON-AERONAUTICAL USE OF AIRPORT HANGARS

The FAA's [Final Policy](#) reiterates and clarifies that airport hangars must be used for aeronautical purposes, or be available for aeronautical purposes, unless otherwise approved by the FAA. Aeronautical purposes include: (1) storage of active aircraft, (2) final assembly of aircraft under construction, (3) non-commercial kit-built aircraft construction, (4) maintenance, repair, or refurbishment of aircraft, and (5) storage of aircraft handling equipment.

The FAA's proposed policy issued in July 2014 received more than 2,400 comments. Many comments stated that the FAA's proposed policy that allowed only incidental use of extra hangar space for non-aeronautical use was too strict. The Final Policy clarifies that non-aviation storage in a hangar shall not interfere with movement of aircraft in or out of the hangar, or impede access to aeronautical contents of the hangar. Such usage must not be for the conduct of non-aeronautical businesses or for municipal agency functions, such as storage of non-aeronautical inventory. Additionally, the Final Policy allows non-aeronautical use of hangars when there is insufficient aeronautical demand, as long as airports are able to promptly and readily return the space to aeronautical use if and when an aeronautical tenant is found.

The Final Policy reflects the FAA's change in position regarding aircraft construction. The FAA formerly held the need for a hangar did not arise until assembling aircraft components into a completed aircraft, with aircraft manufacturing and construction taking place off-airport. Many commenters pointed out the logistical difficulty of relocating the components of a kit aircraft at a late stage and argued that kit aircraft building at any stage should be considered aeronautical activity. The FAA agreed and this Final Policy distinguishes between large-scale manufacturing and kit construction. Airport sponsors must provide reasonable airport access to amateur-built or kit-built aircraft users; whereas its position for large-scale aircraft manufacturing has not changed.

Airports that have accepted federal grants under the Airport Improvement Program (AIP) are obligated to comply with this Final Policy. If you have any questions or would like further information, please contact our office.

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