

# **Guideline for Sponsors - Airworthiness / Aeronautical Activity**

03/15/2012 supersedes all previous

## **What is aeronautical activity?**

From FAA Order 5190.6B

For a sponsor of a publically owned, public use airport, this is any of the following - Any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. Activities within this definition, commonly conducted on airports, include, but are not limited to, the following:

General and corporate aviation, air taxi and charter operations, scheduled and nonscheduled air carrier operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, aircraft storage, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, parachute or ultralight activities, any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as aeronautical activities, self-maintenance and/or self-fueling, restoring aircraft, and construction of experimental amateur-built (FAR 21.191(g)), kit-built (FAR 21.191(h)), LSA (FAR 21.191(i)), and ultralight (FAR 103) aircraft.

Other activities, such as radio controlled, model aircraft, or model rocket operations, are not aeronautical activities.

*Rule of thumb: if an aerial devise does not carry a person, then operation of this devise from a public-use airport is restricted or prohibited. Unmanned aerial vehicles (UAV) operated by federal, state, or local public agencies are, on a case by case basis, exempt from this restriction.*

## **What is a Certificate of Registration?**

A certificate of Registration (C of R; FAA form AC 8050) is the ownership title to the aircraft. The C of R may be issued to an individual or a company. The FAA requires periodic re-registration for all aircraft. See attachment one for FAR 47.40. The original copy of the C of R must be in the aircraft; sponsors may reasonably require lessees to show the C of R for aircraft based on the airport. Ultralight aircraft are not required to have a C of R.

## What is a Certificate of Airworthiness?

A certificate of Airworthiness (C of A; FAA form 8100) is issued by the FAA to show that the aircraft was manufactured or built to minimum standards for the aircraft's category (type design). Factory built aircraft are issued a standard category C of A; experimental, restricted and other special category aircraft are issued a special C of A. C of A are indefinite unless otherwise noted in FAA Order 8130.2, surrendered or revoked by the FAA. The original copy of the C of A must be carried in the aircraft and displayed near the entrance of the aircraft. Sponsors may reasonably require lessees to show the C of A for aircraft based on the airport. Ultralight aircraft are not required to have a C of A.

## What does “airworthy” mean?

From FAA Order 8130.2G

Title 49, United States Code (49 U.S.C.) § 44704 (c) and 14 Code of Federal Regulations (14 CFR) § 21.183(a), (b), and (c) state that the following two conditions necessary for issuance of an airworthiness certificate:

- a. The aircraft must conform to its type design. Conformity to the type design is considered attained when the aircraft configuration and the engine, propeller, and articles installed are consistent with the drawings, specifications, and other data that are part of the TC. This includes any supplemental type certificate (STC) and repairs and alterations incorporated into the aircraft.
- b. The aircraft must be in a condition for safe operation. This refers to the condition of the aircraft relative to wear and deterioration, for example, skin corrosion, window delamination / crazing, fluid leaks, tire wear.

Note: If one or both of these conditions are not met, the aircraft would not be considered airworthy. Experimental aircraft only have to meet airworthy condition “b.”

Further, 14 CFR 91.409 states:

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft unless, within the preceding 12 calendar months, it has had-

- (1) An annual inspection in accordance with part 43 of this chapter and has been approved for return to service by a person authorized by §43.7 of this chapter; or
- (2) An inspection for the issuance of an airworthiness certificate in accordance with part 21 of this chapter

(b) Paragraph (a) of this section does not apply to—

- (1) An aircraft that carries a special flight permit, a current experimental certificate, or a light-sport or provisional airworthiness certificate. Under other parts of 14 CFR, special, experimental, or light sport aircraft require condition inspections as least annually very similar to the part 43 annual inspection requirements.
- (2) An aircraft inspected in accordance with an approved aircraft inspection program under part 125 or 135 of this chapter and so identified by the registration number in the operations specifications of the certificate holder having the approved inspection program
- (3) Ultralight aircraft

Synopsis: For an aircraft to be safe for flight (“flyable aircraft”) involves four considerations:

1. A correct and valid Certificate of Registration.
2. A correct and valid Certificate of Airworthiness.
3. An annual or condition or progressive maintenance inspection completed and released by an appropriate authority that the aircraft is in a condition safe for flight.
4. A determination by the pilot in command that he aircraft is in a condition safe for flight.

(Note: ultralight aircraft operating within the limits of FAR 103 have no certificates, maintenance, or record keeping required by the FAA. FAR 103 ultralights are aeronautical activity and may operate on public use airports)

### **Who may perform maintenance and repairs on aircraft; who may inspect and release aircraft from maintenance for flight?**

- A. Pilots operating under FAR 91 may perform and release those preventive maintenance actions listed in FAR 43, Appendix A 4(c).
- B. FAR 65.73 - persons holding valid Airframe and Power plant (A&P) and / or Inspection Authority (AI) certificate may repair and / or release all aircraft.
- C. Persons holding valid FAA LSA maintenance rating repairman certificate may conduct the annual condition inspection, all repairs, and release special light-sport aircraft (S-LSA) within their authorized aircraft category, e.g., airplane, etc. Holders of this certificate may also conduct the annual condition inspection on and then release E-LSA aircraft.

- D. Persons holding valid FAA LSA inspection rating repairman certificate may conduct the annual condition inspection and release the experimental light-sport aircraft (E-LSA) identified by the N-number and/or serial number, and type of aircraft on their certificate.
- E. Persons holding a valid FAA amateur-built aircraft repairman certificate may conduct the annual condition inspection and release the experimental amateur-built aircraft (AB) identified by the serial number and type of aircraft on their certificate.
- F. Pilots and owners of experimental AB or E-LSA aircraft may perform and release all other maintenance on their aircraft, including major/minor repairs, restorations, major/minor alterations, preventative maintenance, etc, outside of the annual condition inspection. There are no limitations on who the owner may approve to work on their aircraft.
- G. Pilots flying all types of experimental and special airworthiness category aircraft may have an A&P or IA repair and release these aircraft. The FAA-issued aircraft operating limitations will clarify who may perform maintenance, repairs, and annual condition inspections on these aircraft.
- H. Ultralight aircraft under FAR part 103 have no specific maintenance requirements.

### **What obligations does a sponsor have to lease sponsor owned hangars to the public for aeronautical activity?**

Sponsors who are under a federal or state grant agreement (APPA agreement) must comply with the grant assurances. Relative to hangar leases and airworthiness, generally the most important assurance is assurance 22, economic nondiscrimination. Sponsors must make the airport available to all type, kinds, and classes of aeronautical activity without unjust discrimination.

As a minimum, the sponsor is only obligated to offer unimproved ground leases to meet grant assurance obligations. Sponsors are not specifically obligated to purpose build hangars or buildings or provide water, sewage, and electricity or any other improvement to anyone that wishes to store an aircraft on the airport or engage in any other aeronautical activity. However, sponsors that own hangars are obligated to offer these hangars to the public for aeronautical activity on a fair and equitable basis.

“Flyable aircraft” or “airworthy in a condition safe for flight” are more descriptive terms for lease agreements between sponsors and lessees. “Airworthy” only implies the aircraft holds a C of A, unless clearly defined otherwise in this document.

Aeronautical activity includes storage, repair, and maintenance of aircraft. The Sponsor must determine what is a reasonable length of time to store non-flyable aircraft. This is particularly important when there is a hangar waiting list of flyable aircraft. A reasonable standard is - the sponsor may ask for and receive from the lessee a plan showing by what method and how long is needed to make the aircraft flyable. Additionally, if a flyable aircraft becomes unsafe for flight (annual inspection, minor or major maintenance, for example) the sponsor has the reasonable right to ask the lessee what the plan is to return the aircraft to a condition safe for flight. If necessary, it is recommended the sponsor and lessee seek expert outside opinion as to what is a reasonable plan. For example, a review of the aircraft by an Airframe and Power plant (A&P) mechanic, Inspection Authorization (IA) mechanic; or for AB and E-LSA aircraft an experienced aircraft builder or holder of an appropriate repairman certificate may be reasonable to determine the plan. The EAA Technical Counselor program is an excellent source for finding an experienced AB builder in the local area ([www.eaa.org](http://www.eaa.org)).

Once a plan is agreed upon, the sponsor may terminate a lease if the plan is not followed and if, on request from the sponsor, the lessee can offer no alternate plan and the lease agreement clearly states terms for lease termination are contingent on such a determination. The sponsor has the option to extend the plan time limits if the lessee is making reasonable progress toward completing the aircraft project. Hangar lease termination action by the sponsor is more easily justified if there is a hangar waiting list of flyable aircraft. The sponsor is not expected to terminate a lease when a plan cannot be completed due to lessee or mechanic illness, military deployment, or other extenuating circumstances.

## **Attachment One**

### **Federal Aviation Regulation 47.40 Registration expiration and renewal.**

(a) *Re-registration.* Each aircraft registered under this part before October 1, 2010, must be re-registered in accordance with this paragraph (a).

(1) A Certificate of Aircraft Registration issued before October 1, 2010, expires on the expiration date identified in the following schedule that corresponds with the month in which the certificate was issued.

<b><i>If the certificate was issued in:</i></b>	<b><i>The certificate expires on:</i></b>	<b><i>The owner must apply for re-registration between these dates—to allow delivery of the new certificate before expiration</i></b>
March of any year	March 31, 2011	November 1, 2010 and January 31, 2011.
April of any year	June 30, 2011	February 1, 2011 and April 30, 2011.

May of any year	September 30, 2011	May 1, 2011 and July 31, 2011.
June of any year	December 31, 2011	August 1, 2011 and October 31, 2011.
July of any year	March 31, 2012	November 1, 2011 and January 31, 2012.
August of any year	June 30, 2012	February 1, 2012 and April 30, 2012.
September of any year	September 30, 2012	May 1, 2012 and July 31, 2012.
October of any year	December 31, 2012	August 1, 2012 and October 31, 2012.
November of any year	March 31 2013	November 1, 2012 and January 31, 2013.
December of any year	June 30, 2013	February 1, 2013 and April 30, 2013.
January of any year	September 30, 2013	May 1, 2013 and July 31, 2013.
February of any year	December 31, 2013	August 1, 2013 and October 31, 2013.

(2) Each holder of a Certificate of Aircraft Registration, AC Form 8050–3, issued before October 1, 2010, must submit an Application for Aircraft Re-registration, AC Form 8050–1A, and the fee required by §47.17, between October 1, 2010, and December 31, 2013, according to the schedule in paragraph (a)(1) of this section.

(3) A Certificate of Aircraft Registration issued under this paragraph expires three years after the last day of the month in which it is issued.

(b) *Initial Registration.* A Certificate of Aircraft Registration issued in accordance with §47.31 expires three years after the last day of the month in which it is issued.

(c) *Renewal.* Each holder of a Certificate of Aircraft Registration, AC Form 8050–3, containing an expiration date may apply for renewal by submitting an Application for Aircraft Registration Renewal, AC Form 8050–1B, and the fee required by §47.17 during the six months preceding the expiration date. A certificate issued under this paragraph expires three years from the expiration date of the previous certificate