



Federal Aviation Administration

Information for Airport Sponsors Considering COVID-19 Restrictions or Accommodations

PURPOSE

This document addresses common issues that have arisen or may arise for airport sponsors during the response to the COVID-19 pandemic. The Federal Aviation Administration (FAA) Office of Airports will evaluate specific requests regarding restrictions or accommodations on a case-by-case basis. The FAA retains maximum flexibility to consider unique circumstances during this public health emergency.

BACKGROUND

The FAA has been receiving inquiries from airport operators about their authority to implement a range of restrictions, changes in operations, terminal service consolidations, and other responses to the COVID-19 pandemic. Many of these inquiries reflect interest in facilitating social distancing or adapting to a reduced level of activity at the airport.

The FAA's primary concern is that federally obligated airports remain safe and open to the traveling public and aircraft. Particularly during this public health emergency, airports play an essential role in transporting medical and emergency equipment and personnel. The FAA continues to expect all airports to operate safely and stay open.

APPLICABILITY

The guidance here is not legally binding in its own right and will not be relied upon by the FAA as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with this guidance, as distinct from existing statutes, regulations, and grant assurances, is voluntary only, and nonconformity will not affect existing rights and obligations.

ISSUES

Closing airports: All proposed closing of airport access (i.e., passenger and aircraft access) must be approved in advance by the FAA. As noted in [Compliance Guidance Letter, 2020-01](#), in general, the FAA does not permit temporary closure or restriction of federally obligated airports for non-aeronautical purposes. An airport sponsor must obtain FAA approval to allow airport closure for a non-aeronautical purpose. (Grant Assurance 19 and 49 U.S.C. § 47107(a)(8)). Grant Assurance 19 further requires that airport sponsors will not cause or permit any activity or action on the airport that would interfere with its use for airport purposes. This includes all airport structures and operational areas. If a proposed action suspends or closes an international Port of Entry, then the sponsor may also need approval from Customs and Border Protection (CBP).

Prohibiting certain flights (e.g., certain locations, types of aircraft, types of operations): As is normally the case, actions such as these may violate Federal law and the airport's grant assurances, unless approved in advance by the FAA and/or the U.S. Department of Transportation (DOT). To seek such approval, the airport sponsor should contact the applicable [FAA Airport District Office](#) to discuss the matter.

Requiring flights to land at certain airports for screening: All such requests would ordinarily require prior FAA approval under Grant Assurances 19 and 22 and related statutes. Usually, these restrictions would likely constitute an unreasonable restriction on access; however, FAA has discretion to consider such requests and recognizes the exceptional situation presented by this public health emergency. Depending on the circumstances, such requests might be deemed as reasonable restrictions on access. However, even where FAA is amenable to such a temporary condition, the airport will need to coordinate with DOT with regard to requiring route changes, and with CBP if the action appears to suspend or close an international Port of Entry.

Closing of sections of the airfield to allow for aircraft parking: There should be no overflow parking of aircraft on runways to the extent practicable. If overflow parking of aircraft is needed, airports should first consider using gates, aprons, and non-movement areas. Based on the location selected, the sponsor must be able to respond with aircraft rescue and fire fighting (ARFF) capability and provide required notice. In all cases, operators of airports in the National Plan of Integrated Airport Systems should work with local air traffic facilities (if present) to develop a safe and reasonable parking plan and share that information with their servicing FAA Airports District Office, local FAA Air Traffic Manager, and FAA's Flight Standards Service. For part 139 certificated airports, see [Cert Alert 20-02 – Temporary Parking of Overflow Aircraft](#).

Closing Restaurants or other retail activities in the terminal: From FAA's perspective, the closing of restaurants, retail stores, or other non-aeronautical functions in a terminal is not likely to violate FAA grant assurances, particularly if driven by public health measures or reduced clientele, and especially if based upon restrictions applicable to all business entities within the jurisdiction. However, airports should coordinate with the FAA Office of Civil Rights with regard to Airport Concession Disadvantaged Business Enterprise regulations.

Closing gates or sections of terminals: In coordination with airport sponsors, airlines, the Transportation Security Administration (TSA), and other entities, closing gates or sections of terminals is likely to be acceptable if the closure is executed in response to reduced passenger volumes and operations, is not discriminatory, and does not provide an unfair competitive advantage to one operator. For example, TSA has reduced lanes or consolidated passenger screening checkpoint operations in numerous airports in response to the reduction in originating passenger volume

Allowing terminals to be used for sheltering of people: This is likely to be acceptable if it does not interfere with necessary airport access and security for the traveling public and aircraft operations.

Screening or quarantining passengers boarding or exiting planes: State, local, or territorial public health officials may want to screen or quarantine passengers. In most cases, this is likely to be acceptable as long as passengers are not being categorically refused access to air transportation (e.g.,

through unapproved blanket closures). Airlines may refuse transportation to a passenger because of a communicable disease if the passenger's condition poses a direct threat to the health or safety of others. Care must also be taken in coordinating with airport sponsors, airlines, TSA, airport law enforcement, and other entities on when, where, and how your government conducts this screening and quarantining, with a goal of minimizing burden and maximizing flexibility for operations. Effort also should be made to minimize undesirable queuing or the formation of large groups of passengers.

Deferral of rental payments or other fees: Airports have flexibility to defer the collection of rents and/or fees if the circumstances warrant. The terms and interest rates applied should be reasonable and applied fairly to similarly situated businesses. Deferral of rental payments and or fees, if adequately justified, is not likely to violate FAA's grant assurances. A primary goal of the statutory sustainability principle is to keep the airport solvent to ensure that the airport can remain open and operate safely. If a deferral exceeds an annual reporting period, interest should be charged based on Treasury note interest rates and reported on FAA Form 127 as deferred revenue until collected. In general, there is no authority that would allow an airport to waive landing fees and terminal rents; any such request should be discussed with FAA's Office of Airports.

Sponsor's request for reducing hours of operation: If contemplated, it is important that any such proposed action be part of implementing a legitimate public health initiative related to COVID-19. At a minimum, to the extent considered, such an action would require FAA to examine whether it would result in an undue hardship on emergency response or otherwise unjustly discriminate against a specific user of the airport. Finally, FAA is unlikely to approve any such reductions that would restrict either government or emergency operations.

Sheltering-in-place impacts on airport personnel: Because airports are essential in transporting emergency and medical supplies and personnel during emergencies, a critical number of airport and Federal employees should be designated as essential to ensure the continuity, safety, and security of airport operations. Also, airport law enforcement should be informed to facilitate their access to airport and airport facilities. This is particularly true for part 139 certificated airports, which require minimum personnel to meet requirements of the regulation. In addition, the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency has issued [guidance](#) that specifically identifies airport operations personnel as part of the "Essential Critical Infrastructure Workforce" who should not be impeded from their efforts to keep airports safe and operational.

CONCLUSION

Airports should be cognizant of, and assume the responsibility for, the implications of their proposed actions in response to COVID-19. Considerations include, among others: (1) coordination with the FAA, (2) coordination with other Federal, state, or local agencies as needed, including airport law enforcement or local law enforcement entities serving the airport; (3) understanding of applicable Federal obligations, (4) impacts on aeronautical use and airport infrastructure; (5) impact on the safe and efficient functioning of air traffic and the National Airspace System; (6) communications and notice requirements; (7) evolving safety and security requirements; (8) the need to document actions; (9) plans for following up on or amending actions as the situation evolves; and (10) the impact to emergency services that rely on air transportation.