

§ 151.27

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in the vicinity of the airport, or assuring protection or control of aerial approaches, when the sponsor lacks the power to zone the land.

(b) Each sponsor must submit with his application—

(1) A written statement—

(i) Specifying what consideration has been given to the interest of all communities in or near which the project is located; and

(ii) Containing the substance of any objection to, or approval of, the proposed project made known to the sponsor by any local individual, group or community; and

(2) A written statement showing that adequate replacement housing that is open to all persons, regardless of race, color, religion, sex, or national origin, is available and has been offered on the same nondiscriminatory basis to persons who have resided on land physically acquired or to be acquired for the project development and who will be displaced thereby.

[Amdt. 151-8, 30 FR 8039, June 23, 1965, as amended by Amdt. 151-17, 31 FR 16524, Dec. 28, 1966; Amdt. 151-39, 35 FR 5537, Apr. 3, 1970]

§ 151.27 Procedures: Application, plans, specifications, and appraisals.

(a) Except as provided in paragraph (b) of this section, each sponsor shall incorporate by reference in its project application the final plans and specifications, describing the items of airport development for which it requests United States aid. It must submit the plans and specifications with the application unless they were previously submitted or are submitted with that of another sponsor of the project.

(b) In special cases, the Administrator authorizes the postponement of the submission of final plans and specifications until a later date to be specified in the grant agreement, if the sponsor has submitted—

(1) An airport layout plan approved by the Administrator; and

(2) Preliminary plans and specifications in enough detail to identify all items of development included in the project, and prepared so as to provide for accomplishing the project in accordance with the master plan layout,

the rules in subparts B and C and applicable local laws and regulations.

(c) If the project involves acquiring a property interest in land by donation, or at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, the Administrator, before passing on the eligibility of the project makes or obtains an appraisal of the interest. If the appraised value is less than the value placed on the interest by the sponsor (§151.23), the Administrator notifies the sponsor that he may within a stated time, ask in writing for reconsideration of the appraisal and submit statements of pertinent facts and opinion.

[Doc. No. 1329, 27 FR 12351, Dec. 13, 1962 as amended by Amdt. 151-8, 30 FR 8039, June 23, 1965; Amdt. 151-17, 31 FR 16524, Dec. 28, 1966]

§ 151.29 Procedures: Offer, amendment, and acceptance.

(a) Upon approving a project, the Administrator makes an offer to the sponsor to pay the United States share of the allowable project costs. The offer states a definite amount as the maximum obligation of the United States, and is subject to change or withdrawal by the Administrator, in his discretion, at any time before it is accepted.

(b) If, before the sponsor accepts the offer, it is determined that the maximum obligation of the United States stated in the offer is not enough to pay the United States share of the allowable project costs, the sponsor may request an increase in the amount in the offer, through the Area Manager.

(c) An official of the sponsor must accept the offer for the sponsor within the time prescribed in the offer, and in the required number of counterparts, by signing it in the space provided. The signing official must have been authorized to sign the acceptance by a resolution or ordinance adopted by the sponsor's governing body. The resolution or ordinance must, as appropriate under the local law—

(1) Set forth the terms of the offer at length; or

(2) Have a copy of the offer attached to the resolution or ordinance and incorporated into it by reference.

The sponsor must attach a certified copy of the resolution to each executed

copy of an accepted offer or grant agreement that it is required to send to the Area Manager.

§ 151.31 Procedures: Grant agreement.

(a) An offer by the Administrator, and acceptance by the sponsor, as set forth in §151.29, constitute a grant agreement between the sponsor and the United States. Except as provided in §151.41(c)(3), the United States does not pay, and is not obligated to pay, any part of the project costs that have been or may be incurred, before the grant agreement is executed.

(b) The Administrator and the sponsor may agree to a change in a grant agreement if—

(1) The change does not increase the maximum obligation of the United States under the grant agreement by more than 10 percent;

(2) The change provides only for airport development that meets the requirements of subparts B and C; and

(3) The change does not prejudice the interests of the United States.

(c) When a change is agreed to, the Administrator issues a supplemental agreement incorporating the change. The sponsor must accept the supplemental agreement in the manner provided in §151.29(c).

[Doc. No. 1329, 27 FR 12351, Dec. 13, 1962, as amended by Amdt. 151-8, 30 FR 8040, June 23, 1965]

§ 151.33 Cosponsorship and agency.

(a) Any two or more public agencies that desire to participate either in accomplishing development under a project or in maintaining or operating the airport, may cosponsor it if they meet the requirements of subparts B and C, including—

(1) The eligibility requirements of §151.37; and

(2) The submission of a single project application, executed by each sponsor, clearly stating the certifications, representations, warranties, and obligations made or assumed by each, or a separate application by each that does not meet all the requirements of subparts B and C if in the Administrator's opinion, the applications collectively meet the requirements of subparts B and C as applied to a project with a single sponsor.

(b) A public agency that desires to participate in a project only by contributing funds to a sponsor need not become a sponsor or an agent of the sponsor, as provided in this section. However, any funds that it contributes are considered as funds of the sponsor for the purposes of the Federal Airport Act and this part.

(c) If the sponsors of a joint project are not each willing to assume, jointly and severally, the obligations that subparts B and C requires a sponsor to assume, they must send a true copy of an agreement between them, satisfactory to the Administrator, to be incorporated into the grant agreement. Each agreement must state—

(1) The responsibilities of each sponsor to the others with respect to accomplishing the proposed development and operating and maintaining the airport;

(2) The obligations that each will assume to the United States; and

(3) The name of the sponsor or sponsors who will accept, receipt for, and disburse grant payments.

If an offer is made to the sponsors of a joint project, as provided in §151.29, it contains a specific condition that it is made in accordance with the agreement between the sponsors (and the agreement is incorporated therein by reference) and that, by accepting the offer, each sponsor assumes only its respective obligations as set forth in the agreement.

(d) A public agency may, if it is authorized by local law, act as agent of the public agency that is to own and operate the airport, with or without participating financially and without becoming a sponsor. The terms and conditions of the agency and the agent's authority to act for the sponsor must be set forth in an agency agreement that is satisfactory to the Administrator. The sponsor must submit a true copy of the agreement with the project application. Such an agent may accept, on behalf of the sponsor, an offer made under §151.29, only if that acceptance has been specifically and legally authorized by the sponsor's governing body and the authority is specifically set forth in the agency agreement.