



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

Federal Aviation Administration
Southwest Region, Airports Division
Texas Airports Development Office

10101 Hillwood Pkwy
Fort Worth, TX 76177

December 31, 2015

Mr. Massoud Ebrahim, P.E.
City Manager
2821 Washington Street
Greenville, Texas 75403-1049

Mr. Henry Schraeder, Managing Member
Skydive Tandem Greenville, LLC
2241 County Road 3303
Greenville, Texas 75402

Mr. Larry Portman, President
First Flight Tandems Inc.
701 Lochness Lane
Garland, Texas 75044

Dear Messrs. Ebrahim, Schraeder, and Portman:

The Federal Aviation Administration received an informal complaint dated November 23, 2015, alleging the City of Greenville was not operating their public airport in compliance with federal grant assurances. The city of Greenville, as a recipient of federal Airport Improvement Program funding, has contractually pledged to operate the Greenville-Majors Field Airport (GVT) in accordance with conditions in those agreements and specifically the Part V Airport Assurances.

In his November 23, 2015, letter, Mr. Schraeder lists a number of allegations of noncompliance with grant assurances surrounding the introduction of Appendix C. Skydiving Operations to the city's updated Minimum Standards for Airport Operations (MSAO) at Greenville Municipal Airport as approved by City Ordinance No. 15-062 on October 27, 2015. The complainant cites 19 provisions in the MSAO to be unreasonable, highly discriminatory, and in violation of grant assurances. He deems a 20th provision a violation of grant assurances.

On November 24, 2015, FAA received a separate email from a separate skydiving operator, Mr. Portman, fully supporting and seeking to be added as a co-complainant. No additional allegations were offered, but he expressed concern why the ADO has not started an investigation.

In response to the letter, FAA responded to the complainants by letter on December 1, 2015, advising those parties that a review would be conducted over the course of the next 30 days. During that period, FAA conducted an administrative review of the MSAO and initiated a site visit to assess the allegations. FAA requested and received the city's formal response to the allegations in a formal briefing with city officials on December 9, 2015.

As background, Greenville Municipal Airport-Majors Field (GVT) is a general aviation airport with no scheduled air carrier service. According to the latest FAA Form 5010, Airport Master Record, there are 38 based aircraft and 35,640 annual aircraft operations. The airport has a single 8,030'x150' runway with a FAA-maintained precision instrument landing system. There is a large primary aviation-related industrial tenant that leases a large mass of airport land for their aviation-related business. There are other fixed based operators on the field and large and small hangars for individual aircraft storage. We learned self-fueling operations are permitted on the airport and a designated storage area for vehicles and their tank trailers are located southwest of the terminal building. As part of their operation, the industrial lessee operates a FAA-certificated airport traffic control tower during weekdays.

The Texas ADO also confirmed the following relevant facts:

Prior to receiving the complaint and in accordance with Condition No. 29 of the grant assurances, the city is required to maintain an Airport Layout Plan (ALP) per standards described by the Administrator. In January 2015, the city of Greenville submitted four FAA Form 7460-1 seeking to modify the approved ALP by introducing parachute landing areas on GVT. The evaluation of proposed landing areas under study numbers 2015-ASW-330-NRA, 2015-ASW-331-NRA, 2015-ASW-332-NRA, and 2015-ASW-337-NRA was completed and FAA issued a no objection determination (with conditions) on June 26, 2015. The determinations incorporated a comprehensive safety assessment that was conducted by FAA Flight Standards officials in accordance with the most recent FAA Order 8900.1 criteria.

Following approval of the parachute landing areas on their ALP, the city updated their Airport Minimum Standards and Requirements for Commercial and Non-commercial Aeronautical Activities by incorporating a new Appendix C. Skydiving Operations (MSAO) at Greenville Municipal Airport as approved by City Ordinance No. 15-062 on October 27, 2015.

The Texas Airports Development Office, accompanied by Mr. Bill Gunn, Texas Department of Transportation-Aviation Division, conducted an on-site visit December 9, 2015, to fully assess the city's efforts to afford skydiver access to GVT and review improvements made to airport to safely accommodate those operations, and to assess reasonableness of local rules and regulations for skydiving activity. The site visit further confirmed the following:

- The city employs an airport manager who is responsible for coordinating airport services and enforcing established leasing terms and minimum standards.
- Landing areas have been established and designated on GVT consistent with ALP.
- One existing off-airport landing site is in use on private property just outside the east property line boundary of GVT and we learned another may be under consideration on private property west of the airport.
- A large portion of airport property is leased to an industrial tenant whose primary business is aeronautical. A high level of corporate security is maintained by the industrial tenant consistent with the sensitivity of the work performed within its lease boundaries. The city has no operational duties and responsibilities within those boundaries except to enforce the terms of their lease agreement. The city cooperates, but has no responsibilities for enforcing security requirements of their industrial tenant.
- The airport has made available space for commercial aeronautical operations and those users have made aircraft and facility investments on the airport including fixed based

operators, a medivac service, and individual and multi-aircraft storage hangars. These historical leaseholds are critical to the city producing the necessary income to operate and maintain the airport and satisfy their self-sustaining requirements (Grant Assurance #22, 24, and 25, Economic Nondiscrimination, Fee and Rental Structure, and Airport Revenues).

- Ramp space at GVT is limited and shared with other fixed and rotary wing aircraft. We learned ramp space has been made available previously to load skydivers onto aircraft and this multifunctional area is shared with all other local and itinerate aircraft, warranting careful management and coordination with and by airport management officials. Designated skydiver aircraft loading areas are directly adjacent to the terminal building. That practice has been in place for several years and appears to be working satisfactory. There is no record in this office of any historical issues concerning access and loading requirements for these aircraft & skydivers. Space inside the terminal is limited to a lobby, small general purpose conference room, public restrooms and the manager's office. We understand the conference room has been used previously for pre- and post- skydiving briefings, but due to space limitations, cannot be reasonably considered for accommodating multiple skydiving operators.
- Plans and procedures have been considered for recovery of skydivers and are appropriately designated to safeguard against runway incursions and to assure safe management of operations for all users. (Grant Assurance #19, Operations and Maintenance)
- The air traffic control tower is presently open Monday-Friday and closed on weekends.
- Storage for self-fueling vehicles and their tanks are appropriately located in an area away from hangars away from local and transient operators.
- An emergency evacuation helicopter operation is located near the terminal building and the operation is 24 hour per day/7 days per week.
- The city has appropriately considered terrain, drainage, and other on-airport existing and future development for siting their skydiving landing areas.
- There are no permanent roads, walkways or signage directing post skydiving recovery activities.

The applicable guidance used in FAA's review is as follows:

- FAA Order 5190.6B

The following documentation was reviewed and considered along with applicable agency decisions pertaining to skydiving operations on obligated airports:

- City of Greenville Ordinance Number 15-062, *Greenville Municipal Airport Minimum Standards and Requirements for Commercial and Non-commercial Aeronautical Activities*.
- The City of Greenville's response to allegations delivered December 28, 2015.
- United States Parachute Association Skydivers Information Manual.
- FAA Safety Assessment for GVT dated June 15, 2015.
- Fort Worth ARTC Center, Majors ATCT, and Skydive Tandem Greenville, LLC. Letter of Agreement dated July 16, 2012.
- *MajorsFieldSpyPlanes.com* website.

After careful and deliberate review, we concluded the following:

1. The city properly updated and coordinated the ALP update consistent with grant assurance #29, Airport Layout Plan.
2. The city has worked in good faith to develop parachute landing areas to afford skydiving access to GVT and reasonable management practices to safeguard existing and future fixed and rotary wing users on their public airport.
3. The city developed their minimum standards align with the principles and guidelines in the U.S. Parachute Association's Skydiving Information Manual.
4. The city is exercising their public duty and responsibility in managing users who access the public airport. We consider the local requirement to record users as a reasonable means to manage the skydiving activity and have determined this is being maintained for all other local users. It is also reasonable that the city considers individual skydivers as "local users" and has the discretion to catalogue and record those airport users in the reasonable manner. To challenge credentials of users operating on a public airport is vested in state and local laws, and grant assurance policy is silent in this area.
5. Consistent with the requirement to post a schedule of rates and charges to make the airport self-sustaining, the \$100 daily fee is quite reasonable, but may need to be adjusted at some point to reflect demand. The city's requirement to require operators to carry liability insurance at the specified level is also considered reasonable. The city's requirement to require signed waivers is also considered reasonable when required for all local public airport users. The city has appropriately applied Grant Assurance no. 24, Fee and Rental Structure.
6. The city's minimum standards and leasing guidelines are not in conflict with the grant assurances. Grant Assurance no. 21 and 22, Economic Nondiscrimination and Exclusive Rights.
7. After careful consideration, we have also concluded the city's plan of specifying skydiving operations to align with air traffic control tower hours of operation is a reasonable means of assuring safe and efficient operations on the public airport per Grant Assurance no. 19, Operations and Maintenance. The June 15, 2015, safety assessment specifically mentions certain management controls listed in Items 4, 5, 6, and 11 of the final report which reduce high and medium risk items to low risk with listed mitigation measures. The air traffic control tower operation is a key component of the risk mitigation strategy at GVT. Additionally, we conclude the city is already managing both a limited availability of apron space coupled with the complexity of other fixed and rotary-wing users operating in close proximity and these collective activities warrant strong airport management controls. In addition, uncontrolled off-airport skydiving operations adjacent to the GVT traffic pattern are currently being conducted when the contract tower is closed and are not a consideration of the city's ordinance. Off-airport activity adds an additional element of complexity and supports the city's approach to safely managing this activity when accessing the public airport.
8. Plans and procedures have been considered for recovery of skydivers and are appropriately designated to safeguard against runway incursions and to assure safe management of operations for all users. The introduction of fines is one reasonable means to safeguard against runway incursions. Other towered airports utilize this technique as a progressive means of controlling runway incursions at their respective airports (City of Fort Worth and City of Addison are examples of such). (Grant Assurance #19, Operations and Maintenance).

With respect to Mr. Portman's concerns, beginning in January 2015, FAA and TxDOT carefully monitored activities on this subject, openly communicated with future users by email communications, and were routinely satisfied the city was taking this issue seriously and taking progressive steps to afford access. The time city leaders needed to research and develop local requirements is considered reasonable and their steps and forthcoming progress met proposed targets aligning with emails sent to potential interested operators by this office on August 4 & 11, 2015. This determination affirms a prior Part 13 investigation was premature on this topic.

We offer the following recommendations to the city:

1. We are suggesting the city modify their Appendix C, MSAO to afford consideration of multi-aircraft skydiving operations as activity advances. We determined FAA officials are the appropriate entity to authorize multi-aircraft operations, but it is reasonable to require a 72 hour advance notification so that necessary coordination is achieved within FAA and permit local permitting requirements in advance of such operation(s).
2. Consider designating pathways with cones or appropriate directional signage for post skydiving recovery activities. Designate and specify spectator viewing areas away from operational areas to further reduce the potential for inadvertent or unauthorized entry onto the airfield.
3. Clarify the MSAO that all users are subject to fines if are not operating within their designated authorized areas.
4. Formalize the adjustments made to the MSAO, as represented in the city's December 28, 2015 letter.

We remind all parties there will be a need to update the Fort Worth ARTC Center, Majors ATCT, and Skydive Tandem Greenville, LLC Letter of Agreement dated July 16, 2012, to incorporate GVT on-airport operations. We are available to support that activity upon the satisfactory completion of the local permitting process and will require that information to begin our review. The FAA point of contact for this coordination is: Ms. Vonnie Royal, (817) 222-5807 Vonnice.Royal@faa.gov. We sincerely hope and trust all parties seeking to access Greenville Municipal Airport work closely and in good faith to assure continued safe operations at GVT.

As a footnote to our review, we are expressing concerns about content referenced in the complaint and viewed on *MajorsFieldSpyPlanes.com*. While none of the general content was relevant to this determination, we are questioning whether there are other motives which may be relevant to the safe and efficient operation of the local airport. This topic is being referred to the city for additional review and appropriate follow-up.

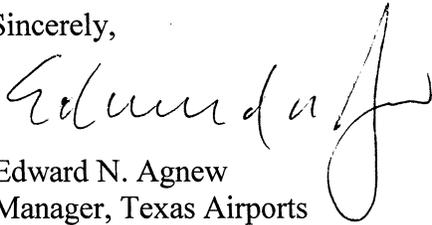
After carefully reviewing the information referenced within, we determined the following:

- The city of Greenville has worked in good faith to afford access to the skydiving community at GVT.
- Appendix C. Skydiving Operations to the city's updated Minimum Standards for Airport Operations (MSAO) at Greenville Municipal Airport, as approved by City Ordinance No. 15-062, on October 27, 2015, is considered a reasonable instrument to manage such operations in a nondiscriminatory manner.

- The city of Greenville is presently operating their airport consistent with their Grant Assurances.

If either party wishes to dispute this determination, a formal complaint may be filed with FAA in accordance with the requirements of Title 14 Code of Federal Regulations Part 16 (Part 16). Please refer to http://www.faa.gov/airports_airtraffic/airports/airport_obligations/complaints/ for guidance on filing complaints pursuant to Part 16.

Sincerely,



Edward N. Agnew
Manager, Texas Airports
Development Office

cc:

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