

## § 169.5

## 14 CFR Ch. I (1–1–19 Edition)

air navigation facility for use in air commerce including where applicable—

(i) The number and type of aircraft that use or would use the airport or facility;

(ii) The present and expected level of activity;

(iii) Any special use of the airport or facility such as its providing access to places of recreation as national forests or parks or to isolated communities where access by other means is not available or is curtailed by climatic condition; and

(iv) In the case of an airport or air navigation facility owned, operated, or maintained by a Federal agency other than the FAA, the relationship of the airport or facility to the performance of that agency's functions.

(b) Each of the following has the effect of a recommendation and certification, and a separate application under this part with respect thereto is not required:

(1) Approval of a project under section 16 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1701).

(2) Inclusion of an airport in the National Airport System Plan, if—

(i) Notice of construction or alteration required by § 157.3 of this chapter has been given; and

(ii) The Administrator has determined that there is no objection to the proposed construction or alteration.

[Doc. No. 9256, 34 FR 5718, Mar. 27, 1969, as amended by Amdt. 169–1, 37 FR 21322, Oct. 7, 1972; Amdt. 169–2, 54 FR 39295, Sept. 25, 1989]

### § 169.5 FAA determination.

(a) The Administrator issues a recommendation and certification if he finds that the airport or facility is reasonably necessary for use in air commerce or in the interests of national defense; that it conforms to all applicable plans and policies for, and allocations of, airspace; and that it otherwise complies with requirements of Federal law properly considered by the Administrator. The Administrator may grant the recommendation and certification subject to conditions that ensure conformity of the airport or facility with these standards.

(b) A recommendation and certification under this part, express or implied, does not extend to a modified version of an airport or facility to which it applies, or to an additional area or facility at the same airport.

(c) If the application is denied the Administrator notifies the applicant of the grounds for the denial. The Administrator may revoke a recommendation and certification for proper cause.

(d) The authority of the Administrator under this part is exercised by Regional Airports Division Managers as to airports or facilities within their respective regions.

[Doc. No. 9256, 34 FR 5718, Mar. 27, 1969, as amended by Amdt. 169–1, 37 FR 21322, Oct. 7, 1972; Amdt. 169–2, 54 FR 39295, Sept. 25, 1989]