

POLICY RESOLUTION PR-9-06
TITLE: LEASES TO FEDERAL AGENCIES

WHEREAS, there is a need for common federal agency land and terminal space use lease language; and

WHEREAS, many federal agencies are interpreting the Code of Federal Regulations in different ways. Some are requiring federal indemnification yet provide no indemnification for the airport sponsor. Some are mandating onerous environmental requirements while others are not; and

WHEREAS, an example of divergence between federal agencies is the requirement by the General Services Administration to include clauses regarding contingency fees and anti-kickback in their contracts while FAA and the U.S. Fish and Wildlife Service do not; and

WHEREAS, some federal agencies are writing hazardous contamination clauses that place fault with the airport sponsor without evidence of causation while other agencies are agreeing to the concept of agency responsibility: If the federal agency causes the contamination, it should be responsible for the clean-up.

NOW, THEREFORE, BE IT RESOLVED, that the Administration develop a common set of policies for federal agency land and space leasing agreements, including standard language for land and terminal space use lease agreements that would be adopted by all federal agencies; and

BE IT FURTHER RESOLVED, that such standard language be sufficiently flexible to allow site-specific criteria to be addressed; and

BE IT FURTHER RESOLVED, the American Association of State Highway and Transportation Officials be given the opportunity to review and comment on the proposed, standard language.