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## Attachment 3. Airport Closure Guidance Statement

The Minnesota Department of Transportation, Office of Aeronautics (MnDOT Aeronautics) has developed this Guidance Statement (or Guidance) to establish and implement the Airport Closure Standard Operating Procedure (SOP). The SOP provides a standardized process for airports seeking release from the state aviation system. This includes details regarding how an airport sponsor (or sponsor) initiates the process of requesting release from the state aviation system and MnDOT Aeronautics' responsibilities associated with responding to that request.

The SOP involves a comprehensive evaluation of the potential financial implications of an airport's closure, as well as an assessment of the potential impacts to the sponsor, surrounding community, aviation users, and the state aviation system. The SOP provides MnDOT Aeronautics and sponsors with a uniform process for handling release and/or closure requests that abides by all applicable state and federal requirements. The process ensures that MnDOT Aeronautics has the information required to make an informed decision that considers the interests of all applicable stakeholders.

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### Reason for Guidance

MnDOT Aeronautics established the Airport Closure Guidance to detail a formal and consistent process for airports seeking to be released from the state aviation system and/or requesting closure, as well as outline the responsibilities of MnDOT Aeronautics and sponsors within this process. The Guidance is enacted via the Airport Closure SOP, which is triggered when a municipality is no longer able and/or willing to meet the legal, financial, and/or other obligations associated with airport sponsorship. In such cases, the sponsors may request release from the state aviation system to close the facility.

Airport closures can result in immediate implications for the sponsor, aviation-related users, and the community in which the airport is located. Airports serve as a driver of economic activity and contribute to the safety, security, and social wellbeing of populations within its vicinity, as well as provide other benefits to aviation and non-aviation users. These benefits include, but are not limited to, supporting commercial passenger service, general aviation activities, air cargo, and military operations. Airport closures may also negatively impact the capability of the state aviation system to provide comprehensive air connectivity and access throughout Minnesota.

The Airport Closure SOP details the comprehensive and uniform evaluation that MnDOT Aeronautics must complete to examine these and other potential impacts that may result from an airport's exit from the state system and/or closure. Documented through the "Impact Evaluation," this assessment is generally designed support the Commissioner of Transportation's (Commissioner) ability to make an informed decision about an airport's continued inclusion in the state aviation system.

The Impact Evaluation documents the following information:

- Cost of closing the airport for the sponsor and state (as applicable)
- Potential impacts to the state aviation system and air-traveling public
- Active grant assurances
- Public input

Additionally, sponsors and MnDOT Aeronautics are required to abide by all applicable state and federal requirements associated with the transfer of ownership or closure and decommissioning of airport facilities. The Airport Closure Guidance supports MnDOT Aeronautics' role as good stewards of public funds and commitment to responsible and transparent decision-making.

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## Applicability

Key stakeholders affected by this Guidance include:

- Commissioner
- Sponsors operating a publicly owned, public-use airport in Minnesota recognized as part of the state aviation system
- MnDOT Aeronautics Aviation Planning Director
- MnDOT Aeronautics Airport Planning Staff

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## Definitions

**Airport sponsor (or sponsor)** – A sponsor is a public agency or tax-supported organization such as an airport authority or local government authorized to own and operate an airport; obtain property interests; obtain funds; and otherwise be responsible for meeting all applicable legal and financial requirements of current laws, regulations, and other obligations associated with that airport.

**State aviation system (or system)** – The system encompasses all publicly owned, public use airports in the state of Minnesota eligible to receive funding through the State Airports Fund in accordance with Minnesota Statutes Chapter 360.305.

**Municipal airport** – An airport owned by a county, city, town, or joint powers board within the meaning of Minnesota Statutes Chapter 360.042, exclusive of an airport formed and operated by the Metropolitan Airports Commission (MAC). This is in accordance with Minnesota Statutes Chapter 360.046.

**National Plan for Integrated Airport Systems (NPIAS)** – The NPIAS identifies airports deemed critical to the National Airspace System (NAS), the roles they currently serve, and the amounts and types of airport development eligible for federal funding under the Airport Improvement Program (AIP) over the next five years. The NPIAS contains all commercial service and reliever airports and selected publicly owned general aviation airports. The NPIAS is published every two years. Federal Aviation Administration (FAA) Order 5090.5 establishes the guidelines for managing and maintaining the NPIAS and the Airport Capital Improvement Program (ACIP).

**Impact Evaluation** – The Impact Evaluation is a comprehensive evaluation completed by MnDOT Aeronautics of an airport that has submitted their intent to be released from the system or close. It includes details of the estimated cost to close for the sponsor and the likely impacts that will occur to the state airport system. Upon completion of this report, it will be made available to the municipality associated with the airport and the public in accordance with Minnesota Statutes Chapter 360.046.

**Airport Vulnerability Assessment** – The Airport Vulnerability Assessment is a quantitative evaluation of state system airports’ vulnerability and susceptibility to closure. The evaluation takes the form of a scoring mechanism that quantifies nine different types of airport-related considerations to generate a composite score for each airport, with lower scores indicating a higher vulnerability. The Airport Vulnerability Assessment was developed as a component of the 2022 Minnesota State Aviation System Plan (2022 MnSASP or MnSASP).

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## Responsibilities

### Commissioner

- Receives the formal written notice from sponsors indicating the intent to be released from the system and/or close
- Issues the final determination regarding an airport’s release from the system and/or closure

### MnDOT Legal Team

- Receives the request from MnDOT Aeronautics Airport Planning Director regarding releasing an airport from active state grant assurances (if applicable)
- Determines whether an airport can be released from active state grant assurances (if applicable)

### Sponsor

- Communicates with the applicable MnDOT Aeronautics planner to initially discuss the intent to be released from the system or close
- Provides a written notice to the Commissioner of their intent to be released from the system and/or close. This notice must include all information detailed in the Airport Closure SOP (refer to page 7).
- Corrects any issues identified with the Impact Evaluation and resubmits to the Commissioner (as applicable)
- Schedules and hosts a public hearing to receive input/feedback regarding an airport’s proposed release from the system and/or closure
- Provides public notice of the public hearing within 30 days prior to the event
- Provides a summary of the key findings and trends observed in the public hearing to the MnDOT Aeronautics Planning Director
- Addresses any comments made by Commissioner regarding the denied release determination (if applicable)
- Coordinates with the FAA’s Great Lakes Region Airport District Office (ADO) to initiate and follow the process for requesting release from the NPIAS and/or federal obligations (if applicable)
- Completes the final steps to closure of the airport once all state/federal obligations have been fulfilled (refer to page 10 for details)

#### MnDOT Aeronautics Airport Development Staff

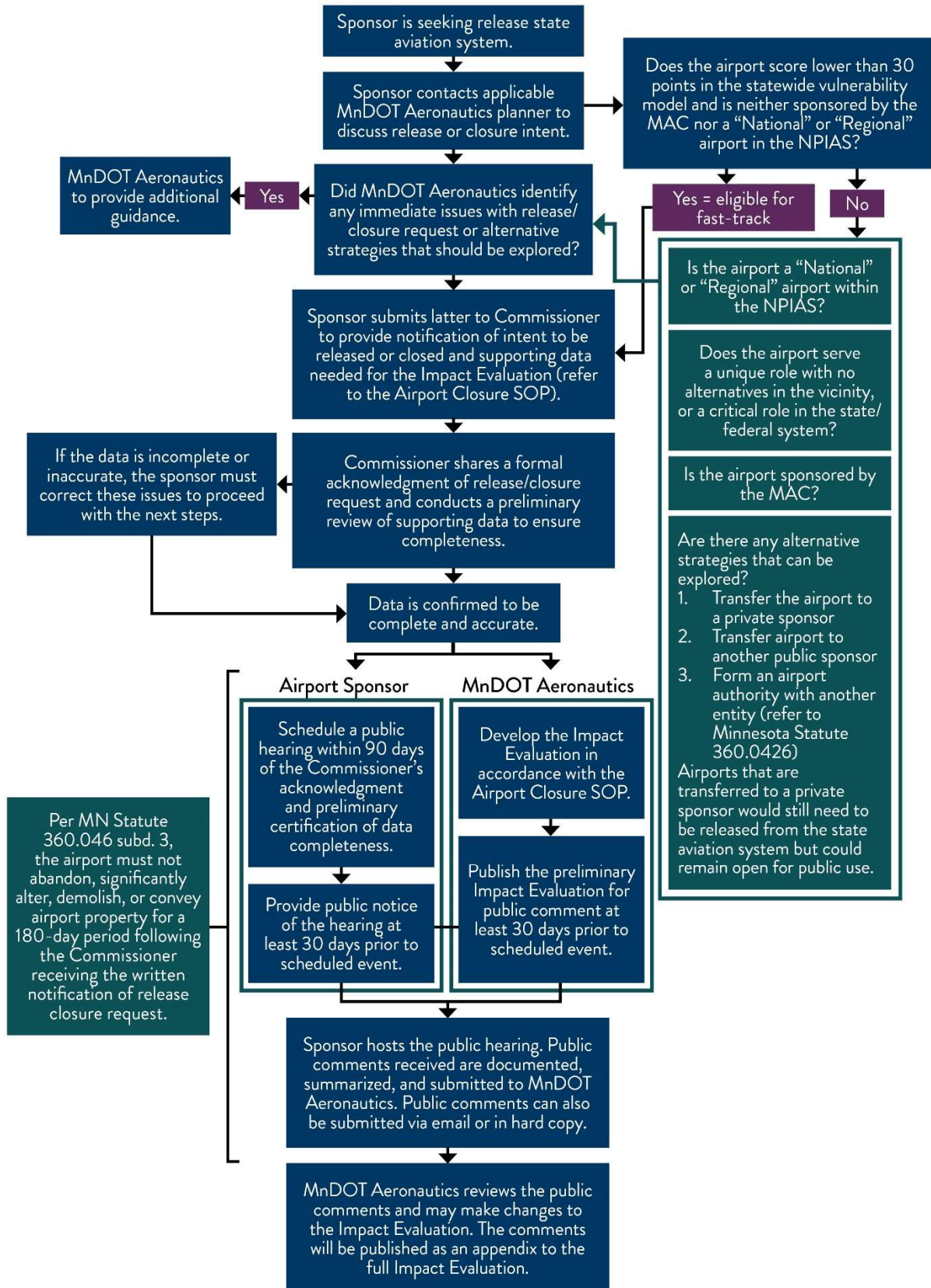
- Submits a request to the MnDOT legal team requesting that an airport is released from active state grant assurances (if applicable)
- Distributes the written notice of proposed system exit and/or closure and supplemental data provided by the airport sponsor to airport planning staff
- Communicates requirements to sponsors and other stakeholders
- Publishes the preliminary Impact Evaluation at least 30 days prior to the scheduled public hearing
- Transmits the final Impact Evaluation to the Commissioner for the final determination
- Maintains and references the Airport Closure Vulnerability Assessment for identifying airports eligible for the “fast-track” option
- Responds to initial requests received from sponsors that are seeking to be released from the system and/or close
- Develops the preliminary Impact Evaluation
- Incorporates the public hearing comments to the Impact Evaluation to develop a final version
- Publishes the final Impact Evaluation

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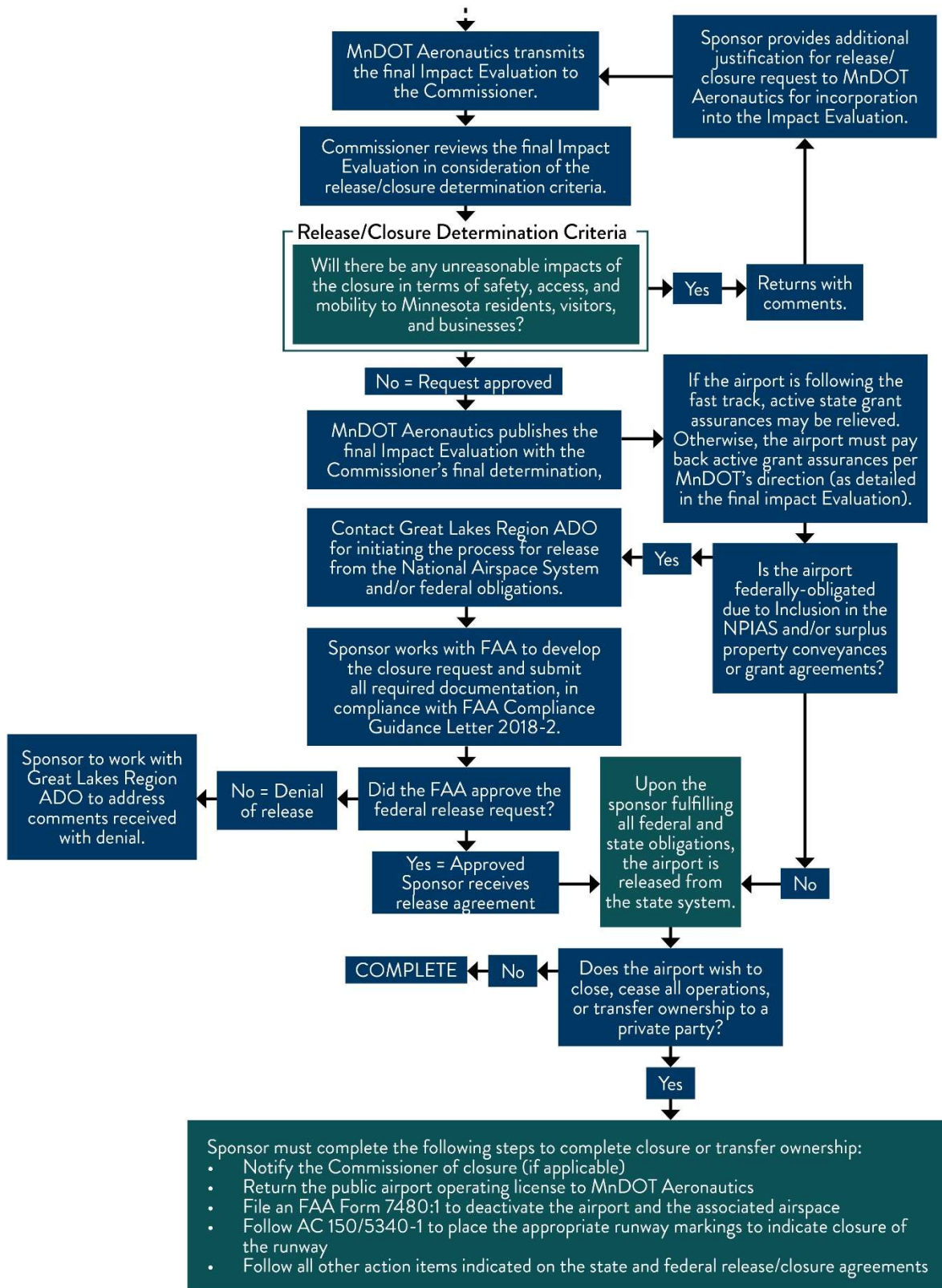
## Airport Closure Process

Error! Reference source not found. depicts the MnDOT Aeronautics system exit and airport closure SOP.

Figure 1. MnDOT Aeronautics System Exit/Airport Closure SOP







Sources: Kimley-Horn, 2022; MnDOT Aeronautics, 2022

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## Airport Closure Standard Operating Procedure

The impetus of developing this Guidance Statement was to formalize a consistent process for sponsors seeking to be released from the system and/or close. As such, the Airport Closure SOP was developed within the Airport Closure Guidance for sponsors and MnDOT to follow. For the airport closure SOP to be triggered, a sponsor must contact their assigned MnDOT Aeronautics Planner to discuss the circumstances and facts leading to the decision to request release from the system and/or closure. MnDOT will determine eligibility for the fast-track process and whether there are alternative strategies to release/closure that could be pursued.

If no alternatives are identified, MnDOT Aeronautics will instruct the sponsor to provide the necessary documentation to the Commissioner to formally start the closure process. In accordance with state statute, the airport must hold a public hearing to allow public comment. In preparation for this meeting, MnDOT Aeronautics will develop an Impact Evaluation to summarize all impacts that the airport closure are anticipated to have on the system. Amended with public comments received, the Impact Evaluation then receives a final determination from the Commissioner for release from the system.

The following subsections detail the process for sponsors and MnDOT Aeronautics for releasing an airport from the system.

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### Initial MnDOT Review and Developing Written Notice

As the first step in this process, airport sponsors and MnDOT Aeronautics shall work together to determine if the airport is eligible for the “fast-track” process. This process provides a more streamlined path to release or closure for facilities with a limited aviation activity levels, economic impact, support for critical services, community access, and other factors. Airports eligible for the fast-track process must meet the following criteria:

- Receive a score less than 30 on the Airport Vulnerability Assessment that evaluates airports across nine different consideration categories
- Not included in the NPIAS
- Not an airport operated by the MAC

If all criteria above are met, MnDOT Aeronautics initiates the fast-track process and does not consider alternative strategies for release/closure. Airports that do not meet all fast-track criteria shall work with MnDOT to consider alternative strategies including transfer of ownership to a public or private sponsor or the formulation of an airport authority. Additional details about both paths are provided in the following subsections.

### FAST-TRACK PROCESS

This process is reserved for airports with a limited role in their communities, region, and/or the state and may cause an undue burden on their airport sponsors due to the support required to maintain existing aviation facilities. Airports that meet the three fast-track criteria may immediately proceed in developing a written notice of intent for release/close for submission to the Commissioner.

The written notice of intent must include all components below to initiate the formal release process:

- Statement of intent to be released from the system and/or close
- Brief description of reason for initiating the request to be released and/or close
- Current (at the time of the request) economic impact in terms of annual economic activity, employment, payroll, and spending calculated using the Airport Economic Impact Calculator available from the MnDOT website at <https://javiation.tfaforms.net/423579>.

## CONSIDER ALTERNATIVE STRATEGIES

For airports that are ineligible for the fast-track process, the MnDOT Aeronautics Planner must explore alternative strategies to release or closure in close collaboration with the airport sponsor. This preliminary review shall include but not necessarily be limited to the following components:

- Confirmation that the airport is not: (1) a “National” or “Regional” airport in the NPIAS, (2) serving a critical role in the state/federal aviation system or a unique role with no alternatives in the vicinity, and (3) sponsored by the MAC
- Evaluation of potential alternative strategies that the sponsor could pursue to avoid system release or closure of the airport including: (1) transfer the airport to a private sponsor,<sup>1</sup> (2) transfer the airport to another public sponsor, (3) establishment of an airport authority with another entity (refer to Minnesota Statutes Chapter 360.0426)

If the discussion with the sponsor does not identify any significant restrictions (bullet 1 above) nor alternative paths to release or closure, the sponsor prepares a written notice of intent to close for submission to the Commissioner. This should include the following information:

- Statement of intent to be released for the system and/or close
- Description of the reason(s) for initiating the request to be released and/or close
- Supporting data required to develop the Impact Evaluation that cannot be obtained from federal or state sources (i.e., can only be obtained directly from the airport sponsor) including:
  - Value of all airport assets
  - Aviation activities including number of based aircraft by type, annual operations in previous three years by type, type(s) and frequencies of time-sensitive and safety/security-related aviation activities, critical aircraft
  - Known environmental issues
  - Current (at the time of request) economic impacts in terms of annual economic activity, employment, payroll, and spending as calculated using the Airport Economic Impact Calculator available from the MnDOT website at <https://javiation.tfaforms.net/423579>.

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<sup>1</sup> Airports transferred to a private sponsor would still need to be released from the state aviation system but could remain open for public use.



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## Develop Impact Evaluation

The Commissioner will provide a formal acknowledgement of receiving the intent to close request and conducts a preliminary review of the supporting data. If the data are found to be incomplete or inaccurate, the sponsor must correct these issues and provide updated data.

Upon the Commissioner deeming the release/closure request is complete and accurate, the Commissioner will forward the release/closure request to the MnDOT Aeronautics Planning Director for the Airport Planning Staff to develop the preliminary Impact Evaluation. This will include the following:

- NPIAS classification or role, as applicable (obtained from the most current NPIAS report)
- Economic impact of the airport, as provided in the airport's release/closure request (current annual economic impact, employment, payroll, spending)
- Public investment and all active grant obligations at federal and state levels
- Current value of all airport assets
- Airport Vulnerability Assessment score
- Assessment of impacts to the system
  - Aviation activities as provided in the airport's release/closure request
  - Fuel availability (type and hours)
  - Review of a 30 nautical mile service area to potentially identify other airports where activity could be accommodated
- Current environmental issues
- If the sponsor is seeking to close the airport, indicate the estimated costs of closure including paybacks of state, federal, or other public funds

The Impact Evaluation will be a working document through the subsequent steps of the Airport Closure SOP and may be modified prior to final evaluation.

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## Public Involvement

To comply with Minnesota Statutes Chapter 360.046, the sponsor must schedule a public hearing within 90 days of the Commissioner's certification that the release/closure request is complete and accurate. The sponsor is responsible for hosting the public meeting to present information concerning the airport's reasoning to close, including the Impact Evaluation developed by MnDOT Aeronautics. At this time, the public will have an opportunity to comment. The public can also submit comments via email or in hard copy. Following the public hearing/comment period, the sponsor shall document, summarize, and submit any notable patterns or recurring comments received from the public to the MnDOT Aeronautics Planning Director within 30 days of the hearing.

MnDOT Aeronautics planning staff must reviews the public comments and may revise the Impact Evaluation based on the feedback received. All public comments must be published as an appendix. Once these steps are complete, the MnDOT Aeronautics Planning Director transmits the final Impact Evaluation to the Commissioner.

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## Commissioner Review

The Commissioner will review the Impact Evaluation to make the final determination for release from the system. The following question will drive the decision-making process:

*Will there be any unreasonable impacts of the closure in terms of safety, access, and mobility to Minnesota residents, visitors, and businesses?*

If the Commissioner deems that the airport can be released from the system, the sponsor can proceed with next steps. If the Commissioner deems that release may cause unreasonable impacts in terms of safety, access, and mobility, the Commissioner will reject the request and provide comments regarding that decision to the airport sponsor. The airport sponsor may provide additional justification for release or closure to MnDOT Aeronautics to initiate another review of the request.

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## Next Steps

Once the Commissioner determines that an airport can be released from the system, the airport sponsor may need to address active grant obligations. These obligations will be defined in the Impact Evaluation. MnDOT Aeronautics may release airport sponsors undergoing the fast-track process from active state grant assurances at its discretion. Airports that are not within the fast-track process are responsible for repaying state dollars as defined within project-specific contractual terms and conditions prior to release. Airport sponsors are also responsible for addressing all active federal obligations due to inclusion in the NPIAS, surplus property conveyances, and/or grant agreements (as applicable). Airport sponsors with active federal obligations must contact the FAA Great Lakes Region ADO for further instructions. Airports with active federal obligations shall not be released from the state system and/or close.

Airports seeking closure may proceed with the final steps below once the Commissioner has approved the closure and all federal and state grant assurances have been addressed. The final steps to airport closure are outlined below (note the deadlines associated with each step):

- At least 90 days prior to closure, the sponsor must file an FAA Form 7480-1 to deactivate the airport with the FAA and remove it from aeronautical charts and future aviation publications.
- If the state (or federal) release/closure agreements include any additional conditions for closure, the airport must complete those action items prior to closure.
- To comply with Minnesota Administrative Rules Part 8800.1400, the sponsor must notify the Commissioner of final airport closure and return its state airport operating license to MnDOT Aeronautics.
- At the time of closure, the sponsor must coordinate with MnDOT Aeronautics to ensure compliance with closure procedures. This includes, but is not limited to, placing markings on the runway to indicate closure of the runway. Refer to FAA AC 150/5340-1 for the appropriate marking.

Airports seeking release from the state aviation system should work with MnDOT Aeronautics to ensure proper state licensure and compliance with any specific terms and conditions outlined in state or federal grant agreements that may be impacted by a transfer of ownership.

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## Resources and Related Information

- Minnesota Statutes Chapter 360.046, *Requirements for Closure of Municipal Airport*
- Minnesota Administrative Rules Part 8800.1400, *General Airport Licensing Provisions*
- Minnesota Statute Chapter 360.0426, *Creation of an Airport Authority; Dissolution*
- FAA Compliance Guidance Letter 2018-2, *The Process for the Release and Permanent Closure of Federally-Obligated Airports*
- FAA Advisory Circular 150/5340-1, *Standards for Airport Markings*
- FAA Form 7480-1, *Notice for Construction, Alteration and Deactivation of Airports*

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## History and Updates

Title: *MnDOT Airport Closures Guidance Statement*

Revision	Year	Comments
Initial	2022	Guidance adopted