

**OFFICE OF THE COUNTY EXECUTIVE  
COUNTY OF SANTA CLARA**

James Williams  
COUNTY EXECUTIVE

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**OFFICE OF THE COUNTY COUNSEL  
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(408) 299-5900

September 19, 2024

SENT VIA EMAIL AND CERTIFIED MAIL

Michael Whitaker, FAA Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591  
[michael.whitaker@faa.gov](mailto:michael.whitaker@faa.gov)

Re: Request for FAA Confirmation Regarding the Duration of the County of Santa Clara's Obligation to Operate Reid-Hillview Airport

Dear FAA Administrator Whitaker:

I am writing to confirm that the Federal Aviation Administration (FAA) agrees that the County of Santa Clara's ("County") obligation to operate Reid-Hillview Airport (RHV) under the County's FAA grant agreements expires no later than September 11, 2031.

The County agreed to operate a public use airport on the RHV Property for a limited time pursuant to nineteen FAA grant agreements (collectively "County Grant Agreements"). The County accepted FAA grants that partially funded real property acquisitions and capital improvements at RHV pursuant to the Federal Aid to Airports Program (FAAP), Airport Development Aid Program (ADAP), and Airport Improvement Program (AIP). The RHV Property and County Grant Agreements are identified in the attached Exhibits A and B respectively. The last land acquisition grant agreement expired in 1991. The County most recently accepted an FAA grant for capital improvements on September 12, 2011 which has a duration of 20 years; therefore, the County's obligations to operate RHV pursuant to the FAA Grant Agreements expire on or before September 11, 2031. In guidance documents and letters to the County, the FAA has repeatedly confirmed that the County's obligations to operate RHV are time-limited. Most recently, the FAA's letter to Eric Peterson dated September 14, 2021, stated that "the County remains federally obligated until 2031 to keep RHV accessible to aeronautical users."

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The County recently became aware that the FAA appears to have reinterpreted certain grant agreement assurances to require grant recipients to operate airports in perpetuity. On December 9, 2022, the FAA revised Section 4.3 of Order 5190.6B "Airport Compliance Manual" ("Change 2") to state: "[S]o long as the airport sponsor has taken an ADAP or AIP grant since May 1980, the federal obligations on the acquired land remain in effect until released by the FAA." Change 2 further states: "An airport sponsor who accepted an ADAP or AIP grant after 1980 agreed that the covenants on real property acquired with Federal funds are unlimited." Change 2 appears to reverse the FAA's longstanding positions that: (1) pre-1980 land grants agreements expired according to their own terms, most of which had 20-year durations, and did not impose perpetual obligations to operate the airport; and (2) airport land acquired with FAA grants accepted after April 1980 imposed perpetual obligations to operate the airport, but capital improvement grants still had set durations.

The City of Boulder recently asked the FAA to clarify how the Change 2 language would affect the duration of the City's obligations to operate the Boulder Municipal Airport (BMO). Like the County, Boulder accepted grant funds under the FAAP and ADAP Programs for land acquisition and, pursuant to those grant agreements' express terms, the obligations expired within 20 years of its acceptance. The FAA's March 20, 2024, letter responding to Boulder cited Change 2 and claimed: "Grant assurances associated with land purchased with Federal aid do not expire and the land must be used in perpetuity for its originally intended purpose." That letter further stated that "an airport sponsor who accepted an FAAP, ADAP, or AIP grant agreed that the covenants on real property acquired with Federal funds are in perpetuity unless released by the Federal Government."


The FAA's statements and interpretation of Change 2 are deeply concerning to the County. Each of the County's post-1980 AIP Grant Agreements funded capital improvements under the AIP program – not land acquisition. The County acquired the RHV Property with federal assistance under the FAAP and ADAP programs in 1962, 1963, 1964, and 1971. Each FAAP and ADAP grant agreement expressly provided that the obligations (assurances) *would not exceed 20 years*. A unilateral change in the FAA's longstanding interpretation that the County's Grant Agreements expire in 2031 would dramatically disrupt and damage the County's ongoing efforts to evaluate the potential closure and redevelopment of the RHV Property after 2031; doing so also purports to retroactively modify grant obligations decades after those obligations expired by their express terms. Therefore, **the County requests that the FAA confirm in writing by no later than November 1, 2024, and consistent with all prior FAA letters to the County, that the County's obligation to operate a public use airport on the RHV Property expires no later than September 11, 2031.** Without the requested written confirmation, the RHV Property would be viewed as encumbered by a perpetual FAA asserted right to restrict the County's ability to use the RHV Property other than as allowed by the FAA. The County will take all necessary actions to protect its rights to close the airport in 2031 if its elected representatives subsequently choose to do so.

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Please feel free to contact me if you have any questions about this request or would like to discuss this matter further.

Sincerely,

DocuSigned by:  
  
74FCE0CB79FA478...  
James R. Williams  
County Executive

DocuSigned by:  
  
CBB7207010D449D...  
Tony LoPresti  
County Counsel

c: Mark McClardy, Director, Airports Division, FAA Western Pacific Region  
777 S Aviation Blvd, Ste 150  
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[mark.mcclardy@faa.gov](mailto:mark.mcclardy@faa.gov)

Shanetta Griffin, FAA Associate Administrator for Airports  
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Office of the Associate Administrator for Airports (ARP)  
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County of Santa Clara Board of Supervisors  
Harry Freitas, Director, County of Santa Clara Roads and Airports Department

Attachments:

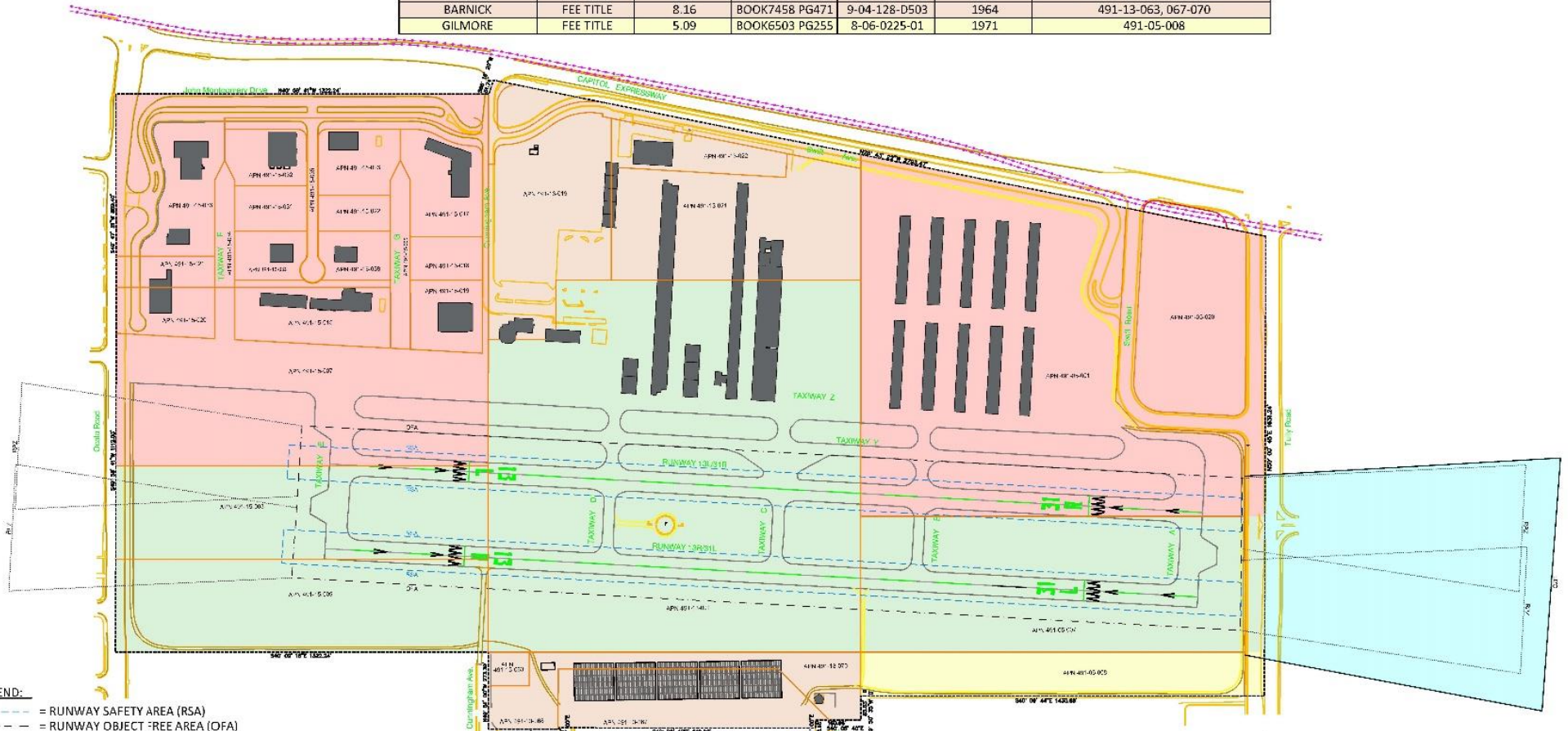
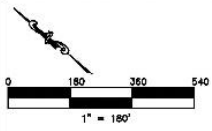
- A – RHV Property Description
- B – Summary of RHV Grant Agreements

3118046

# EXHIBIT A RHV PROPERTY MAP

LANDS OF SANTA CLARA COUNTY REID-HILLVIEW AIRPORT

GRANTOR	TYPE OF INTEREST	ACREAGE	RECORDING DOC.	FAA GRANT NO.	YEAR	ASSESSORS PARCEL NO.
REIDS HILLVIEW INC	FEE TITLE	64.75	BOOK5413 PG36	9-04-128-D201	1963	491-15-009, 491-13-001, 491-05-007
CITY OF SAN JOSE	FEE TITLE	10.02	BOOK6175 PG72	9-04-128-D201	1963	491-15-008
HILLVIEW GOLF INC	EASEMENT	19.32	BOOK6321 PG438	9-04-128-D201	1963	CLEAR ZONE EASEMENT
CITY TITLE INSURANCE	FEE TITLE	38.45	BOOK6288 PG219	9-04-128-D402	1963	491-05-001, 020
MACHADO	FEE TITLE	20.00	BOOK6371 PG502	9-04-128-D402	1963	491-15-007, 015, 019, 020
VALLEY TITLE COMPANY	FEE TITLE	20.00	BOOK6427 PG673	9-04-128-D402	1963	491-15-017, 018, 021-023, 030-035, 038
DI SALVO	FEE TITLE	18.81	BOOK6332 PG357	9-04-128-D503	1964	491-13-009, 019, 021, 022
BARNICK	FEE TITLE	8.16	BOOK7458 PG471	9-04-128-D503	1964	491-13-063, 067-070
GILMORE	FEE TITLE	5.09	BOOK6503 PG255	8-06-0225-01	1971	491-05-008



- LEGEND:**
- = RUNWAY SAFETY AREA (RSA)
  - = RUNWAY OBJECT FREE AREA (OFA)
  - = RUNWAY PROTECTION ZONES (RPZ)
  - = SANTA CLARA VALLEY TRANSPORTATION AUTHORITY CAPITOL LIGHT RAIL EXTENSION
  - = AIRPORT PROPERTY BOUNDARY PER R.O.S. 204 M 15
  - = EXISTING BUILDING
  - = SOLAR ARRAY

No.	REVISION	SPONSOR	DATE



**COUNTY OF SANTA CLARA  
REID-HILLVIEW AIRPORT (RHV)  
EXHIBIT "A"  
AIRPORT PROPERTY INVENTORY MAP**

DESIGN: EF    DRAWN: KB    DATE: MAY 2025    SHEET 1 OF 1

The responsibility of this document was assumed by each person in creating and issuing this document. The County of Santa Clara is not responsible for any errors or omissions in this document. The County of Santa Clara is not responsible for any errors or omissions in this document. The County of Santa Clara is not responsible for any errors or omissions in this document.

**EXHIBIT B**  
**SUMMARY OF RHV GRANT AGREEMENTS**

**Land Acquisition Grant Agreements**

<b>Grant Agreement</b>	<b>FAA Contract No./ Project No.</b>	<b>Grant Program</b>	<b>Acceptance</b>	<b>Latest Expiration</b>
1962 Land Acquisition Grant Agreement	FA-WE-2178/ 9-04-128-D201	FAAP	June 25, 1962	June 24, 1982
1963 Land Acquisition Grant Agreement	FA-WE-2986/ 9-04-128-D402	FAAP	October 7, 1963	October 6, 1993
1964 Land Acquisition Grant Agreement	FA65WE-0121/ 9-04-128-D503	FAAP	November 16, 1964	November 15, 1984
1971 Land Acquisition Grant Agreement	DOTFA71WE-1183/ 8-06-0225-01	ADAP	June 22, 1971	June 21, 1991

**Capital Improvement Grant Agreements**

<b>Grant Agreement</b>	<b>FAA Contract No./ Project No.</b>	<b>Grant Program</b>	<b>Acceptance</b>	<b>Latest Expiration</b>
1966 Capitol Improvement Grant Agreement	SA-66-42-2107/ 9-04-128-D604	FAAP	June 27, 1966	June 26, 1986
1967 Capitol Improvement Grant Agreement	FA-68 WE-2033/ 9-04-128-D805	FAAP	October 23, 1967	October 22, 1987
1968 Capitol Improvement Grant Agreement	DOT-FA69WE-2052/ 9-04-128-D906	FAAP	June 29, 1968	June 28, 1988
1969 Capitol Improvement Grant Agreement	DOT-FA69WE-2153/ 9-04-128-C907	FAAP	March 17, 1969	March 16, 1989
1984 Capitol Improvement Grant Agreement	DTFA08-84-C- 30098/ 3-06-0225-02	AIP	July 6, 1984	July 5, 2004

**EXHIBIT B  
SUMMARY OF RHV GRANT AGREEMENTS**

1988 Capitol Improvement Grant Agreement	DTFA08-88-C-30347/ 3-06-0225-03	AIP	August 30, 1988	August 29, 2008
1998 Capitol Improvement Grant Agreement	DTFA08-98-C-30908/ 3-06-0225-04	AIP	September 29, 1998	September 28, 2018
2001 Capitol Improvement Grant Agreement	DTFA08-01-C-31121/ 3-06-0225-07	AIP	September 10, 2001	September 9, 2021
2002 Capitol Improvement Grant Agreement	DTFA08-02-C-31267/ 3-06-0225-08	AIP	September 25, 2002	September 24, 2022
2003 Capitol Improvement Grant Agreement	DTFA08-03-C-31356/ 3-06-0225-09	AIP	August 28, 2003	August 27, 2023
2005 Capitol Improvement Grant Agreement	DTFA08-05-C-31610/ 3-06-0225-10	AIP	August 11, 2005	August 10, 2025
2006 Capitol Improvement Grant Agreement	DTFA08-06-C-31711/ 3-06-0225-11	AIP	July 17, 2006	July 16, 2026
2007 Capitol Improvement Grant Agreement I <sup>1</sup>	3-06-0225-12	AIP	August 30, 2007	August 29, 2027
2007 Capitol Improvement Grant Agreement II	3-06-0225-13	AIP	August 30, 2007	August 29, 2027
2011 Capitol Improvement Grant Agreement	3-06-0225-14	AIP	September 12, 2011	September 11, 2031

<sup>1</sup> The 2007 Capitol Improvement Grant I, 2007 Capitol Improvement Grant II, and 2011 Capitol Improvement Grant do not have contract numbers.