



July 2021

# AVIATION SERVICES

## Information on Airports Exercising Their Right as the Sole Provider of Fuel

# GAO@100 Highlights

Highlights of [GAO-21-397](#), a report to congressional committees

## Why GAO Did This Study

FAA, through federal airport grants, helps fund airports' capital development and is responsible for overseeing airports' compliance with federal requirements incorporated in airport grant agreements. Under these agreements, airports are generally not allowed to grant exclusive rights to any person or entity to provide aeronautical services—such as fuel—on airport grounds. FAA has determined, however, that airports themselves can opt to be the exclusive provider of such services by exercising their proprietary exclusive right.

The FAA Reauthorization Act of 2018 included a provision for GAO to examine airports that have exercised their proprietary exclusive right. This report addresses what is known about the number and characteristics of airports that are currently exercising their proprietary exclusive right to provide fuel and the factors airports consider when deciding whether to exercise this right to provide fuel.

GAO reviewed relevant federal statutes, FAA policies and guidance, airport documents and websites, and conducted a web survey of all 3,010 public use airports in the contiguous United States. GAO interviewed officials at a non-generalizable sample of 26 airports that self-identified as exercising their proprietary exclusive right and at 10 airports that are not exercising their proprietary exclusive right, selected based on a mix of characteristics, including the amount of fuel sales. GAO also interviewed FAA compliance staff at headquarters and regional offices.

View [GAO-21-397](#). For more information, contact Heather Krause at (202) 512-2834 or [krauseh@gao.gov](mailto:krauseh@gao.gov).

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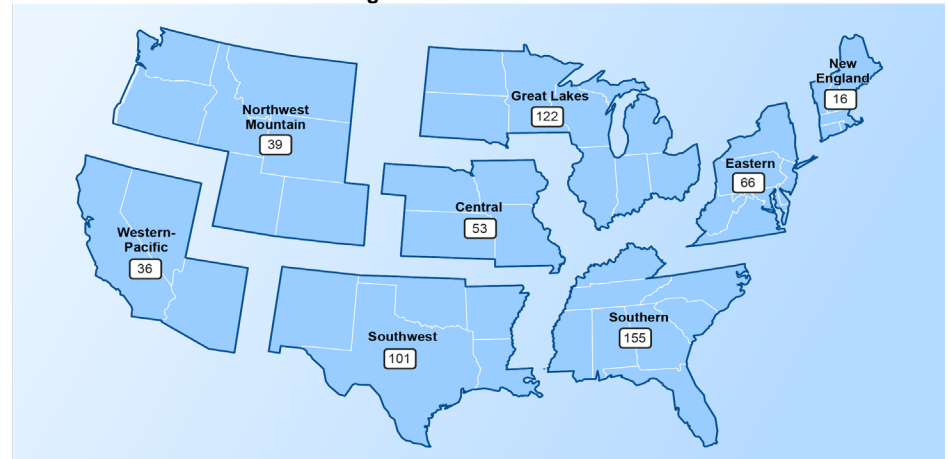
## AVIATION SERVICES

### Information on Airports Exercising Their Right as the Sole Provider of Fuel

## What GAO Found

Based on GAO's survey, 588 of the nearly 2,000 airports responding to the survey reported exercising their proprietary exclusive right (the right to be the sole service provider) for aviation fuel services. While airports are generally prohibited from granting an exclusive right to any party to provide aviation services, the Federal Aviation Administration (FAA) has determined that an airport can be the exclusive provider of such services, thereby precluding other parties from providing those services at the airport. Most (567) of these airports are general aviation airports—airports that have no scheduled commercial service or have scheduled service but fewer than 2,500 passenger boardings per year. The 588 airports are located in 45 of the 48 contiguous states and in all of the FAA regions covering these states.

#### Location of Airports that Reported Using the Proprietary Exclusive Right on GAO Survey, by Federal Aviation Administration Region



Source: GAO analysis of survey results and Map Resources. | GAO-21-397

Note: An airport sponsor may elect to provide any or all of the aeronautical services at its airports and be the exclusive provider of those services. This is known as the proprietary exclusive right.

GAO's survey and interviews with selected airports found most airports that report exercising their proprietary exclusive right do so based largely on attracting users to the airport, providing a high level of reliable customer service, and generating airport revenue. Over 90 percent of the 588 airports responded that attracting users to the airport and generating revenue were very important or somewhat important to their decision to provide fuel service. Further, officials from 17 of the 26 airports GAO interviewed explained that the resulting revenue was a main factor in their decision to provide fuel service. For example, one airport manager said the revenue allows the airport to invest in capital projects, such as building hangars, to help attract users to the airport. The revenue can also help an airport become as financially self-sustaining as possible, which is a requirement to receive federal airport grants. Airports also cited providing consistent customer service as a key factor in exercising their proprietary exclusive right. For example, one airport manager GAO spoke to said complaints about the former private fuel provider's customer service and prices prompted the airport to become the sole service provider.

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## Abbreviations

AIP	Airport Improvement Program
FAA	Federal Aviation Administration
NPIAS	National Plan of Integrated Airport Systems

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July 27, 2021

The Honorable Maria Cantwell  
Chair  
The Honorable Roger Wicker  
Ranking Member  
Committee on Commerce, Science, and Transportation  
United States Senate

The Honorable Peter A. DeFazio  
Chairman  
The Honorable Sam Graves  
Ranking Member  
Committee on Transportation and Infrastructure  
House of Representatives

Since 2007, the Federal Aviation Administration (FAA), through the Airport Improvement Program (AIP), has provided more than \$47 billion in federal grants to fund airport capital development and is responsible for overseeing airports' compliance with the federal requirements related to these grants. Approximately 3,000 public use airports in the contiguous United States are eligible to receive these grants. Airport sponsors that receive federal AIP grants contractually agree to 39 FAA "grant assurances" that require those airports to adhere to certain requirements.<sup>1</sup>

Under one of these grant assurances, airport sponsors agree that no person or entity will be given the exclusive right to provide aeronautical services—such as selling aircraft fuel or providing ground support—to the public.<sup>2</sup> However, it is FAA's long-held position that the restriction does not apply if an airport chooses to be the sole provider of any or aeronautical services itself. In that case, FAA recognizes the airport to be

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<sup>1</sup> See 49 U.S.C. § 47107. The airport sponsor is the entity that is legally, financially, and otherwise able to assume and carry out the certifications, representations, warranties, assurances, covenants and other obligations contained in the AIP grant agreement and property conveyances. An airport sponsor is any public agency or private owner of a public-use airport as defined in 49 U.S.C. § 47102.

<sup>2</sup> More specifically, grant assurance number 23 states that an airport sponsor "will permit no exclusive right for the use of the airport by any person providing or intending to provide, aeronautical services to the public." DOT is required by statute to obtain this assurance, among others, prior to approving a grant application. 49 U.S.C. § 47107(a)(4).

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exercising its “proprietary exclusive right”, a legal interpretation we discuss later in this report.

In 2019, FAA received a complaint from a company that sought to provide fuel and other aviation services at an airport. After that company submitted an application to the airport sponsor to provide services at the airport, the sponsor purchased the assets of its existing service provider and exercised its proprietary exclusive right to be the sole provider of these services. The airport’s decision effectively precluded the applicant from opening a business at the airport. FAA, in response to this complaint, found that the airport sponsor was in compliance with its grant assurance because it had the right to exercise its proprietary exclusive right at any time.<sup>3</sup>

Section 144 of the FAA Reauthorization Act of 2018 includes a provision for GAO to examine airport sponsors’ use of their proprietary exclusive right.<sup>4</sup> This report addresses what is known about (1) the number and characteristics of airports that are currently exercising their proprietary exclusive right in the provision of aviation fuel, and (2) the factors airports consider when deciding to provide fuel and to exercise that right. We focused on aviation fuel service for this review, as it is generally the most common aeronautical service provided at an airport.

To address both of these objectives, we reviewed relevant federal statutes, FAA policy and guidance on the proprietary exclusive right, and discussed its origin and use with officials from the Airport Compliance Office and Office of the Chief Counsel at FAA headquarters. We also spoke with FAA headquarters and regional airport offices about the use of this right, their understanding of why airport sponsors (airports) choose to use it, and the extent to which use of the proprietary exclusive right has led to complaints submitted to FAA regional offices.

To further address both of our objectives, we administered a web-based survey of all 3,010 airports located in the 48 contiguous United States that

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<sup>3</sup> FAA Northwest Mountain Regional Office, *Informal Complaint Determination under 14 CFR Part 13, Wyoming Jet Center, LLC against Jackson Hole Airport Board*, July 31, 2019.

<sup>4</sup> FAA Reauthorization Act of 2018, Pub. L. No.115-254, § 144, 132 Stat. 3186, 3212-13.

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are included in the National Plan of Integrated Airport Systems (NPIAS).<sup>5</sup> Our survey questionnaire, which was administered from May 11 through July 10, 2020, is reproduced in appendix II, along with summarized responses. We excluded airports in Alaska and Hawaii because costs and geographic circumstances are considerably different than at airports in the contiguous United States. The survey asked about existing fuel service operations at the airport at the time of the survey. If an airport answered that it was providing the fuel service rather than a private operator, the respondent was directed to answer additional survey questions, including whether the respondent was familiar with the proprietary exclusive right; if the airport was currently exercising its proprietary exclusive right; and if so, why the airport took that step. The response rate to our survey was 66 percent (1,976 of 3,010 responded).<sup>6</sup>

To determine the characteristics of airports that reported using the proprietary exclusive right, we combined the results of the survey with airport information from the NPAIS and data from FAA's Airport Master Data Records as of February 4, 2020. These data sources contain information on airport classifications, passenger levels, and aircraft operations, among other things. Using this information, we looked at airport characteristics that potentially relate to an airport's consideration to provide fuel such as the number of airport operations, runway length—which indicates the type or size of aircraft an airport can accommodate—and the type of fuel sold to determine if airports that reported exercising their proprietary exclusive right shared certain characteristics. To assess the reliability of FAA's Airport Master Data records, we reviewed existing information about the data and system that produced them. We determined that the data were sufficiently reliable to provide descriptive statistics for airports providing fuel service, including both those that reported exercising and not exercising their proprietary exclusive right.

To understand factors that airports consider when deciding whether to exercise the proprietary exclusive right, we selected a sample of 26 airports that self-identified in our survey as exercising their proprietary exclusive right. We interviewed officials at these airports about their decision to provide fuel service using the proprietary exclusive right and

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<sup>5</sup> All airports included in the National Plan of Integrated Airport Systems (NPIAS) are eligible under AIP however, not all airports pursue those grants. Airports that do not receive AIP grants are not subject to AIP grant assurances.

<sup>6</sup> Airports that responded to our survey were similar in size—based on average annual operations—to airports that did not respond to the survey.

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the effect that doing so has had at the airport from the officials' perspectives. We also selected a sample of 10 airports providing fuel sales, but not exercising the proprietary exclusive right. We selected these 36 airports to obtain diversity in geographic location and fuel sales, among other factors. See appendix III for a list of airports where we interviewed officials. The results of our interviews with these airport officials are not generalizable to all airports. For an extended description of our scope and methodology, see appendix I.

We conducted this performance audit from October 2019 to July 2021 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

FAA identifies airports included in the NPIAS as significant to air transportation. FAA has the authority to make AIP grants to eligible NPIAS airports, which can be used for airport planning and development projects. Such projects may include upgrading taxiways and runways, procuring firefighting equipment, or noise mitigation, among other things.

As previously noted, one of the grant assurances required by statute to be included in each AIP grant agreement prohibits an airport sponsor from granting any person or entity an exclusive right to provide any type of aeronautical service to the public, such as fueling, ground services, aircraft repair and flight training, among others.<sup>7</sup> According to FAA guidance, the granting of an exclusive right at an airport would deprive the public of the benefits that flow from competitive enterprise. FAA guidance indicates an exclusive rights violation occurs when the airport sponsor excludes others from participating in an on-airport aeronautical activity.

However, an FAA Order outlines three exceptions to the exclusive right prohibition.

- First, an airport sponsor can deny a prospective service provider the right to engage in an on-airport aeronautical activity for safety

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<sup>7</sup> 49 U.S.C. § 47107(a)(4) requires FAA to obtain this written assurance, among other assurances. See also 49 U.S.C. § 40103(e).



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reasons.<sup>8</sup> This is because, by law, “the safe operation of the airport and airway system is the highest aviation priority.”<sup>9</sup> FAA has the final authority in determining whether a safety exception is permissible.

- Second, as outlined in statute, an airport sponsor can deny a prospective service provider access if it would be unreasonably costly, burdensome, or impractical for more than one operator to provide such services, and airport space limitations would require a reduction of space leased to another service provider.<sup>10</sup> Both conditions must be met for the exception to apply.
- The third exception, which is the focus of this report, is when a sponsor of a public-use airport exercises its proprietary exclusive right to be the only provider of any or all aeronautical services needed by the public, such as aviation fuel sales. In exercising this right, an airport sponsor must use its own employees and resources to provide the service or services. In other words, an airport sponsor cannot exercise this right by employing a management contract to provide services.

FAA has recognized the proprietary exclusive right for public airports since 1963.<sup>11</sup> FAA’s basis for this legal position is: 1) the original prohibition on granting exclusive rights was intended to prevent monopolies, and thus does not apply to a state or municipality<sup>12</sup> and 2) the statutory prohibition precludes an airport from granting an exclusive

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<sup>8</sup> Grant Assurance 22(i) specifically authorizes an airport sponsor to prohibit or limit unsafe uses or operations at the airport. A denial based on safety must be based on reasonable evidence demonstrating that airport safety will be compromised if the applicant is allowed to engage in the proposed aeronautical activity.

<sup>9</sup> 49 U.S.C. § 47107(a)(1). As such, FAA has determined that an airport sponsor may limit or prohibit the use of an airport for safety reasons without violation of the exclusive rights prohibition.

<sup>10</sup> 49 U.S.C. § 47107(a)(4).

<sup>11</sup> Federal Aviation Agency, Office of General Counsel Memoranda on Exclusive Rights (Jan. 31, 1963). The Federal Aviation Agency was part of the Department of Commerce until the Department of Transportation was stood up in 1967. At that time, the agency became part of DOT, and the name was changed to the Federal Aviation Administration.

<sup>12</sup> Most airports are publicly-owned by entities such as a state, city, or county.

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right to any another person or entity, but does not preclude the airport sponsor from exercising a proprietary exclusive right itself.<sup>13</sup>

FAA extended the proprietary exclusive right to private owners of public-use airports<sup>14</sup> in 1984, which is currently reflected in its Airport Compliance Manual.<sup>15</sup> Because it has not received an exclusive right complaint related to a private airport, FAA has not had the opportunity to formally opine on the proprietary exclusive right as it pertains to private owners of public use-airports. However, FAA officials told us that the statutory prohibition on granting an exclusive right applies to other persons or entities, but does not apply to the airport itself, regardless of whether it is privately owned.<sup>16</sup>

When an airport exercises its proprietary exclusive right, FAA officials explained that adherence to other grant assurances must also be considered. For example, airports receiving AIP grants—regardless of

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<sup>13</sup> In its most recent occasion to formally address this exception to the exclusive rights prohibition, FAA stated the basis for the proprietary exclusive right for public airports “arises solely from its interpretation of federal law” and that “[e]lemental to this interpretation are two concepts: 1. Airport owners hold proprietary rights that are not restricted by the exclusive rights prohibitions, and 2. the provisions of 49 U.S.C. §§ 40103(e) and 47107(a)(4), are intended to prevent monopolies by airport users.” *Jet 1 Center, Inc. v. Naples Airport Authority*, FAA Docket No. 16-04-03 (Jan. 4, 2005).

<sup>14</sup> Of the 3,010 airports we surveyed, 67 are privately-owned, public-use airports.

<sup>15</sup> Federal Aviation Administration, Assistant Chief Counsel Memoranda on Proprietary Exclusive Rights at Airports (April 13, 1984). In the Airport Compliance Manual, FAA states that private owners may not have the same immunity from antitrust laws as public agencies. Agency officials told us that although monopolies are intended to prevent people from being overcharged and that a lack of competition means airport prices can be high; an airport sponsor is obligated to make the airport available on reasonable terms without unjust discrimination for aeronautical activities under Grant Assurance 22 - Economic Nondiscrimination.

<sup>16</sup> We do not take a position regarding FAA’s interpretation of the statutory provisions governing exclusive rights. An aggrieved party may claim that an airport has violated the exclusive right prohibition by filing a complaint with FAA’s Director of the FAA Office of Airport Compliance and Management Analysis through the administrative process under 14 C.F.R. Part 16. An aggrieved party may appeal to the Associate Administrator of Airports and receive a final decision, which may be further appealed to the United States Court of Appeals for the District of Columbia Circuit or to the Court of Appeals of the United States for the Circuit in which the person resides or has its principal place of business. The standard of review for FAA’s decision is whether the Final Agency Decision was reasonable and supported by substantial evidence. We did not identify and FAA was not aware of a Circuit Court decision on this issue. Several courts have found that there is no private cause of action under the prohibition on granting exclusive rights, thus an action through FAA’s administrative process is the exclusive means by which a party may challenge the application of the exclusive right prohibition.

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whether or not they exercise their proprietary exclusive right—must generate sufficient revenue to be as self-sustaining as possible. At the same time, airports must also make the airport available to other service providers—for services where the airport is not exercising its proprietary exclusive right—on reasonable terms and without unjust discrimination to protect users from unreasonable cost.

In addition, according to FAA, an airport can establish itself as the sole provider of an aeronautical service as a matter of choice, or when other service providers have chosen not to enter that market or failed to succeed. However, FAA officials underscored that the fact that an airport provides an aeronautical service itself does not necessarily indicate that an airport is using its proprietary exclusive right. Rather, the officials told us that exercising the proprietary exclusive right involves the exclusion of others from providing the same service at the airport.

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## Hundreds of General Aviation Airports Reported Using Their Proprietary Exclusive Right to Provide Fuel

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### Comprehensive Information on Airports' Use of the Proprietary Exclusive Right Does Not Exist

We found some publicly available information on airports exercising their proprietary exclusive right to provide fuel; however, comprehensive information on airports' overall use of this right is not available. We found that some airports choose to disclose their use of the proprietary exclusive right through documents such as airport rules and regulations or minimum standards.<sup>17</sup> In other cases, city or county laws specify that the airport is to be the sole provider of fuel sales.

Further, FAA does not track which airports exercise the proprietary exclusive right because there is no requirement that FAA do so and no requirement that an airport notify FAA of its business decision to exercise this right. FAA officials explained that the decision to provide fuel services and exercise the proprietary exclusive right is left to the airport sponsor. These officials stated that tracking and maintaining current information

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<sup>17</sup> Minimum standards are the qualifications or criteria established by an airport owner as the minimum requirements that must be met by businesses engaged in on-airport aeronautical activities for the right to conduct those activities.

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could be difficult as airports can make their decision to exercise or discontinue this right for any aeronautical service at any time. For example, recently a city-owned general aviation airport that previously exercised its proprietary exclusive right to provide fuel service ended its use of the right. Following a change in city leadership, the city contracted the operation to a third party. According to a city official, the new leadership felt that such services were more appropriately provided by the private sector.

In our survey, we asked airports that use their proprietary exclusive right about the likelihood that the airport authority would consider an application from another service provider to offer fuel service at the airport. Despite the ability of an airport to change its decision about using the proprietary exclusive right, few airports indicated they would consider a proposal by an outside fuel provider. Further, even fewer of these airports indicated that they had been approached by an outside fuel provider. While 20 percent of the airports using their proprietary exclusive right said they were very likely or somewhat likely to consider an application from a potential service provider, 69 percent indicated that they were slightly or not likely to consider such an application. When the same group of respondents were asked if they had been approached with such a proposal in the last 5 years, just 12 percent of those indicated that they had received such a proposal. In follow-up conversations with officials at 26 airports that reported using the proprietary exclusive right, seven said that they believed it would be their responsibility to consider such applications. They emphasized, however, that such proposals to replace airport-provided services would have to be financially beneficial to the airport to be accepted. These responses underscore the fact that determining whether to exercise or rescind the use of the proprietary exclusive right is a business decision that can change depending upon an airports' circumstances at any given time.

FAA's Airport Compliance Office does become involved if it receives a complaint about potential non-compliance with a grant assurance, such as any concerns about airports exercising their proprietary exclusive right. According to agency officials, FAA monitors airports' compliance with grant assurances because FAA is required to investigate potential violations.<sup>18</sup> Specifically, it does so by taking and responding to

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<sup>18</sup> Specifically, FAA officials said that FAA monitors grant assurances pursuant to its authority under 49 U.S.C. §§ 46101-4606.

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complaints, developing and circulating advisory and guidance documents, and coordinating with airports and industry to conduct compliance training and airport land-use inspections.<sup>19</sup> If someone contacts FAA with concerns about an airport's use of the proprietary exclusive right, it will refer the issue to the airport in question to resolve. If the issue is not resolved, the complainant may file an informal complaint with the regional FAA office.<sup>20</sup> According to FAA guidance, each regional office will review the complaint and issue a letter indicating whether a potential grant violation exists that the airport should address. If the complainant is dissatisfied with the regional office's letter, the complainant may then file a formal complaint with FAA headquarters. Compliance officials at headquarters are responsible for reviewing the circumstances of the complaint and making a formal determination as to whether or not a grant violation occurred, as well as working with the airport to address any violation.

However, complaints about the proprietary exclusive right are rare. In the last 5 years, FAA officials told us the agency has received one complaint involving the proprietary exclusive right, which we previously noted. In that instance, FAA did not find that the use of the proprietary exclusive right constituted a violation of the exclusive right grant assurance.

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**Airports Using the Proprietary Exclusive Right Have Characteristics Similar to Those Airports Where the Sponsor Provides Fuel Service but Do Not Exercise That Right**

While a definitive number of airports exercising the proprietary exclusive right are unknown, our survey of 3,010 airports identified almost 600 airports reported that they exercise the proprietary exclusive right in providing fuel service. In particular, from the 1,976 airports that responded to our survey, 1,821 responded that fuel service is available at their airport, with the airport sponsor providing the service at 1,031 airports. Just over half of those (588) responded that they are exercising the proprietary exclusive right in providing fuel service.

The vast majority of airports that reported using their proprietary exclusive right in our survey (567, or 96 percent) are general aviation airports. The remaining 21 airports are primary airports with commercial service—5

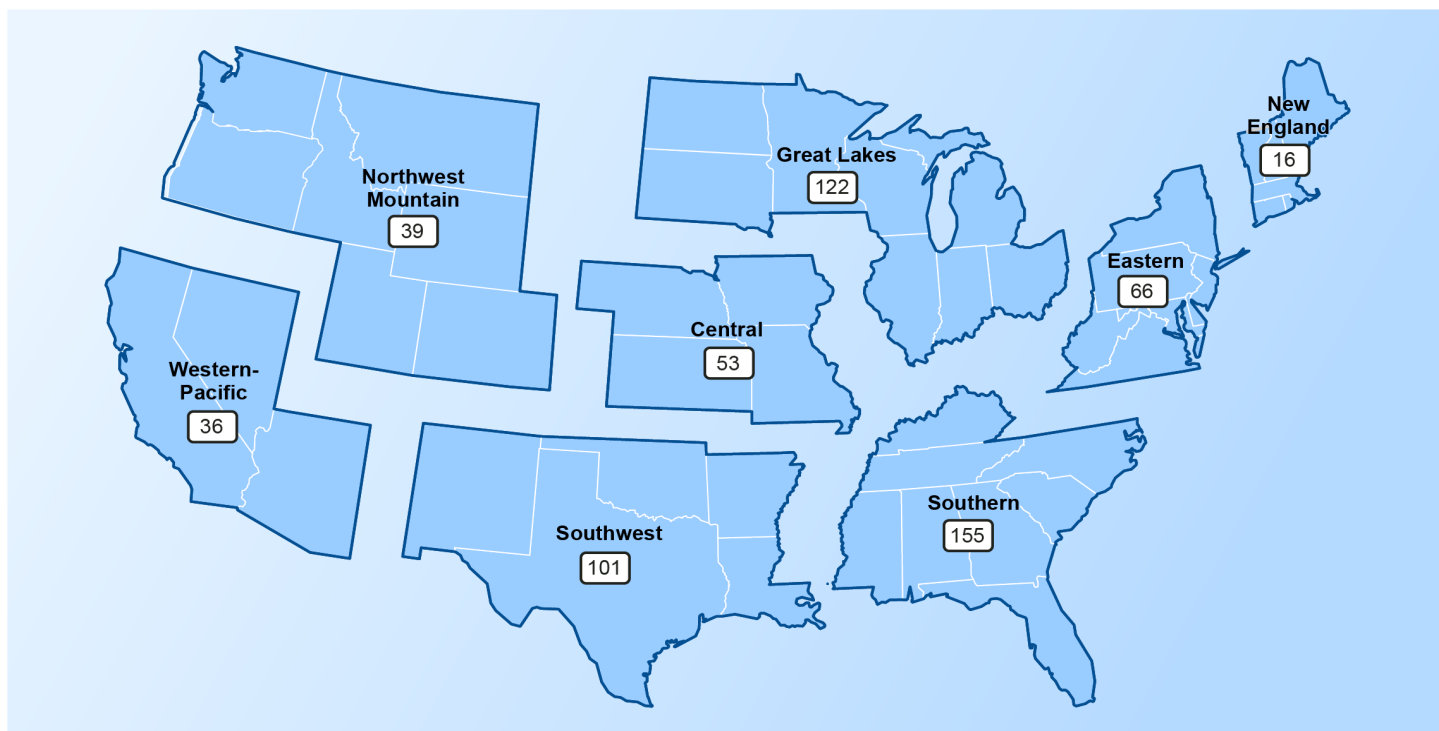
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<sup>19</sup> FAA's Office of Airports includes an office at FAA headquarters, nine regional offices, and 21 airport district offices.

<sup>20</sup> Informal complaint procedures are outlined in 14 C.F.R. Part 13 and formal complaint procedures are in Part 16.

small hub airports and 16 non-hub airports.<sup>21</sup> The airports reporting use of this right are located in 45 of the 48 contiguous states and in all FAA regions covering the contiguous states (see Figure 1).<sup>22</sup> The ownership of these airports is almost entirely public (577, or 98 percent), with the remainder being privately owned, public use airports.

**Figure 1: Location of Airports That Reported Using the Proprietary Exclusive Right on GAO Survey, by Federal Aviation Administration Region**



Source: GAO analysis of survey results and Map Resources. | GAO-21-397

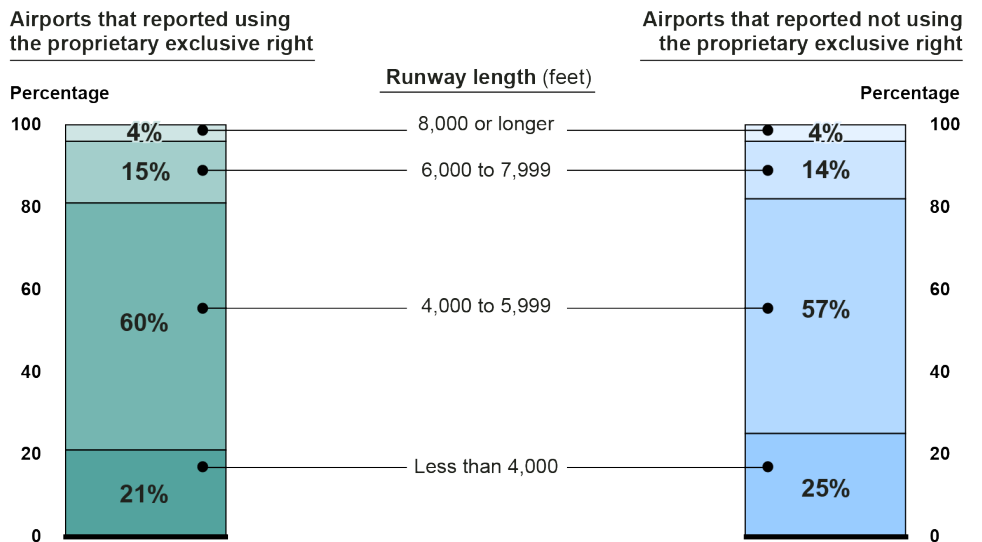
Note: An airport sponsor may elect to provide any or all of the aeronautical services at its airports, and be the exclusive provider of those services. This is known as the proprietary exclusive right.

<sup>21</sup> General aviation airports are those airports without scheduled services, or have scheduled service with fewer than 2,500 passenger boardings each year. Primary airports are defined as airports receiving scheduled air carrier services with 10,000 or more boardings per year. Within that, small hub airports receive 0.05 to 0.25 percent of the annual U.S. commercial boardings. Nonhub airports receive less than 0.05 percent, but more than 10,000 of the annual U.S. commercial boardings.

<sup>22</sup> No airports in Delaware, Rhode Island, or Vermont reported use of the proprietary exclusive right.

The characteristics of the 588 airports that reported exercising their proprietary exclusive right in our survey are similar in some aspects to those 234 airports where the airport indicated the sponsor provides fuel but the proprietary exclusive right is not exercised. For example, according to FAA Master Records Data, the length of the longest runway at each of the airports that reported using the proprietary exclusive right ranges from under 3,000 feet to over 12,000 feet. A majority of the airports using the proprietary exclusive right (60 percent) have runways between 4,000 and 5,999 feet in length. This length can accommodate single engine piston aircraft but may be insufficient for larger aircraft, depending on conditions and aircraft weight. The range of runway lengths is similar to locations where the airport reported providing fuel, but is not exercising its proprietary exclusive right, with a similar portion (57 percent) between 4,000 and 5,999 feet. Figure 2 shows the range in runway lengths at of these two groups of airports.

**Figure 2: Longest Runway Lengths at Airports That Reported the Airport Sponsor Provides Fuel Service, by Use of the Proprietary Exclusive Right**



Source: GAO analysis of survey responses and Federal Aviation Administration data. | GAO-21-397

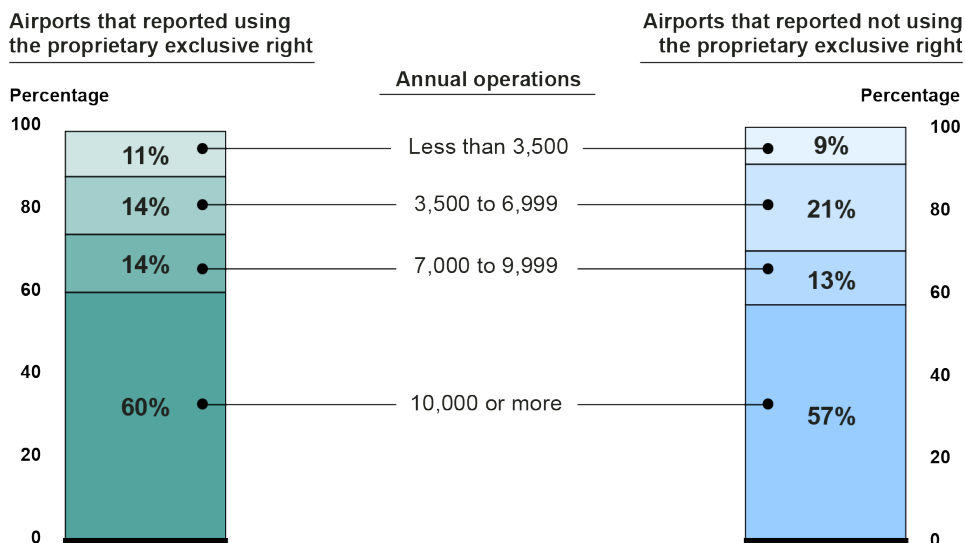
Note: An airport sponsor may elect to provide any or all of the aeronautical services at its airports, and be the exclusive provider of those services. This is known as the proprietary exclusive right.

The level of traffic at the 588 airports reporting use of their proprietary exclusive right in our survey is similar to those airports where the airport sponsor provides fuel, but responded the proprietary exclusive right is not used, according to FAA records. The busiest of the airports reporting use

of the proprietary exclusive right have over 176,000 operations (takeoffs and landings) per year, or roughly 480 per day.<sup>23</sup> However, nearly 40 percent of the airports indicating use of the proprietary exclusive right have less than 10,000 operations per year, or roughly 27 operations daily. The airport among those with the fewest operations had just over 600 per year, or less than two per day on average.

At the 234 airports where survey respondents reported that their airport provides fuel service but does not exercise the proprietary exclusive right have a similar breakout in their traffic levels. The busiest airports of those providing fuel but not exercising the proprietary exclusive right have over 164,000 operations per year—about 450 per day. About 43 percent of these airports have fewer than 10,000 operations per year. The least busy of these airports had fewer than 600 operations per year. Figure 3 shows the annual operations at airports where the sponsor provides fuel service, by reported use of proprietary exclusive right.

**Figure 3: Annual Operations at Airports that Reported the Airport Sponsor Provides Fuel Service, By Use of the Proprietary Exclusive Right**



Source: GAO analysis of survey responses and Federal Aviation Administration data. | GAO-21-397

Note: An airport sponsor may elect to provide any or all of the aeronautical services at its airports, and be the exclusive provider of those services. This is known as the proprietary exclusive right.

<sup>23</sup> Operations data is based on FAA Master Records Data obtained in February 2020.



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Airports that provide fuel are similar in the fuels available regardless of whether or not the airport exercises its proprietary exclusive right. Based on FAA Master Airport Records data, 73 percent of the airports that reported using their proprietary exclusive right provide both types of fuel used by general aviation aircraft—Jet A and 100 low-lead (100LL).<sup>24</sup> Most of the remaining airports (27 percent) offer only 100LL fuel.<sup>25</sup> Typically, airports using the proprietary exclusive right to provide fuel provide all of the fuel at the airport, but we found one airport that exercises its right only with respect to self-service 100LL.<sup>26</sup> Airports that reported not exercising the proprietary exclusive right—but the sponsor is the only fuel provider—the situation is not very different. Among those airports, 66 percent offer both type of fuel for sale, and 34 percent offer only 100LL.

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## Airports Reported Considering Factors Such as Revenue and Attracting Users When Deciding to Provide Fuel and Exercise Proprietary Exclusive Right

Based on our survey and interviews with selected airports, most airports that reported exercising their proprietary exclusive right cited the same two factors as important to their decision to provide fuel at the airport. Specifically, over 90 percent of airports responded that attracting users to the airport and generating revenue were very important or somewhat important to their decisions. Additionally, roughly 25 percent responded that the difficulty of attracting a private service operator was a very important or somewhat important factor.<sup>27</sup> (See table 1 and app. II question 5.)

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<sup>24</sup> General aviation aircraft use two types of aviation fuel that are generally sold at airports—Jet A and 100 low-lead (100LL). Jet and turbine powered aircraft use Jet A while piston aircraft use 100LL.

<sup>25</sup> Of those airports reporting use of the proprietary exclusive right, FAA records show that one airport offers only Jet A fuel.

<sup>26</sup> At this airport, the private operator providing fuel service at the airport only offers full-service, and imposes an additional ramp fee at their facility. Airport officials offered the private operator the opportunity to open a self-service facility for 100LL fuel, but the operator declined. Consequently, the airport installed the self-service fuel facility, provided additional tie-downs for aircraft parking, and provided controlled access to the facility from the outside the airport's operating area. According to an airport official, exercising the proprietary exclusive right to operate this service provides a basic level of service to the general aviation community. Although the price at the self-service facility is \$2 per gallon less than at the private operator, the airport official stated the facility is not intended to compete against the other fuel provider, which also offers 100LL but only in a full-service operation.

<sup>27</sup> The survey question offered "other" as an option to respond as well space for comments. 39 respondents rated "other" as very to slight important.

**Table 1: Responses to GAO 2020 Survey Questions from Airports That Exercise Proprietary Exclusive Rights (n = 588) on Factors Considered Important in the Decision to Provide Fuel**

Factors For Providing Fuel	Very important	Somewhat important	Slightly important	Not at all important	Don't know	No response
Fuel service attracts users and tenants to the airport	515	52	11	4	3	3
The revenue generated by fuel sales	461	82	38	5	0	2
Difficult to attract a private fuel service operator	85	62	68	235	129	9

Source: GAO survey responses | GAO-21-397

Notes: This analysis includes the 588 airports that reported using the proprietary exclusive right, when an airport sponsor may elect to provide any or all of the aeronautical services at its airports, and be the exclusive provider of those services.

We asked about the importance of these three factors in our survey because they were identified as key factors through early exploratory interviews with airports.

Respondents rated all factors so the column totals may be larger than 588.

In particular, airports indicated that providing fuel was a very important factor in attracting users and tenants, with a few of the airports interviewed also acknowledging it as a factor. Of the 588 airports that reported exercising the proprietary exclusive right, 515 rated attracting users and tenants to the airport as very important to their decision to provide fuel service. In our interviews with officials from our 26 selected airports exercising its right, officials from three airports stated that attracting users and tenants was a factor in their decision in to provide fuel at the airport. For example, one airport official stated that the growth of the airport has been, in part, spurred by airport-run services, which he believed helped attract and generate business by cultivating interest in the facility and impressing customers, which in turn helps ensure return or repeat customers. Another airport official stated that the success of its fuel operations has also helped the airport realize its goals to increase cargo operations at the airport. They also said that the airport has both retained customers from the previous operator as well as won back some of the traffic that had left the airport due to the poor service by the former fuel provider.

Revenue generation was also cited by airports as an important factor in providing fuel service in both our survey and follow-up interviews. In our survey, generating revenue was the second most frequently rated “very important” or “somewhat important” factor by airports who decided to provide fuel service and to exercise their proprietary exclusive right. Of the 588 airports exercising their right, 461 responded that the revenue

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generated by fuel sales generated was very important to their decision. In our interviews, airport officials from 17 of our 26 selected airports exercising their right stated that generating revenue through fuel sales was a main factor in exercising their proprietary exclusive right. For example, one airport official said that the fuel revenue allows the airport to fund a greater share of some of the capital projects it is pursuing, such as new hangars. Similarly, another airport official stated that being able to keep fuel revenues at the airport helps fund operations and can also help an airport become, to the extent possible, financially self-sustaining, which is a requirement to receiving AIP grants.

Finally, of the 588 airports that reported exercising the proprietary exclusive right, 85 rated the difficulty of attracting a private fuel provider as very important to their decision to become a fuel service provider. Airport officials from seven of our 26 selected airports exercising their right stated that the lack of interest from the private sector to operate fuel service at their airports was a factor in exercising the proprietary exclusive right. For example, one airport official said the city operates the fuel service at the airport because private entities have shown no interest, given the low volume of air traffic and limited fuel sales.<sup>28</sup>

In addition, airports cited the ability to provide consistent customer experience (e.g., a reliable, high-level of improved service expected by their customers), when deciding to exercise their proprietary exclusive right. Specifically, 491 of the 588 airports rated the ability to provide a consistent customer experience as very important to their decision to exercise their proprietary exclusive right to provide fuel service. (See app. II, question 10.) In our follow-up interviews, officials from 13 of 26 selected airports cited providing consistent customer service as a main factor in their decision. For example, one airport official stated that

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<sup>28</sup> As previously noted, FAA explained that an airport sponsor providing an aeronautical service (such as fuel) itself does not necessarily indicate that an airport is using its proprietary exclusive right. According to these officials, when airports provide fuel because no other party is interested in operating, there is no need to exclude other operators. Currently, there appears to be no negative impact when an airport does not interpret the proprietary exclusive right in a manner that is consistent with FAA's definition. For example, the airports that are providing fuel service because they cannot attract a private operator may not need to make a decision to exclude other providers until they are approached by an interested party. If approached, an airport may, as stated in FAA's Advisory Circular, exclude others from providing the same service. At that time, if they do choose to remain the only fuel service provider at the airport, the only additional requirement to exercise the proprietary exclusive right would be to use their own airport staff and resources.

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complaints, such as high fuel prices and poor communication, to airport management about a private fuel provider prompted the airport to take over the service. Another airport official stated that exercising the proprietary exclusive right has allowed them to be more customer service oriented, and has helped insulate those customers from inflated fuel prices, which the official believed a private, more profit-oriented fuel provider would charge.<sup>29</sup>

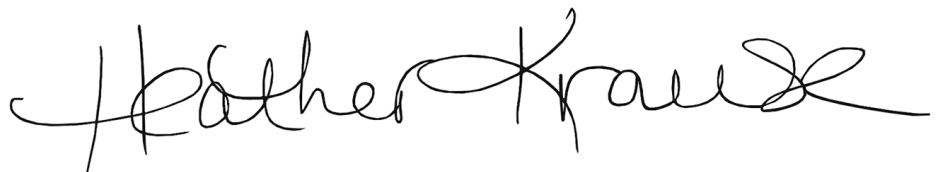
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## Agency Comments

We provided a draft of this report to DOT for review and comment. DOT did not have any comments on the draft.

We are sending copies of this report to the appropriate congressional committees, the Secretary of the Department of Transportation, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2834 or [krauseh@gao.gov](mailto:krauseh@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.



Heather Krause  
Director, Physical Infrastructure

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<sup>29</sup> Of the airports who responded to our survey that they provide fuel service, 234 indicated that they did not use their proprietary exclusive right. While we did not survey airports about why they were not exercising their proprietary exclusive right, an official from one of the airports whom we spoke with stated they prefer to have a private provider operate the fuel service if they could find one to do so.

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# Appendix I: Objectives, Scope, and Methodology

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Our objectives were to identify (1) the number and characteristics of airports that are currently exercising their proprietary exclusive right to provide aviation fuel, and (2) the factors airports consider when deciding to provide fuel and exercise their proprietary exclusive right.

To address both of these objectives, we reviewed federal statutes and regulations, Federal Aviation Administration (FAA) policy and guidance on the proprietary exclusive right and discussed the origin and use of this right with officials from FAA's Airport Compliance Office and Office of the Chief Counsel. We interviewed FAA's airport compliance staff in both headquarters and its field offices covering the 48 contiguous states to discuss their understanding of the extent to which this right is exercised, why it might be exercised, and the degree to which they receive complaints with regard to airports exercising their proprietary exclusive right. We also interviewed representatives of the National Air Transportation Association, which represents aviation service companies, and reviewed studies on airport services prepared and published by the Airport Cooperative Research Program.<sup>1</sup>

We found limited information available on which airports use the proprietary exclusive right. We reviewed the web sites of more than 200 airports, but were not able to obtain information on the use of the proprietary exclusive right with any consistency. Furthermore, FAA officials explained that they do not track this information, nor are airports required to report their use of the right to the FAA. To address this shortage of information, we administered a web-based survey to airports located in the 48 contiguous states that are included in FAA's National Plan of Integrated Airport Systems (NPIAS). We surveyed NPIAS airports, as these airports are eligible for federal financial assistance, and therefore subject to grant assurances when they accept federal assistance.

The survey asked about existing fuel services available at the airport and who operated those services—a private company, the airport sponsor, or a third party. For those instances where the airport sponsor operated fuel services, we asked about the respondent's knowledge of and use of the

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<sup>1</sup> Transportation Research Board, Airport Cooperative Research Program, Synthesis 86. *Airport Operator Options for Delivery of FBO Services: A Synthesis of Airport Practices*, (Washington, D.C.: 2018); and Transportation Research Board, Airport Cooperative Research Program, Synthesis 108. *Characteristics of the FBO Industry 2018-2019: A Synthesis of Airport Practice*, (Washington D.C.:2020).

proprietary exclusive right at the time of the survey.<sup>2</sup> For those airports that reported using the proprietary exclusive right, we asked why the airport took that step, and the length of time the right has been exercised. We made this survey available to airports from May 11 through July 10, 2020. Survey questions and results are provided in appendix II. Additional information describing the administration of the survey is included below.

To determine the characteristics of airports using the proprietary exclusive right, we combined survey responses with information from FAA's most recent NPIAS report to Congress, and data from FAA's Airport Master Data Records as of February 4, 2020.<sup>3</sup> These sources contain information on airport classifications,<sup>4</sup> passenger levels, runway characteristics, aircraft operations, and airport services, among other things. Using this information, we looked at airport characteristics that potentially relate to an airport sponsor's consideration to provide fuel such as the number of airport operations, runway length—which indicates the types and size of aircraft an airport can accommodate—and the type of fuel sold to determine if airports that reported exercising their proprietary exclusive right shared unique characteristics. To examine the relationship between airports' use of the proprietary exclusive right with annual operations, we used survey results and data from FAA.

To assess the reliability of FAA's Airport Master Data records, we reviewed existing information about the data and system that produced

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<sup>2</sup> We provided a definition to survey respondents of the proprietary exclusive right as follows: "As provided in FAA Circular 150/5190-6, Exclusive Rights at Federally-Obligated Airports, the owner of a public-use airport (public or private owner) may elect to exclusively provide any aeronautical service needed by the public at the airport." This is referred to as the proprietary exclusive right. An airport sponsor that elects to use its proprietary exclusive right must use its own employees and resources to carry out its venture, and may exclude others from providing the same service(s).

<sup>3</sup> U.S. Department of Transportation, Federal Aviation Administration, *Report to Congress: National Plan of Integrated Airport Systems (NPIAS), 2019-2023*. (Washington, D.C.: Sept. 26, 2018).

<sup>4</sup> Airports are grouped by statute into two categories: primary and nonprimary. Primary airports are defined by statute as public airports receiving scheduled air carrier service with 10,000 or more boardings passengers per year. Primary airports are further grouped into four categories defined in statute (based on annual U.S. commercial boardings): large hub (receives 1 percent or more); medium hub (0.25 to 1 percent); small hub (0.05 to 0.25 percent); and nonhub (less than 0.05 percent but more than 10,000 boardings). Nonprimary airports include nonprimary commercial airports (between 2,500 and 9,999 passenger boardings each year); reliever airports (designated to relieve congestion at commercial airports and provide more general aviation access to a community); and general aviation airports (a public use airport with no commercial service or less than 2,500 boardings per year).

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them. We determined that the data were sufficiently reliable to provide descriptive statistics for airports providing fuel service, including both those that reported exercising and not exercising their proprietary exclusive right.

To understand factors airports consider when deciding whether or not to exercise the proprietary exclusive right, we interviewed officials with FAA's Airports Office and its field offices, industry representatives and industry consultants and asked about the factors in the survey. To further understand factors that airports consider when deciding whether or not to exercise the proprietary exclusive right and obtain examples of situations at select airports, we interviewed officials from 36 airports, including both airports that did and did not respond to our survey. We selected these airports (26 exercising their proprietary exclusive rights and 10 not exercising that right, based on responses to our survey) to obtain diversity in geographic location and fuel sales, among other factors. These interviews provided context for why airports may or may not exercise their proprietary exclusive right and their experiences if they do so. The results of these interviews are not generalizable to all airports. See Appendix III for a list of airports we selected for these interviews.

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## Administration of Survey and Quality Assurance

We developed survey questions to obtain information about retail fuel services that are available at the airport, and if so, how that fuel is provided. In those cases where the fuel is provided by the airport sponsor, we gathered information on why the airport has elected to provide fuel service. In addition, we asked if the airport is exercising the proprietary exclusive right to provide retail fuel sales to the public, and if so, why. Prior to distributing the survey, we conducted pretests with officials at four airports to determine if the questions were unduly burdensome, understandable, and collected the information we wanted. On the basis of pretesting feedback, we modified survey questions as appropriate to provide clarity. We obtained the contact information for these airports through the FAA's regional airports offices.

We distributed the survey link to 3,010 airports on May 11, 2020 via e-mail. The distribution message described the purpose and topic of the survey, and encouraged respondents to identify the best person to answer the survey. We also provided phone numbers for two GAO staff members to answer questions regarding the survey. To boost our response rate, we also sent reminder e-mails on three occasions. In addition, we extended the closing date of the survey and contacted selected airports by telephone to solicit responses to the survey. We focused these contacts on two groups of airports: 1) those airports where

we found information suggesting that the sponsor was using the proprietary exclusive right and; 2) airports where, based on publicly available information, the airport sponsor appeared to provide fuel service. We closed the survey to responses on July 10, 2020.

After the survey closed, we assessed surveys that were either incomplete or contained errors where skip pattern instructions were not followed. We determined that in order to be included in the survey analysis, a response should be sufficiently complete to provide useful information for our purposes. Specifically, the respondent should provide an answer to the first question (i.e., whether fuel service was currently available at the airport), which if answered no, was all the information that was required. If the first question was answered in the affirmative, we needed a positive response to at least one of three questions describing retail fuel sale models at airports. We identified 144 surveys that were not marked as complete. Information included in these surveys ranged from no information to those that were nearly complete. Those surveys with no information were removed from the analysis. After reviewing the remaining surveys, we considered them complete if:

- We could determine that a proper skip pattern was followed based on the answers provided. In nearly all cases, the only unanswered question was the statement declaring the survey was complete.
- An incomplete survey could be supplemented with publicly available information to complete the survey following an appropriate skip pattern. For example, we obtained information on the types and number of fuel service providers at airports. This information was obtained from airport web sites, or flight planning sites.
- The only missing information was the amount of fuel sold at the airport.

We also reviewed cases where the respondents did not properly follow skip pattern directions. We noted that there may have been confusion with the fuel service model definitions we provided to the respondents (see appendix II), as we found over 100 skip pattern errors resulting when a respondent indicated that the airport did not provide fuel service. These respondents continued to answer questions that applied only to those who responded yes to that question. Using the same information sources to review incomplete surveys, we researched to determine whether or not the airport sponsor was providing the fuel service at the airport. There were instances with both incomplete surveys and those with skip pattern errors where we edited the respondent's answers to reflect an appropriate



skip pattern and provide information to answer other questions to the extent possible. Information to support these changes were documented by one team member based on information available from an airport's web site or publicly available information, and the changes were subsequently reviewed and approved by another staff member. The results of these data review and editing steps were incorporated into our final data analysis.

We conducted this performance audit from October 2019 to July 2021 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix II: Survey of NPIAS Airports in the Contiguous United States

The questions we asked in our survey of airport sponsors (airports) included in the National Plan of Integrated Airport Systems (NPIAS) located in the 48 contiguous states are shown below. Our survey was comprised of closed- and open-ended questions. In this appendix, we include all survey questions and aggregate results of responses to the closed ended questions; we do not provide information on responses to the closed ended questions. Some of our questions have low response numbers because of how respondents answered our questions, as not all questions were applicable to all respondents, and not all respondents answered all applicable questions. We have included skip pattern directions as appropriate. These survey results reflect our data review and editing steps, including any survey responses edited to reflect follow-up discussions with airports. For a more detailed discussion of our survey methodology, see appendix I.

## Fuel Service

### 1. Is fuel service currently available at this airport?

Response	Number of responses
Yes	1,821
No (go to No Fuel questions)	155

*NO FUEL questions were only answered by those airports that indicated in question 1 that no fuel service was available at the airport.*

### (NO FUEL 2). Has fuel service been provided at this airport in the last 5 years?

Response	Number of responses
Yes	27
No (End survey)	133
Don't know	2

**Appendix II: Survey of NPIAS Airports in the Contiguous United States**

**(NO FUEL 3). If fuel service was provided in the last 5 years, was the service terminated for any of the following reasons?**

<b>Response</b>	<b>Number of responses</b>	
a) The operation was not financially viable.	Yes	9
	No	10
	Don't know	1
b) Insufficient demand for fueling service.	Yes	6
	No	10
	Don't know	1
c) Other	Yes	17
	No	5
	Don't know	0

**(NO FUEL 4). Did the airport sponsor provide the most recent fuel service?**

<b>Response</b>	<b>Number of responses</b>
Yes (End survey)	16
No (End survey)	8
Don't know (End survey)	3

*Questions 2 through 4 were answered only by those airports that indicated in question 1 that fuel service was available at the airport.*

**Models for Providing Fuel Service**

Please consider the following models for providing fuel service at an airport when answering the next set of questions:

- **Traditional Lease:** A traditional lease may or may not include airport-owned assets, but the financial risk is passed to the fuel service provider, typically a private company.
- **Contract Management of Airport-Owned Assets:** The airport maintains the risk and control, owns the assets, but day-to-day operations including budgeting and hiring are conducted by a contractor or contracting company.
- **Airport Sponsor Provided Fuel Service:** The airport sponsor operates the fuel service with staff that are employed by the airport sponsor.

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**Appendix II: Survey of NPIAS Airports in the  
Contiguous United States**

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<b>2. Is any fuel service at this airport currently provided by a traditional lease?</b>	
<b>Response</b>	<b>Number of responses</b>
Yes	673
No	1,146

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<b>3. Is any fuel service at this airport currently provided by a contract management agreement?</b>	
<b>Response</b>	<b>Number of responses</b>
Yes	218
No	1,585

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<b>4. Is any fuel service at this airport currently provided by the airport sponsor?<sup>1</sup></b>	
<b>Response</b>	<b>Number of responses</b>
Yes	1,031
No (Skip to Q14)	787

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<sup>1</sup> As indicated in appendix I, this question was the source of multiple skip pattern errors. These reported numbers reflect responses following our review of these errors, which in some cases, included editing the respondent's answer to this question.

**Airport Sponsor Provided Fuel Service**

Questions 5-7 were answered only by airports that in question 4 indicated fuel service was provided by the airport sponsor.

**5. How important, if at all, are the following considerations regarding why they airport sponsor provides fuel service at this airport?**

Response		Number of responses
a) The revenue generated by fuel sales	Very important	705
	Somewhat important	156
	Slightly important	85
	Not an all important	15
	Don't know	8
b) Fuel service attracts users and tenants to the airport	Very important	813
	Somewhat important	105
	Slightly important	26
	Not an all important	10
	Don't know	12
c) Difficult to attract a private fuel service operator	Very important	158
	Somewhat important	116
	Slightly important	106
	Not an all important	339
	Don't know	236
d) Other <sup>a</sup>	Very important	63
	Somewhat important	2
	Slightly important	4
	Not an all important	37
	Don't know	186

<sup>a</sup>We asked respondents to specify their response of other, but as an open-ended question, it is not included in this appendix.

**Proprietary Exclusive Right**

**Proprietary Exclusive Right**

As provided in Federal Aviation Administration (FAA) Advisory Circular 150/5190-6, Exclusive Rights at Federally-Obligated Airports, the owner of a public-use (public or private owner) may elect to exclusively provide any aeronautical service needed by the public at the airport. This is referred to as the *proprietary exclusive right*.

An airport sponsor that elects to use its proprietary exclusive right must use its own employees and resources to carry out its venture, and may exclude others from providing the same service(s).

Please note that an airport sponsor using an independent contractor to manage its airport may not exercise such an exclusive right.

6. Prior to receiving this survey, was the airport sponsor aware that exercising its 'proprietary exclusive right' to provide fuel services at this airport is an option? That is, the airport sponsor can opt to be the sole provider of fuel service at this *airport to the exclusion of others*, so long as the service is provided *using employees and resources from the airport sponsor*.

Response	Number of responses
Yes	645
No	176
Don't know	138

7. Is the airport sponsor exercising its proprietary exclusive right to provide fuel at this airport?

Response	Number of responses
Yes	588
No (skip to Q11)	234
Don't know (Skip to Q11)	138

**Exercising Proprietary Exclusive Right**

Questions 8-10 cover the airport sponsor’s decision to exercise the proprietary exclusive right to provide fuel at this airport, and were answered only by those airports that indicated in question 7 that they exercise the proprietary exclusive right.

**8. In what year did the airport sponsor first exercise its proprietary exclusive right to provide fuel?**

Response	Number of responses
Within the last 5 years	72
6-10 years ago	79
More than 10 years ago	383
Don't know	48

**9. Did the airport sponsor document the decision to exercise its proprietary exclusive right in any of the following ways?**

*Note that FAA does not require this decision to be documented.*

a) Response		Number of responses
b) Included in the airport’s minimum standards	Yes	159
	No	181
	Don't Know	210
c) Incorporated into city or county codes/ordinances of the airport sponsor	Yes	110
	No	226
	Don't Know	205
d) Included in the airport sponsor’s airport rules and regulations	Yes	201
	No	182
	Don't Know	167
e) Other <sup>a</sup>	Yes	47
	No	42
	Don't Know	83

<sup>a</sup>We asked respondents to specify their response of other, but as an open-ended question, it is not included in this appendix.

**Appendix II: Survey of NPIAS Airports in the Contiguous United States**

**10. How important, if at all, are the following considerations regarding the airport sponsor's decision to exercise its proprietary exclusive right to provide fuel service at this airport?**

Response		Number of Responses
a) Ability to provide a consistent customer service experience	Very important	491
	Somewhat important	58
	Slightly important	13
	Not at all important	6
	Don't know	10
b) The airport sponsor prefers to be the sole provider of fuel service at the airport	Very important	409
	Somewhat important	87
	Slightly important	39
	Not at all important	31
	Don't know	14
c) Other <sup>a</sup>	Very important	38
	Somewhat important	1
	Slightly important	2
	Not at all important	13
	Don't know	64

<sup>a</sup>We asked respondents to specify their response of other, but as an open-ended question, it is not included in this appendix.

**Other Fuel Operators**

*Questions 11-13 were answered only by those airports indicating in question 4 that the airport sponsor provided fuel service.*

**11. In the last 5 years (since 2015), has an outside party approached the airport sponsor about providing fuel service at this airport?**

Response	Number of responses
Yes	68
No	486
Don't know	31



**Appendix II: Survey of NPIAS Airports in the Contiguous United States**

**12. In the last 5 years (since 2015), has the airport sponsor prepared a Request for Information (RFI) or Request for Proposals (RFP) for a fuel service provider at this airport?**

<b>Response</b>	<b>Number of responses</b>
Yes (go to RFP question)	31
No	520
Don't know	34

*The RFP question was answered only by those who responded yes to question 12.*

(RFP) a. Were any proposals submitted by private fuel operators?

<b>Response</b>	<b>Number of responses</b>
Yes	12
No	15
Don't know	2

**13. If a qualified private operator expressed an interest in providing fuel service at this airport, how likely would it be that the airport sponsor would consider an application from another fuel service provider?**

<b>Response</b>	<b>Number of responses</b>
Very Likely	32
Somewhat Likely	87
Slightly or not at all likely	403
Don't know	62

*Question 14 was to be answered by any airport that indicated in question 1 that fuel service was available at the airport.*

14. Approximately how many gallons of fuel were sold in the last calendar year (2019) at this airport through retail sales?

Please round to the nearest gallon. If no fuel was sold for a particular type of fuel in the last calendar year, please enter 0.

<b>Response</b>	
a) Jet A fuel	[open-ended question]
b) 100 Low Lead (Avgas)	[open-ended question]

# Appendix III: Airport Officials Interviewed by GAO

**Table 2: Airport Officials Interviewed by GAO**

<b>Airport</b>	<b>Location</b>
Ak-Chin Regional <sup>a</sup>	Maricopa, Arizona
Atlanta Municipal	Atlanta, Michigan
Bangor International	Bangor, Maine
Blue Grass	Lexington, Kentucky
Caledonia County	Lyndonville, Vermont
Columbus <sup>*</sup>	Columbus, Georgia
Cullman Regional – Folsom Field <sup>a</sup>	Cullman, Alabama
Darlington County <sup>a</sup>	Darlington, South Carolina
Draughon-Miller Central Texas Regional <sup>a</sup>	Temple, Texas
Dubuque Regional	Dubuque, Iowa
Eastern Iowa <sup>b</sup>	Cedar Rapids, Iowa
Eastern West Virginia Regional – Shepherd Field <sup>c</sup>	Martinsburg, West Virginia
Enterprise Municipal <sup>a</sup>	Enterprise, Alabama
Fall River Mills	Fall River Mills, California
Fort Wayne International <sup>a</sup>	Fort Wayne, Indiana
Glencoe Regional <sup>a</sup>	Glencoe, Minnesota
Greeneville Municipal	Greeneville, Tennessee
Greenville-Spartanburg International <sup>a</sup>	Greer, South Carolina
Lancaster <sup>a</sup>	Lancaster, Pennsylvania
Lincoln Regional – Karl Harder Field	Lincoln, California
Los Baños Municipal	Los Baños, California
Lovell Field	Chattanooga, Tennessee
McKinney National <sup>a</sup>	McKinney, Texas
Mojave Air and Space Port <sup>a</sup>	Mojave, California
Nantucket Memorial <sup>a</sup>	Nantucket, Massachusetts
Naples Municipal <sup>a</sup>	Naples, Florida
North Las Vegas <sup>a</sup>	Las Vegas, Nevada
Phoenix-Mesa Gateway <sup>a</sup>	Phoenix, Arizona
Rickenbacker International <sup>a</sup>	Columbus, Ohio
San Bernardino International <sup>a</sup>	San Bernardino, California
Southwest Wyoming Regional <sup>a</sup>	Rock Springs, Wyoming
Springfield-Branson Regional <sup>a</sup>	Springfield, Missouri
Telluride Regional <sup>a</sup>	Telluride, Colorado
The Ohio State University <sup>a</sup>	Columbus, Ohio
Upper Cumberland Regional <sup>a</sup>	Sparta, Tennessee

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**Appendix III: Airport Officials Interviewed by  
GAO**

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<b>Airport</b>	<b>Location</b>
Watertown International <sup>a</sup>	Watertown, New York

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<sup>a</sup> Airport reported exercising its proprietary exclusive right.

<sup>b</sup> Eastern Iowa Airport exercises the proprietary exclusive right only for the sale of self-serve 100LL fuel.

<sup>c</sup> Eastern West Virginia Regional Airport reported an intent to exercise their proprietary exclusive right by the end of 2020.

Source: | GAO-21-397

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# Appendix IV: GAO Contact and Staff Acknowledgments

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## GAO Contact

Heather Krause, (202) 512-2834, or [krauseh@gao.gov](mailto:krauseh@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Cathy Colwell (Assistant Director); Nick Nadarski (Analyst-in-Charge); Amy Abramowitz; Camilo Flores; Christopher Jones; Delwen Jones; Joshua Ormond; Ardith Spence; Rachel Stoiko; Janet Temko-Blinder; and Elizabeth Wood made key contributions to this report.

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## Strategic Planning and External Liaison

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