INFRASTRUCTURE GOVERNANCE

Who Reviews, Approves, Oversees, and Operates Aviation Facilities?

Infrastructure governance is where aviation systems intersect most directly with local governments, airports, utilities, emergency responders, planners, developers, and surrounding communities. While aircraft certification, airspace management, and operational rules are heavily federalized, infrastructure decisions involve overlapping federal, state, local, airport sponsor, operator, utility, and property-owner responsibilities. For many communities, this is the area where Advanced Air Mobility (AAM) and unmanned aircraft systems (UAS) become tangible.

This is also one of the most misunderstood areas of aviation governance. Many people assume the FAA directly approves, licenses, certifies, or oversees all aviation facilities in the United States. In reality, the FAA's direct oversight of aviation infrastructure is narrower than many assume, particularly outside of commercial service airports operating under formal federal certification and grant assurance structures.

Commercial service airports operating under Part 139 certification requirements are subject to extensive federal oversight, operational standards, inspection requirements, and grant assurance obligations. Airports that receive federal funding are often required to follow FAA airport design guidance, maintain compatible land uses, protect airspace, and avoid unjust discrimination between aeronautical users.

Heliports operate differently. Heliports are not federally certified under Part 139. Instead, the majority are privately owned and operated facilities. The FAA primarily evaluates heliports through airspace review, aeronautical studies, design guidance, and notification processes. This distinction becomes increasingly important as communities begin evaluating vertiports, unmanned aircraft logistics sites, private-use aviation facilities, airport electrification projects, eSTOL/STOL infrastructure, rooftop aviation concepts, emergency response facilities, and supporting systems such as charging infrastructure, communications, micro-weather sensing, or detect-and-avoid systems.

This distinction becomes even more important with private-use heliports, vertiports, unmanned logistics hubs, and future AAM facilities. Some private aviation facilities may operate with fewer standardized oversight mechanisms, fewer reporting requirements, or less formal infrastructure review than many policymakers assume. In Utah and elsewhere, there are known examples of aviation facilities existing outside widely used FAA databases or operating with limited visibility to surrounding communities and local planning processes. Existing heliports, private-use aviation facilities, and temporary aviation operating areas may not always appear within the datasets local governments assume are comprehensive.

These realities create practical challenges for:

- long-range planning,
- emergency response coordination,
- compatibility planning,
- infrastructure inventory management,
- and future AAM integration efforts.

Many early AAM operations are expected to build upon infrastructure that already exists today. Airports, heliports, including hospital landing facilities, agricultural aviation facilities, logistics and industrial sites, utility corridors, and existing aviation-compatible land are likely to support many early operations before highly distributed passenger vertiport networks emerge.

This is especially relevant in Utah. Long travel distances, mountainous terrain, density altitude, weather variability, wildfire risk, and dispersed population patterns may make airport-centric and regional aviation concepts more practical in the near term than highly distributed urban passenger systems. In practice, many communities may encounter AAM first through airport electrification projects, unmanned infrastructure inspection, medical logistics, agricultural operations, public safety drone programs, or cargo and logistics activity.

Infrastructure discussions also extend well beyond the landing surface itself. Emerging aviation systems may depend on supporting infrastructure such as:

- charging or fueling systems,
- electrical grid upgrades,
- micro-weather sensing,
- communications systems,
- navigation systems,
- surveillance and detect-and-avoid systems,
- emergency response access,
- operational control systems,
- and multimodal transportation connections.

Some of this infrastructure may not be visible to the public but may still significantly affect feasibility, safety, operational scalability, and long-term viability. A site may appear suitable from a zoning perspective while still facing utility limitations, micro-weather concerns, emergency access challenges, surrounding land-use conflicts, or airspace constraints.

Title 14 CFR Part 157 establishes notice requirements associated with the construction, activation, alteration, or deactivation of certain aviation facilities. Part 157 often acts as a bridge between infrastructure development, airspace review, and aviation safety evaluation. Through this process, the FAA may conduct an aeronautical study to evaluate how a proposed facility could affect the National Airspace System.

FAA determinations are often misunderstood. An FAA determination is not like a local zoning approval, a building permit, a state operating license, or infrastructure certification. The FAA evaluates whether a proposed facility or structure would affect aviation safety or the National

Airspace System. Additional approvals or reviews may still involve local governments, airport sponsors, property owners, utilities, emergency responders, environmental review processes, and state aviation agencies.

The FAA may issue:

- a determination of no objection,
- a determination of no objection with conditions,
- or an objectionable determination.

Those findings focus primarily on aviation impacts. Additional approvals or reviews may still involve local governments, airport sponsors, property owners, utilities, emergency responders, environmental review processes, and state aviation agencies. Conversely, local approval alone does not guarantee FAA acceptance from an aviation perspective.

This layered approval environment is one reason aviation infrastructure projects can become complicated quickly, particularly when communities are unfamiliar with how aviation governance works. In some states, airport, heliport, or vertiport development may pass through stronger state-level aviation licensing, permitting, or design review systems. Utah's framework for legacy and emerging AAM infrastructure is still developing, which places more practical responsibility on local governments, planners, zoning administrators, airport sponsors, code officials, and emergency responders to evaluate compatibility, emergency access, land-use conflicts, utility readiness, and operational impacts.

Private property permission also does not automatically resolve aviation infrastructure questions. A landowner may control access to the property, but aircraft operations still depend on FAA operational rules, airspace considerations, operator procedures, facility suitability, emergency access, local zoning, building and fire code, and surrounding land-use compatibility. Communities should avoid assuming that property ownership alone makes an aviation facility appropriate or that FAA review alone resolves local approval questions.

This does not mean local governments regulate aviation operations themselves. Aircraft operations, airspace, and aviation safety remain heavily federalized. However, local governments may become the primary entities evaluating whether a proposed facility is compatible with surrounding land uses and community conditions. This becomes particularly relevant for private-use vertiports, drone logistics sites, rooftop aviation concepts, temporary aviation facilities, and facilities proposed outside traditional airport environments.

Infrastructure is also one of the areas where communities often have the greatest practical influence. While aircraft certification, operational rules, and airspace management are largely federal responsibilities, decisions related to facility siting, zoning, land-use compatibility, emergency access, utility coordination, building code, fire code, and long-term community planning often occur at the local level. As a result, many of the most important community decisions about aviation occur at the infrastructure layer rather than the aircraft or airspace layers.

Building and fire code coordination are also likely to become increasingly important as communities evaluate advanced aviation infrastructure. Topics local governments may encounter include:

- lithium battery systems,
- charging infrastructure,
- fuel storage,
- rooftop operations,
- emergency access,
- firefighting capability,
- evacuation planning,
- operational separation distances,
- and hazardous materials response.

National Fire Protection Association (NFPA) standards, including NFPA 418 and related standards, may become increasingly relevant as facilities evolve. Emergency response planning may also become more complex when facilities are proposed outside traditional airport environments. Fire departments, emergency managers, utilities, and public safety agencies may need to evaluate access routes, rooftop access, firefighting capabilities, battery fire considerations, incident command coordination, and emergency communication procedures.

In many cases, local emergency responders may become involved earlier in the planning process than they traditionally have for aviation facilities. Supporting infrastructure systems, emergency response readiness, long-term maintenance obligations, and ongoing operational compatibility may ultimately influence whether a proposed aviation facility remains viable over time.

Responsible | Primary Regulatory or Operational Lead

FAA, State Agencies, Local Governments, and Airport Sponsors

Infrastructure governance involves overlapping responsibilities.

The FAA is primarily responsible for:

- aeronautical studies,
- airspace evaluations,
- airport compliance oversight at federally funded airports,
- and developing aviation design guidance.

State agencies may oversee:

- airport registration,
- Infrastructure / land use coordination,
- and statewide aviation policy.

Local governments often retain authority related to:

- zoning,
- land use,
- permitting,
- building code,
- fire code,
- emergency access,
- and local compatibility review.

Airport sponsors are responsible for:

- airport property management,
- airport planning,
- grant assurance compliance,
- and operational compatibility within airport environments.

Accountable | Primary Entity Responsible for Compliance or Implementation

Developers, Facility Owners, Airport Sponsors, and Operators

Developers and facility proponents are responsible for pursuing approvals, coordinating with agencies, addressing infrastructure requirements, and complying with operational and permit conditions.

Airport sponsors remain accountable for obligations tied to federally obligated airports. Operators remain responsible for ensuring facilities support safe and compliant operations.

Consulted | Organizations or Stakeholders Typically Engaged During Planning, Review, or Operations

Depending on the proposal, coordination may include:

- FAA,
- UDOT Aeronautics,
- airport sponsors,
- local planning departments,
- zoning administrators,
- building officials,
- fire marshals,
- utilities,
- emergency responders,
- developers,
- operators,
- and affected property owners.

More complex projects may also involve MPOs and AOGs, transportation agencies, military stakeholders, hospitals, or neighboring jurisdictions.

Informed | Stakeholders Commonly Affected, Notified, or Engaged

Stakeholders commonly informed or affected may include:

- nearby residents,
- businesses,
- elected officials,
- airport users,
- transportation agencies,
- emergency managers,
- utility providers,
- and community organizations.

Important Distinctions

The FAA does not directly certify or approve most aviation facilities. Part 139 certificated airports are an important exception, but heliports, private-use facilities, vertiports, drone logistics sites, and temporary operating areas are not federally certified in the same way.

FAA aeronautical studies and letters of determination evaluate impacts to aviation safety and the National Airspace System. They do not automatically function as local land-use approval, facility certification, or operational authorization.

Communities should evaluate aviation facilities based on actual or intended aircraft use, not only on how the site is described. FAA materials define heliports and landing areas by use or intended use for aircraft takeoff and landing. If a property owner marks a pad with an “H” and uses or intends to use it for helicopter takeoffs or landings, the site raises heliport, land-use, emergency response, and compatibility questions even if the owner describes the marking as decorative or informal. Function and intent matter.

Local governments may still play major roles related to:

- zoning,
- land-use compatibility,
- building and fire code,
- emergency response,
- utility coordination,
- and development review.

Private aviation facilities may not operate under the same oversight structures as federally obligated airports. Operator responsibility also remains important. Even when a facility exists, pilots, remote pilots, operators, and certificate holders are responsible for determining whether

the site is suitable for their operation based on aircraft limitations, operating rules, current conditions, and available facility information.

Key References

- 14 CFR Part 77
- 14 CFR Part 139
- 14 CFR Part 157
- FAA Form 7460-1
- FAA Form 7480-1
- FAA Engineering Brief 105A
- FAA Advisory Circular 150/5390-2D
- FAA Grant Assurances
- NFPA 418
- NFPA 407
- GAO-24-106451, Advanced Air Mobility: Legal Authorities and Issues to Consider for Operations
- FAA Advisory Circular 150/5190-4, A Model Zoning Ordinance to Limit Height of Objects Around Airports