



March 6, 2025

From: State Airports Manager  
To: State Aviation Board



Subj: State Airports Through-The-Fence (TTF) Rule and Policy Evaluation

**Background:** The Oregon Department of Aviation (ODAV) has issued Access Agreements for Through-The-Fence (TTF) operations from adjacent private properties at several of the 28 state-operated airports in Oregon. Currently there are over 2 dozen Access Agreements at 8 airports.

Oregon Revised Statutes ([ORS](#)) [836.640](#) and [836.642](#) establish a Pilot Program for Commercial or Industrial TTF operations at the Aurora State Airport, and up to but not more than 5 additional rural airports. Standards and Guidelines for Pilot Program TTF operations are provided in Oregon Administrative Rule ([OAR](#)) [738-014](#). The Aurora State Airport is the only airport in Oregon participating in the pilot program.

[OAR 738-015](#) establishes rules on Leasing for Aeronautical Activities at State-Owned Airports.

**Issue:** There are no rules for TTF operations outside of the Pilot Program, except for [OAR 738-015-0055: Access Permits](#), which bars ODAV effective 8/15/2001 from “issuing any new access permits until all State-owned airport property has been developed, except at those airports where access permits already exist.” No other rules or policy on TTF operations exist.

**February 6, 2025 State Aviation Board meeting:** During the February 2025 board meeting, the State Airports Manager shared that ODAV continues to receive requests for new TTF Access Agreements, there are no rules or policies outlining the terms or process for the fair and objective granting of new Access Agreements, and a moratorium on new Access Agreements has been implemented until rules or policy have been created.

The Board raised several important questions around ODAV’s grant assurances, whether TTF should continue to be granted, and timeline/process for public input and rule adoption.

**Objective:** Before convening a Rulemaking Advisory Committee (RAC), ODAV is seeking input from the Board on key questions which will help shape the RAC process and focus their input on addressing opportunities and known challenges with TTF.

1. Should ODAV pursue granting new TTF Access Agreements?
2. Should some state airports be exempt from new TTF Access Agreements?
3. Should ODAV consider only granting Access Agreements for certain types of TTF?
4. What objective basis or minimum standards should ODAV consider in granting or denying Access Agreements?
5. How can ODAV grant TTF access and protect the airport’s long-term needs?

**Resources and Attachments:** The following resources and attachments are intended to aid the discussion and help the Board

- Attachment A – FAA Order 5190 (TTF Sections Only)
- Attachment B – ACRP Through the Fence
- Attachment C – Oregon Administrative Rules 738-014 (TTF Pilot Program)
- Attachment D – Oregon Administrative Rules 738-015 (Leasing at State-Owned Airports)
- Attachment E – TTF Access Agreement Template