NEW YORK STATE
DEPARTMENT OF TRANSPORTATION

AVIATION CAPITAL GRANT PROGRAM

REQUEST FOR APPLICATIONS

2013 PROGRAM GUIDELINES AND APPLICATION

Applications are due on or before May 20, 2013

New York State Department of Transportation
Office of Integrated Modal Services
Aviation Bureau
April 2013
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INTRODUCTION

Governor Andrew M. Cuomo has made historic investment in transportation infrastructure the cornerstone of New York’s economic development blueprint. The recently enacted State Fiscal Year (SFY) 2013-2014 budget continues this significant focus on the synergies among investment in transportation infrastructure, job creation and economic growth.

New York has long been recognized as the national leader in investing in our State’s transportation infrastructure. The SFY 2013-2014 budget continues this unparalleled State support by providing an additional $7 million in accelerated capital funding to maintain and modernize commercial and general aviation facilities across the State.

The New York State Department of Transportation (NYSDOT) is committed to working with you to expedite the application and contract processes to ensure that the benefits of this State investment accrue to the aviation system users and the manufacturers and suppliers who support the industry as soon as possible. To guide you in the identification of candidate projects to NYSDOT supported with this funding, please find below a program application and application guidance.

Completed applications should be e-mailed to NYSDOT on or before May 20, 2013 at:

Aviation@dot.ny.gov

Questions on the application process can be directed to:

Bill Meyer, Capital Projects Coordinator
Aviation Bureau
New York State Department of Transportation
50 Wolf Road POD 54
Albany, New York 12232
(518) 485-7691 or Bill.Meyer@dot.ny.gov

ELIGIBLE AIRPORTS/APPLICANTS

Eligible Airports must be included in the State Airport System Plan (SASP) and have an up-to-date Airport Layout Plan (ALP) approved by the Federal Aviation Administration (FAA) and the New York State Department of Transportation (the Department). A copy of the most recent approved ALP will be required prior to contract execution, but is encouraged as part of the application submission.

Applicant may be:

- A municipal Corporation.
- A public authority or public benefit corporation, except a bi-state authority.
- Other owners of public use airports.
- A county pursuant to a written agreement may act on behalf of one or more cities, towns, or villages.
- Any combination of permitted applicants.
LOCAL SHARE

- For general aviation airports, relievers and commercial service airports with less than 50,000 annual enplanements, the State share can be up to 90% of eligible project costs (applicant provides at least 10%).

- For commercial service airports with 50,000 or more enplanements, but less than 700,000 enplanements, the State share can be up to 80% of eligible project costs (applicant provides at least 20%).

- For commercial service airports with annual enplanements of 700,000 or more, the State share can be up to 70% of eligible project costs (applicant provides at least 30%).

ELIGIBLE PROJECTS

Eligible project types must have a service life of at least 10 years, and the State share shall not exceed $1,000,000. These include:

- Construction, reconstruction, improvement, reconditioning, and preservation of capital facilities with a service life of at least ten years.

- Pavement maintenance/management projects with a service life of at least ten years.

- Purchase of airport equipment with service life of at least ten years. Equipment acquired must be operated and stored on airport property.

- Purchase and installation of navigational aids (ten year service life).

SMART GROWTH ACT REQUIREMENTS

In addition to the project eligibility criteria enumerated above, each grant application submitted for consideration under the State Aviation Capital Grant Program must comply with the New York State Smart Growth Public Infrastructure Policy Act. This law became effective on September 29, 2010 and stipulates that NYSDOT cannot approve, undertake, support or finance an infrastructure project, including grants, awards, loans or assistance programs, unless, to the extent practicable, it is consistent with the relevant Smart Growth Public Infrastructure Criteria. The Smart Growth requirements (criteria) identified in the legislation are as follows:

A. To advance projects located in municipal centers.
B. To advance projects for the use, maintenance or improving of existing infrastructure.
C. To advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or Brownfield opportunity area plan.
D. To protect, preserve and enhance the State’s resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources.
E. To foster mixed land uses and compact development, downtown revitalization, Brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and age groups.
F. To provide mobility through transportation choices including improved public transportation and reduced automobile dependency.
G. To coordinate between state and local government and inter-municipal and regional planning.
H. To participate in community based planning and collaboration
I. To ensure predictability in building and land use codes.
J. To promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation.

The Smart Growth Act is intended to maximize the social, economic and environmental benefits from public infrastructure development through minimizing unnecessary costs of sprawl development including environmental degradation, disinvestment in urban and suburban communities and loss of open space induced by the funding of development of new or expanded transportation, sewer and waste water treatment, water, education, housing and other publically supported infrastructure inconsistent with smart growth infrastructure criteria.

These requirements also apply to aviation projects. Some of the questions in the application form address the incorporation of Smart Growth Criteria into proposed Aviation Capital Grant Program projects. The Aviation Bureau has prepared guidance to assist you in properly completing this portion of the application. Each criterion is followed by a definition which in some cases is taken directly from the Act. In other cases, the definitions are based on commonly held interpretations used by the Department, other state agencies and/or industry experts. This guidance is included as Appendix A of these guidelines.

PROJECT APPLICATIONS/AWARDS

Applicants may submit up to two funding applications per airport. If submitting two project applications, please indicate each application’s priority at the bottom of the Project Description box in the application. A maximum of one project will be awarded per airport. The State share for any project awarded as a result of this solicitation shall not exceed $1,000,000.

PROJECT EVALUATION CRITERIA

1. Demonstrated importance of the project to the business users in the airport service area and current importance of the airport to the community and local businesses.

2. The extent to which the project supports one or more of the following project characteristics:

   A. Improves the safety of aviation. (While safety is an important objective, it should be noted that it is also a high priority of the FAA and, therefore, this goal must be considered along with AIP funding coordination). It is a high priority project category for those airports not eligible for federal aid. An evaluation of clear approaches will be made when approving ALPs for these airports, and if obstructions are identified, projects to remove them will be encouraged.

   B. Improves aircraft access to the airport in periods of adverse weather or darkness.

   C. Maintains acceptable pavement serviceability and reduces the life cycle cost of preserving airport pavement by extending intervals between reconstruction and major rehabilitation.

   D. Improves the economic viability of the airport, including providing basic facilities necessary to accommodate and attract activity.
E. Provides equipment to adequately and reliably perform needed airport functions.

F. Retains or improves air carrier service and fares.

3. Reasonableness of cost and investment cost relative to the anticipated benefits.

4. The airport’s experience in effectively managing prior federal and State funds

PROGRAM REQUIREMENTS AND LIMITATIONS:

- **Grant-funded Project Must Result in a Usable Product**: By accepting a grant under this program, the sponsor agrees that the project will result in a complete, usable product. For example, site work absent a structure usually does not result in a usable product.

- **Private Use Airport Applicants**: Projects funded under this program must be for improving a public use airport. For private use airport applicants, NYSDOT must specifically determine that the project will serve a public purpose. Accordingly, private use airport applicants must provide sufficient information to support a public purpose finding by NYSDOT.

- **AIP Complementarity**: This program is intended to be complementary to the federal AIP funding by not displacing AIP funding and by potentially encouraging increased federal discretionary funding to NYS airports. The applicant may address this subject in its application. NYSDOT may, however, coordinate funding for AIP eligible projects submitted for this program with the FAA.

- **Airport Layout Plan**: Project must be consistent with a Department-approved Airport Layout Plan (ALP) where appropriate. Airports that do not have an ALP or an up-to-date ALP must prepare one. Any new or revised Airport Layout Plan must be approved by the Department prior to a grant being issued under this program.

- **FAA Review**: Please keep in mind that although no Federal funds are involved in this program, airports that have received federal funds must meet certain FAA requirements (environmental, airspace and airport layout plans) when designing improvements.

- **Environmental Review/Approval**: Applicants who receive grant offers must furnish evidence of environmental review and approval. For airports that have received FAA funding, this can be done as part of the processes defined above under FAA review. All airport applicants must submit an Agency Compliance Statement (available from the Aviation Bureau) in accordance with the State Environmental Quality Review Act (SEQRA), signed by the “lead agency,” indicating the project’s environmental classification under SEQRA. The Compliance Statement for private airports must be signed by a representative of the public agency (local municipality or county) acting as the lead agent. If project cannot be classified as a Type II action, further environmental review is required in accordance with SEQRA regulations.

- **Wildlife Hazard Management**: Reducing wildlife hazards should be considered in capital improvement projects (see 14 CFR 139.337). Planning to exclude wildlife or otherwise support wildlife hazard reduction includes bird exclusion in design and construction of hangars and water detention areas, vegetation management, removal of debris or other obstructions, drainage improvements, site preparation and repairs to reduce wildlife habitat and attraction, and perimeter roads to provide access for wildlife patrols. In accordance with the most current version of Advisory Circular 150/5200-33, “Hazardous Wildlife Attractants on and near Airports”, wildlife attraction must be considered in any
land acquisition and easement projects. Guidance and technical assistance for wildlife hazard management are available from the U.S. Department of Agriculture’s Wildlife Services program. For more information contact the USDA Wildlife Services airport biologists at (518) 477-4837.

- **Reimbursement Program:** This is a reimbursement program. Funding reimbursements will be based upon documentation of eligible project costs submitted to NYSDOT by the sponsor.

- **Local Match:** All applicants must demonstrate a commitment to provide the non-State (local) matching share and required for the project at the minimum levels indicated in the section entitled “LOCAL SHARE” in the program guidelines AND any other funds necessary for the completion of the project as shown in the Project Cost table in the application. A municipal resolution, board minutes or equivalent document committing funding must be provided for all approved projects prior to the issuance of a grant. A single resolution may be used to commit the local match, any additional non-match local funding regardless of original source, and to authorize execution of the grant.

- **No Use as Federal Match:** NYSDOT funds under the program may NOT be used to provide non-federal matching share for Federal grants.

- **Commitments:** An airport accepting a grant under this program must remain open to the public for the duration of the useful life of a capital project or the grant must be repaid to the State.

- **General Business Law Section 249:** This law requires that the sponsor of projects at privately owned airports resulting in the extension, alteration, or addition to or realignment of a runway, obtain local municipal approval. Prior to granting approval, the municipality must obtain a finding from NYSDOT that the proposed improvement meets Department standards. An informational packet describing the process is available from the Aviation Bureau.

**TIMETABLE**

Applications should be submitted via e-mail on or before May 20, 2013 to:

Aviation@dot.ny.gov

**IF YOUR PROJECT IS SELECTED**

**Project Selection Notification**

When project selections are made, applicants will be notified that their project(s) were either accepted as submitted, accepted with modifications, or not selected. Sponsors are reminded that they must also meet all FAA requirements related to the airport work to be funded. Grant agreements for the selected projects will be forwarded to the sponsor to execute and return.

**Vendor Responsibility Questionnaire**

Privately-owned public use airport owners will be required to complete a Vendor Responsibility Questionnaire prior to grant agreement execution.
Grant Agreement Execution

Upon notification of project selection, a grant award will be made by mailing copies of the grant agreement form to be executed and returned. Three copies are sent and two should be signed, notarized (notary statement, bottom of page 5 of the grant) and returned. Copies to be returned will be accompanied by an authorizing resolution, board minutes or other document authorizing the sponsor’s representative to enter into the grant agreement and a commitment on behalf of the sponsor to fund the local share of project costs. In most instances, a SEQRA Agency Compliance Statement signed by a representative of the permitting municipality is also required. Once State approvals have been obtained, a fully executed and approved copy of the grant will be forwarded to the sponsor.

Minority and Women Owned Business Enterprise (M/WBE) Requirements

The New York State Legislature enacted major changes to the State’s Minority and Women-Owned Business Enterprise (M/WBE) Laws, effective October 13, 2010. Appropriate M/WBE participation goals will be required to be assigned to each project prior to advertisement for bids.

For every contract let by the sponsor that has an Estimate of at least $1,000,000 and involves the acquisition, construction, demolition, replacement, major repair or renovation of real property, M/WBE goals will be applied based on the project scope and geographic location. The Department will work with the sponsor to assign appropriate M/WBE participation goals to each contract prior to advertisement for bids.

M/WBE goals must be developed at the time of Plans, Specifications and Estimates. Requests for goal waivers or reductions must be made at this time as well. Projects must be advertised with M/WBE goals. Bidders must submit M/WBE utilization plans with their bids. If the apparent low bidder did not meet one or both of the goals, he/she must submit evidence of good faith efforts to obtain the goal(s). Submitting a complete and accurate utilization plan with bid documents is a condition of award, as well as meeting the goals or demonstrating good faith efforts to do so.
APPENDIX A - GUIDANCE ON THE APPLICABILITY OF SMART GROWTH CRITERIA TO AVIATION CAPITAL GRANT PROGRAM PROJECTS

The following guidance has been prepared to help you complete the portion of the New York State Airport Capital Project Application pertaining to Smart Growth. Each Smart Growth question corresponds to one of the requirements identified in the Smart Growth Act, and should be answered as Yes, No or N/A. Answers of No or N/A shall require further explanation be provided in the space provided to answer each question (you may attach additional sheets, if necessary). What follows is a statement of the individual Smart Growth criterion followed by a brief analysis of that criterion’s applicability to airport projects, and recommended guidance. The analysis and guidance contained here is presented as the Aviation Bureau’s best interpretation of the requirements - as they apply to aviation projects - and does not constitute legal opinion. If you disagree with the guidance, please answer each requirement as necessary and provide reasons and documentation as needed.

A. To advance projects for the use, maintenance or improvement of existing infrastructure

This criterion will apply to many aviation grant projects aimed at maintaining existing infrastructure such as pavement maintenance on runways and taxiways, new pavement markings, replacement of existing hangars, etc. In its broadest sense, all airport projects subject to Smart Growth analysis could fall under this category since the construction of new airports with State aviation grant money is not likely in the foreseeable future. In general, aviation capital projects will comply with this criterion.

 GUIDANCE: Answer “YES” unless the application is for completely new infrastructure. If you are building new infrastructure, answer “NO” and provide justification that explains the need to build new infrastructure instead of using or improving existing infrastructure.

B. To advance projects located in municipal centers

A Municipal Center is an area of concentrated and mixed land use that serves as a center for various activities, including but not limited to, central business districts, main streets, downtowns, Brownfield Opportunity Areas, downtown areas within Local Waterfront Revitalization Program Areas, transit oriented developments, Environmental Justice Areas and Hardship Areas.

By their very nature and perceived negative attributes of airports (noise, perception of possibility of accidents, etc.), airports are generally not located in municipal centers. This criterion would not be generally applicable to aviation grant projects.

 GUIDANCE: Unless your airport is located within a municipal center, answer “N/A” and explain the location of your airport relative to the nearest municipal center (downtown).

C. To advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or Brownfield opportunity area plan

The definition for “developed area” is the same as municipal center. Areas designated for concentrated “infill development” would include new development on vacant, bypassed, and underutilized land within built up areas of existing communities, where infrastructure is already in place.

Regarding airport projects, some of the points made in B apply here as well. This criterion has little or no application to aviation grant projects.

 GUIDANCE: Answer “N/A” and explain the location of your airport and the reasons it cannot be located as described in this criterion.

D. To protect, preserve and enhance the State’s resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources

This criterion closely parallels the requirements of SEQRA. In most cases, stating that the proposed project is subject to the provisions of SEQRA and will receive the appropriate environmental scrutiny should be sufficient.
E. To foster mixed land uses and compact development, downtown revitalization, Brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and age groups

In order for projects to qualify for aviation grants, airports must have an approved Airport Layout Plan (ALP). The ALP serves as the primary planning tool to document the ultimate build out of the airport. It is necessary to ensure that any projects undertaken with grant money are consistent with the ALP. Airports owned by municipalities may have more involved planning processes which include public participation, such as periodically updated master plans. Individual ALPs seldom offer comprehensive land uses in the surrounding community, and that level of planning is not generally appropriate for privately owned public use airports.

GUIDANCE: Answer “N/A” and explain how the scope of the proposed project is limited and does not have the potential to impact land uses of the surrounding communities, nor affect the socio-economic parameters specifically identified in this criterion. EXCEPTION: for any projects that involve construction or reconstruction of airport facilities (e.g. airport parking lots, airport boundary fences) that are visible from or adjoin public spaces, and with regard to the part of the criterion that focuses on enhancement of beauty in public spaces, factors to consider include:
- Is the project design sensitive to or compatible with surrounding land uses and/or the airport environment’s unique character?
- Does the project minimize the public's view of parking by using natural barriers (trees, plantings) or locating parking spaces behind buildings?

F. To provide mobility through transportation choices including improved public transportation and reduced automobile dependency

Aviation provides an alternate mode of transportation to the automobile, especially commercial aviation. Business aviation is often justified in terms of flexibility and speed of travel, enhancing a business’s competitive edge. By their nature, any airport project that enhances the traveler’s ability to use aviation as a means of transportation is assumed to provide the public with an additional choice which reduces automobile dependency. A parallel argument could be constructed to offer another choice regarding shipment of cargo, and reduced dependency on trucking.

GUIDANCE: Answer “YES” unless you deem your project as not providing mobility through transportation choices and/or not reducing automobile dependency.

G. To coordinate between state and local government and inter-municipal and regional planning

The Smart Growth legislation requires the Department, as a state infrastructure agency, to “solicit input from and consult with various representatives of affected communities and organizations within those communities...” and “…give consideration to the local and environmental interests affected by the activities of the agency or projects planned, approved or financed through such agency” (Section 6-0109). To comply with this requirement, the Department intends to solicit input from potential affected parties (local representatives) based on information provided by the applicant. Applicants may assist the Department in the outreach effort by providing evidence of coordination and outreach with local government bodies which participate in inter-municipal and regional planning. Evidence of outreach may include:
- A resolution from the county or municipality supporting the application (as long as the resolution is discussed in a public forum)
- A recent airport master plan which discusses the project being applied for and which has been discussed publicly
- An approved Airport Layout Plan (ALP) which includes the project being applied for
- Letters of support for the project from the communities with an interest in the project
- Evidence of publication of the project application in a local newspaper with wide circulation
While this evidence of outreach is not a requirement for applying, the applicant is encouraged to implement outreach efforts. If outreach efforts are conducted, applicant should also submit, at the time of application, copies of any responses received from the local government bodies.

To facilitate outreach efforts by the Department, however, the applicant must provide the Department with a list that includes the names and contact information of local representatives (local government), so the Department can solicit input from them and comply with this requirement.

GUIDANCE: If you have conducted outreach efforts, answer “YES” and provide evidence of the outreach and any responses received. If no outreach efforts were conducted, answer “NO” and explain that you are providing a list of local contacts for the Department to implement the coordination required by this section of the law. In either case your application must include the required list of local contacts with their contact information (name, mailing address, e-mail address, phone number).

H. To participate in community based planning and collaboration

Section 6-0109, as detailed in the previous section, applies to outreach to local organizations as well. As with the previous criterion, applicants may assist the Department in the outreach effort by providing evidence of coordination and outreach with local organizations with an interest in the project. This outreach can be considered part of community-based planning and collaboration. Evidence of outreach may include:

- Letters sent by the applicant to local organizations asking for project review and input
- Letters or other evidence of support for the project from the local organizations with an interest in the project
- Minutes of meetings held by local organizations where the project is discussed

While this evidence of outreach is not a requirement for applying, the applicant is encouraged to implement outreach efforts. If outreach efforts are conducted, applicant should also submit copies of any responses received from the community groups and organizations - at the time of application.

To facilitate outreach efforts by the Department, however, the applicant must provide the Department with a list that includes the names and contact information of local organizations, so the Department can solicit input from them and comply with this requirement.

GUIDANCE: If you have conducted outreach efforts, answer “YES” and provide evidence of the outreach and any responses received. If no outreach efforts were conducted, answer “NO” and explain that you are providing a list of local contacts for the Department to implement the coordination required by this section of the law. In either case your application must include the required list of local contacts with their contact information (name, mailing address, e-mail address, phone number).

I. To ensure predictability in building and land use codes

Building and land use codes are usually regulated by local government. State aviation grants are not likely to have any impact on these codes; the sponsor’s only responsibility will be to ensure that building codes are observed. It is unlikely that an aviation grant project will be of the magnitude to effect changes in the local ordinances. Also, because State Aviation Capital Grant Program funds are for projects on airport property, local land use codes would not be affected.

GUIDANCE: Answer “N/A” and explain why this criterion does not apply to the proposed grant project.

J. To promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation

This criterion is aimed at community level planning, incorporating “green” projects to promote sustainability. As previously stated, only airports with commercial service and perhaps some municipally owned (county) airports would appropriately employ this level of planning. Even then, airport projects would be peripheral to planning efforts related to creating new communities which reduce greenhouse gas emissions, etc. Limited application for airport projects may include “green” projects at commercial service airports. Even with these caveats, airport sponsors can still evaluate
projects against sustainability, public involvement, and reduction of greenhouse gas goals for the community.

GUIDANCE: Answer “YES”, “NO”, or “N/A” as appropriate depending on whether your project promotes sustainability, encourages broad based public involvement, and/or reduces greenhouse gases.