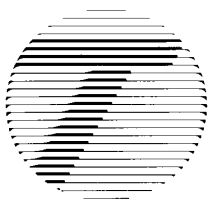


**NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION**

**2011 PROGRAM GUIDELINES  
AVIATION CAPITAL GRANT PROGRAM**

**Office of Integrated Modal Services  
Aviation Bureau**

**August 2011**



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**PLEASE NOTE IMPORTANT CHANGES TO THE EVALUATION  
PROCESS AND REQUIREMENTS IN THIS SOLICITATION**

APPLICATION PROCESS: The present guidelines contain instructions on how to apply for funding under a new process. All applications will be submitted through the new on-line Consolidated Funding Application (CFA). Completed applications will be submitted to the newly created Regional Economic Councils (REDCs) and to the Department of Transportation. All successful grants will still be managed by the Department of Transportation under current state contract rules and per these guidelines. The process is explained throughout the document.

SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT: A new law covering State funding of infrastructure projects 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. These criteria have been incorporated into the Consolidated Funding Application and guidance to assist you in completing this portion of the CFA is available. See Page 5.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE REGULATIONS: 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. See Page 6 for preliminary guidance.

## INTRODUCTION

These guidelines have been developed to explain program requirements as well as assist airport sponsors in completing the application process needed to advance State funded 2011 Aviation Capital Grant Program projects.

Applications for Aviation Capital Grant Funding will be submitted using the new Consolidated Funding Application (CFA). Some of the questions in the CFA are generic to all applications, while others are specific to the program chosen by the applicant. Completed applications for aviation related projects will be reviewed by both the appropriate Regional Economic Development Council (REDC or Council) and the Department of Transportation (the Department). The Councils have been charged with formulating strategic economic development plans for each of the ten economic regions in the State. The Councils will evaluate proposed aviation grant projects for adherence to their strategic goals and recommend those which they believe to be the best fit with their investment strategies to improve economic development in the regions.

**Other Changes.** These revised Program Guidelines have also been updated to incorporate changes mandated by new and revised legislation. These changes include participation goals for minority and women owned business enterprises, and additional analysis to determine compliance with the New York State Smart Growth Infrastructure Policy Act which became effective on September 29, 2010.

## ELIGIBLE AIRPORTS/APPLICANTS FOR AVIATION CAPITAL GRANT PROGRAM

The Department will evaluate the eligibility of the applicant and the project based on the following requirements. Failure to meet the requirements will result in disqualification of the project.

### AIRPORT REQUIREMENTS

Airports wishing to apply for funding under the Aviation Capital Grant Program must:

- Be included in the State Airport System Plan (SASP). The SASP is subject to annual review.
- Be a public-use airport.
- Have an Airport Layout Plan (ALP) approved by the Department.
- **Not** be operated by a Bi-State Authority.

### APPLICANT REQUIREMENTS

Applicants for Aviation Capital Program Grants 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.

## **FUNDING LEVELS/RATIOS**

- The State share is a maximum of 90% of eligible costs. The applicant must provide at least 10% of eligible costs in the local match. Applicants proposing a local share greater than 10% will be considered favorably during the evaluation process.

## **AVAILABLE FUNDING**

Subject to availability of funds, NYSDOT is soliciting applications and anticipates making awards as follows:

\$16,400,000	Aviation Capital Grant Program
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NYSDOT may award less than the total amount indicated above or may allocate additional funds from prior years or programs, if available, at its sole discretion.

While there is no limit on the number of applications that may be submitted, applicants will be limited to one award per airport from this solicitation.

## **ELIGIBLE PROJECTS**

Eligible grant project types 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)
- Acquisition of land and easements. Sponsors should be aware that many such projects may not meet the project completion requirements (see Program Requirements and Stipulations beginning on page 7)
- Perimeter Control (such as fencing and gates)
- Police substations (at airports accommodating aircraft with a maximum takeoff weight of 12,500 lbs. or greater)
- Lighting
- Surveillance systems
- Other capital security projects

## **OTHER PROJECT CONSIDERATIONS**

Applicants should consider the following while preparing one or more grant applications for submission:

- Projects funded under the Aviation Capital Grant Program must be for improving a public use airport.

For privately owned public use airport applicants, NYSDOT must specifically determine that the project will serve a public purpose. Accordingly, privately owned public use airport applicants must provide sufficient information to support a public purpose finding by NYSDOT.

- The State Aviation Capital Grant Program must 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 will, however, coordinate funding for AIP eligible projects submitted for the Aviation Capital Grant Program with the FAA.
- Applicant should indicate whether the increased revenue resulting from revenue generating projects will be used for airport improvements and/or operation.
- Applicant should explain the reasonableness of cost, and investment cost relative to anticipated benefits, of the project.

If the proposed grant project will benefit Business Aviation, the applicant should also address the following additional points in their application:

- Provide historical and projected business activity growth in the area based upon available economic data to project business aviation use. The sponsor may include published, properly documented statistical or other factual evidence of area business activity trends with the application; however, the Department will coordinate the use of statistical information.
- Detail the extent to which the improvement affects business aviation safety, adverse weather/darkness access to the airport, pavement viability, and equipment.

## 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 newly enacted 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.

Aviation projects are not exempt from these requirements. Some of the questions in the CFA 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.**

## **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.

### Minority/Women Business Enterprise (M/WBE) Requirements

For every project that has an Engineer's 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 location. The Department will work with the sponsor to assign appropriate M/WBE participation goals to each project prior to advertisement for bids.

M/WBE goals must be included in the submission of Plans and Specifications for Department approval prior to advertising. 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.

## **METHODOLOGICAL BASIS FOR AWARD**

The grant awards made under this solicitation will result from a competitive ranking of the CFAs completed and submitted as prescribed. This ranking will be determined by the overall score achieved by the proposed project during the evaluation process.

If submitting multiple applications, please indicate each application's priority number in the application. If more than one of your applications is scored sufficiently high to be considered for selection, your priorities may be taken into consideration when determining grant awards.

## **APPLICATION EVALUATION PROCESS**

The Department will initially screen applications for eligibility (see eligibility criteria described in previous sections). Following the initial screening, eligible project applications will be rated (on a 100 point scale) as described below.



REDC Endorsement (20 points). The recommendation/endorsement of the appropriate Regional Economic Development Council will constitute up to 20% (20 points) of the total score.

Vision (5 points). The project will be evaluated for its ability to further achievement of the Vision and Goals as established in the State Aviation System Plan (SASP).

Process (10 points). The project will be evaluated regarding the level of public outreach and stakeholder involvement, as evidenced by:

- Identified project-specific public/stakeholder outreach efforts
- Coordination of the project with other public and private investments

Strategies (25 points). The project proposal will be evaluated regarding how well the proposed project supports the following aviation priorities:

- Improving safety (including improving aircraft access to the airport in periods of adverse weather or darkness)
- Improving security (project types may include Perimeter Control, Police Substations, Lighting, and Video Surveillance Systems with useful life of 10 years or more, etc)
- Providing appropriate pavement maintenance and preservation activities (i.e., activities that reduce the life cycle cost of preserving airport pavement by extending intervals between reconstruction and major rehabilitation)
- Providing equipment to adequately and reliably perform needed airport functions

Implementation (10 points). The proposal will be evaluated regarding key implementation criteria, including:

- Applicant demonstrated grant and project management history
- Project priority, as indicated by the applicant

Leveraged Resources (10 points). The project will be evaluated regarding how well the proposed project leverages other public, private and other funds and investments (i.e., the proposed share in excess of the 10% minimum match requirement)

Performance Measures (20 points). The project will be evaluated regarding how well the proposed project contributes to the accomplishment of established performance metrics, including:

- The calculated project benefit/cost
- Demonstrated importance of the project/airport to the community, the local economy, business users, etc.
- Documented improved economic viability of the airport, including providing basic facilities necessary to accommodate and attract activity

## **PROGRAM REQUIREMENTS AND STIPULATIONS**

- Airport Layout Plan: Project must be consistent with a Department approved Airport Layout Plan (ALP) where appropriate. Airports that do not have an ALP will be asked to prepare one. The Department will be reviewing and approving Airport Layout Plans submitted prior to issuing grants under this program. Airports without an approved ALP should contact the Aviation Bureau to coordinate



accomplishment of this requirement.

- FAA Review: 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).
- 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 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 privately owned public-use airports must be signed by a representative of the public agency (local municipality or county) acting as the Lead agent. If the 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 as part of Federal Aviation Regulation 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 Advisory Circular 150/5200-33B, 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 reimbursable program. Funding reimbursements will be based upon documentation of eligible project costs incurred by the sponsor.
- Local Match: All applicants must demonstrate a commitment to provide the minimum 10% non state (local) matching share. A municipal resolution, board minutes or equivalent document must be provided for all approved projects prior to the execution of the grant contract (when the signed grant agreement is returned to the Department), and a single resolution may be used to commit the local match and authorize execution of the grant.
- Federal Match: NYSDOT funds under the program may not be used to provide the non-federal matching share of federal grants.
- County Resolution for Privately Owned Public Use Airports: Grants for privately owned airports must include an endorsing resolution from the county in which the airport is located. The resolution must be in place prior to execution of the grant contract. If available, you may include the resolution as an attachment to the CFA. Additionally, a county resolution may also serve to address one of the Smart Growth requirements as explained Appendix A. We suggest that coordination be initiated during the application phase regarding the potential future need for a resolution to assist the Department in complying with the applicable Smart Growth requirements.
- Municipal Resolution for Publicly Owned Airports: Publicly-owned airports must submit a municipal resolution prior to execution of the grant contract as proof of financial commitment.
- Commitments: Airport 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 on a prorated basis.
- 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. Information describing this process is included in Appendix C.

- Administrative Cost Limitations: Project funds may not be used to cover salaries, overhead or services provided by the applicant for administrative functions they would normally perform.
- Construction Bids/Equipment Purchases: Municipalities, public authorities or public benefit corporations must comply with applicable procurement laws. At a minimum, however, these and all private airports will be required by NYSDOT to observe certain requirements, as follows: For contracts of \$15,000 or less, at least three quotes should be obtained for the scope of work and work contracted to the responsible and responsive firm with the lowest price. For contracts of \$15,000 or more, contract procurement should be based on a competitive process with award made to the lowest responsible bidder. As a minimum, this process will require that the project be advertised in one edition of the NYS Contract Reporter. Be sure to indicate that the project is being advanced with State funding. Note that a five week period is required prior to award. Additional bid solicitations are encouraged. Contact the Aviation Bureau for further information. Public entities may utilize State Procurement Contracts.
- Force Account Work: The Department will accept proposals to perform engineering or construction by force account in some cases. Acceptance will be based on an evaluation of the proposal and justification which should include a cost estimate in sufficient detail to show labor hours and rates, equipment costs, rentals, incidental costs, identification of individuals who will perform the work and their qualifications, experience with work of a similar nature. Force account work for projects over \$25,000 will require justification in terms of costs or other benefits.
- Professional Services: Construction and facility modification projects in excess of \$25,000 will require design, construction supervision, and inspection by an appropriate licensed professional. Consultant services are to be obtained as a result of a qualification-based competitive selection process. If not, a selection must be made based on the value of services. If the value is \$25,000 or less, the selection can be based on cost, if over \$25,000, cost and pricing is not allowed as a selection consideration. Please contact NYSDOT for applicability of M/WBE goals for consultant services. Grants will not be given to perform engineering services only; applications must be for construction or equipment purchase projects. Any engineering service must be included in the construction/purchase grant and is part of the overall project cost. The Department will review and evaluate consultant contracts for reasonableness.
- Title VI Assurances: NYSDOT, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, as amended, issued pursuant to such Act, hereby notifies all who respond to a written Department solicitation, request for proposal or invitation to bid that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and income status in consideration for an award.
- Proprietary Information: Careful consideration should be given before confidential information is submitted to NYSDOT as part of your application. Review should include whether it is critical for evaluating an application and whether general, non-confidential information may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers Law, Article 6, provides for public access to information NYSDOT possesses. Public Officers Law, Section 87(2)(d) provides for exemptions to disclosure for records or portions thereof that *"are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise."* Information submitted to NYSDOT that the applicant wishes to have treated as proprietary and/or trade secret information should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to except it from disclosure, including a written statement of the reasons why the information should be excepted.

However, NYSDOT cannot guarantee the confidentiality of any information submitted.

- **Project Completion:** The project must be completed and all Program funds requested within the number of months indicated on your application, unless a written request for revision has been made and approved by NYSDOT and the Office of the State Comptroller. Program agreements will expire on the time shown in the agreement. If Program funds are reimbursed and the project is then discontinued or abandoned for reasons other than unforeseeable legal or environmental prohibitions, such funds must be repaid to NYSDOT on a prorated basis
- **Limitation:** This solicitation does not commit NYSDOT to award a contract, pay any costs incurred in preparing an application, or procure or contract for services or supplies. NYSDOT reserves the right to accept or reject any or all proposals received, to negotiate with all qualified applicants, or to cancel in part or in its entirety the solicitation when it is in NYSDOT's best interest.

## 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. Modifications will be at the discretion of the State if technical reasons require it. Applicants may not submit additional information unless otherwise noted, after the close of the application period. Sponsors are reminded that they must complete all FAA requirements. For selected projects, grant agreements will be forwarded to the sponsor to execute and return. Privately-owned public use airport owners will also be required to complete a *Vendor Responsibility Questionnaire* (forms available on the web at <http://osc.state.ny.us/vendrep/forms.htm> ).

## GRANT AGREEMENT

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 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. NOTE: THE SPONSOR MUST EXECUTE AND RETURN THE GRANT AWARD PAPERWORK WITHIN ONE YEAR OF RECEIPT. FAILURE TO DO SO WILL RESULT IN FORFEITURE OF THE GRANT IN TOTAL. 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. Upon receipt of the approved grant, reimbursement may be requested using the request form that will accompany the grant offer

## PROJECT APPLICATION INSTRUCTIONS

Applications shall be completed and submitted on-line using the New York State Consolidated Funding Application (CFA). Please see the New York State Regional Economic Development Council website at [www.nyworks.ny.gov](http://www.nyworks.ny.gov) in order to access the Consolidated Funding Application.

**Please contact the following individual with any questions you have specific to the Aviation Capital Grant Program:**

**Bill Meyer, Capital Project Coordinator, NYSDOT Aviation Bureau**  
518-485-7691 or e-mail [cfa.nysdot@dot.state.ny.us](mailto:cfa.nysdot@dot.state.ny.us)

## **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 Consolidated Funding Application (CFA) 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 text box associated with the question. 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: Check "YES" unless the application is for completely new infrastructure. If you are building new infrastructure, check "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, check "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: Check "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.

GUIDANCE: Check the appropriate box and provide any additional relevant information.

**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: Check "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: Check "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, check “YES” and provide evidence of the outreach and any responses received. If no outreach efforts were conducted, check “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, check “YES” and provide evidence of the outreach and any responses received. If no outreach efforts were conducted, check “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: Check “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: Check the appropriate box depending on whether your project promotes sustainability, encourages broad based public involvement, and/or reduces greenhouse gases.



## APPENDIX B - HOW TO IMPROVE YOUR AIRPORT PROJECT APPLICATION

Applicants may consider the recommendations below to improve their application. Grant applications are rated on benefits to the community, viability, purpose, and cost-benefit of the project.

### 1. **CLEARLY ANSWERING QUESTIONS LIKE THESE WILL IMPROVE YOUR APPLICATION**

- What are the benefits of the project to those using the airport?
- What are the benefits of the project to the community?
- What are the safety benefits of the project?
- What economic benefits will the project provide to the airport and community?
- How many jobs will be newly created for the community by the project?
- Will the project be useful and provide benefits for long enough to justify the cost of the project?
- What would be the consequences of not going forward with the project?
- What would be the consequences of deferring the project for several years? An example may be deferred maintenance causing elevating costs, or diminishing safety.

### 2. **USE ATTACHMENTS TO SUPPORT YOUR CASE**

**Supportive documentation is highly recommended.** Attachments that provide support for project selection may include, but not be limited to, the following:

- Photographs that are detailed enough to clearly identify facilities to be improved.
- Letters of intent from prospective users of facilities (for example, dated, signed letters or lists of those requesting new hangars). Also, lists of current hangar users demonstrating that current capacity has been filled already.
- Dollar estimates of *expected* economic benefits which can be realistically anticipated including additional revenue or avoided revenue loss from government entities or professional sources.
- Dollar estimates of realized increased revenues as a result of airport development (describe the development) in the last 5 years and the number of *new* jobs created, if any, by that development.

“**Project Description**” attachments may include:

- Photographs or drawings of the proposed project clearly identifying the location on the airport
- Engineering or Sponsor’s drawings of the project.
- Engineer’s, suppliers, or sponsors cost estimates and basis for proposed projects, on letterhead stationery.

Any supporting information, reports or studies (business plans, pavement management reports, etc.) beyond the information listed above should include a one page summary attached to its front cover describing the specific relevance of the report to the project. These materials can be mailed to: New York State Department of Transportation Consolidated Funding Application, c/o Policy and Planning Division, POD 6-4, 50 Wolf Road, Albany, NY 12232 or via e-mail: [CFA.NYSDOT@dot.state.ny.us](mailto:CFA.NYSDOT@dot.state.ny.us).

### 3. **PROJECT SUPPORT AND/OR BENEFIT SUGGESTIONS**

Other supporting information should include:

- The primary reason or need for the proposed project.
- Description of costs that vary from typical project costs. These may include reasons for above average, or below average, project costs. Saving on costs may be for reasons such as non-typical project characteristics, sponsor’s provision of “force account” work, or sponsor’s larger funding share contribution. Additional costs may be due to items such as site preparation, demolition of existing structures, etc.

- Identification of revenues and expected annual revenues from proposed projects such as project hangar rents or additional fuel flowage fees.
- The effect of such revenues on the airport deficit.
- Identification of how the project may positively affect airport operations and/or safety.
- Identification and brief description of project alternatives considered and reasons the proposed project represents the best alternative.

**If you have questions on how to improve your project application before applying call:**

**Bill Meyer, Capital Project Coordinator, NYSDOT Aviation Bureau  
518-485-7691 or e-mail [cfa.nysdot@dot.state.ny.us](mailto:cfa.nysdot@dot.state.ny.us)**

**APPENDIX C - ESTABLISHMENT OF OR IMPROVEMENT TO PRIVATELY-OWNED  
AIRPORTS IN NEW YORK STATE**

***NYS DEPARTMENT OF TRANSPORTATION  
POLICY & PLANNING DIVISION  
AVIATION BUREAU  
50 WOLF ROAD  
ALBANY, NEW YORK 12232***

***June 2011***



**STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
ALBANY, N.Y. 12232  
WWW.NYS DOT.GOV**

**JOAN McDONALD  
COMMISSIONER**

**ANDREW M. CUOMO  
GOVERNOR**

**SUBJECT: NEW YORK STATE GUIDELINES PRIVATE AIRPORT ESTABLISHMENT**

To Private Airport and Heliport Proponents:

The NYSDOT guidelines for establishment or modification of privately owned airports and heliports are contained in a document entitled ESTABLISHMENT OF OR IMPROVEMENT TO PRIVATELY-OWNED AIRPORTS IN NEW YORK STATE. These guidelines accompany this letter. It may be beneficial to share a copy with the local municipality staff when you discuss the airport or heliport proposal with them.

The first step in airport or heliport establishment or modification is FAA airspace review and approval, which examines potential impacts on nearby aviation facilities and reserves airspace for your airport or heliport. Please contact Ms. Sharon Perry of the FAA at the following address to obtain FAA Form 7480-1. The document mentioned above includes a copy of the 7480-1 form for familiarization purposes or go to <http://www.faa.gov/documentLibrary/media/form/faa7480-1.pdf>

Ms. Sharon Perry  
Federal Aviation Administration  
Airports Division AEA 620  
1 Aviation Plaza  
Jamaica, NY 11434-4809  
Telephone: 718-553-3341

If the local municipality must review the airport/heliport proposal, New York General Business Law 249 requires that the NYS Department of Transportation Aviation Bureau first review the proposal with regard to State standards and issue a positive determination. State standards require adequate approach surface clearance over public thoroughfares (roads, railroads, navigable waterways, etc.) and compatibility with publicly owned buildings.

The request for a determination must come from the local municipality and include a local legislative resolution that authorizes a representative to submit a request to us. A sample resolution is included in the guidelines.

The accompanying guidelines identify the documents we require for our review, which include:

1. FAA airspace approval letter
2. Topographic quadrangle which identifies the heliport location and the ingress/egress paths
3. Plan view map at 1" equals 100' or 200' scale
4. Letter request from municipality with authorizing resolution

Please contact Ed Buckley if you have any questions or wish to discuss private airport or heliport establishment.

NYS Department of Transportation  
Aviation Bureau  
50 Wolf Road, POD-54  
Albany, NY 12232  
Tel. 518-485-7691 Fax 518-457-9779

Or via e-mail at: [cfa.nysdot@dot.state.ny.us](mailto:cfa.nysdot@dot.state.ny.us)

## ESTABLISHMENT OF OR IMPROVEMENT TO PRIVATELY-OWNED AIRPORTS

- Establishment of privately-owned airports (broadly defined to include heliports, seaplane bases and other landing facilities) in New York State is subject to the provisions of NYS General Business Law, Article 14, Section 249. The legislation applies to airports established after January 1, 1970. In accordance with this legislation, you must request authorization to establish the private airport or improvement (see definition of airport improvement) to an existing airport from the governing body of the city, village or town having jurisdiction. Under the same law, the governing body, before granting authorization, must request from the Commissioner of Transportation, a determination as to whether or not the establishment of such a privately-owned airport or improvement complies with standards. The Commissioner of Transportation must make findings of fact (1) that operations of such airport will not conflict with or affect the safety of public buildings or facilities, or operations on public highways or waterways; and (2) that the volume, character and direction of traffic at such airport will not constitute a menace to the safety of operations at other airports in the vicinity. The standards prescribed and documents required for investigation of airport sites are published in the NYS Official Compilation of Codes, Rules and Regulations, Title 17, Transportation, Volume A, Part 75, Approval of Privately Owned Airports.
- In order for the Commissioner of Transportation to issue a determination to the local governing body, he must receive documents that are described in paragraph 75.3 of Part 75 of the NYS Official Compilation of Codes, Rules and Regulations cited above (see copy of this reference attached). They generally include the following items:
- ✓ Municipal Resolution requesting determination
  - ✓ Topographical Map showing site
  - ✓ Site Plan
  - ✓ FAA Airport Space Determination
  - ✓ Proponents Letter of Request to Municipality
  - ✓ Municipal Statement of Owner Consent
- One of the required documents is a favorable airspace determination issued by the Federal Aviation Administration (FAA). FAA's airspace determination is governed by Federal Aviation Regulation Part 157. If you haven't already done so, you can request an airspace determination using FAA Form 7480-1 available on the web at:  
<http://www.faa.gov/documentLibrary/media/form/faa7480-1.pdf> (see copy attached). Forms may be obtained from the FAA Eastern Region, Airports Division, AEA-620, One Aviation Plaza, Jamaica, NY 11434. Contact Sharon Perry at (718) 553-3341, fax (718) 995-5615 or by email to: [Sharon.perry@faa.gov](mailto:Sharon.perry@faa.gov).
- Once the New York State Department of Transportation (NYSDOT) has received the request for a determination from the governing municipality and all required documents, an inspection of the proposed airport will be conducted with the proponent and the municipal representative. The Commissioner's finding may include reasonable conditions for the establishment of the proposed airport or improvement such as the requirement to create a displaced landing threshold to provide needed clearances over roads. Waivers to standards may be considered on a case by case basis.
- The Commissioner of Transportation or his designee will send a letter to the municipality with his determination as to whether the proposal meets Department standards. This determination should not be construed to mean State approval of the physical development of the site as the law does not give such authority to the State. Upon receipt of favorable determination, the municipality may complete their actions notifying the State as to the final disposition.

### Attachments

- ✓ Sample Resolution
- ✓ NYS General Business Law Section 249 Commonly Asked Questions and Answers

- ✓ Airport Closure Notification
- ✓ State of New York Official Compilation of Rules and Regulations, Title 17, Part 75  
“Approval of Privately Owned Airports.”
- ✓ FAA Form 7480-1 “Notice of Landing Area Proposal.”

For further information, please write or call:

New York State Department of Transportation  
Aviation Bureau  
50 Wolf Road  
Albany, New York 12232

Phone: (518) 485-7691  
Fax: (518) 457-9779  
Email: [cfa.nysdot@dot.state.ny.us](mailto:cfa.nysdot@dot.state.ny.us)



## **NYS GENERAL BUSINESS LAW SECTION 249**

### **Commonly Asked Questions and Answers**

***What do I do if there is no local zoning?***

You must still apply to the locality and ask for their approval.

***What can I do if the local government doesn't wish to approve or takes no action in regard to the airport or airport improvement proposal?***

You'll have to talk to your locality further.

***I am making improvements to taxiways, ramp and/or hangars, but not to the runway, does the General Business Law Section 249 apply?***

Section 249 only applies to runway improvements and new runways, whether to an existing airport or new airport, on privately owned land. This state law also applies, in the case of seaplane bases, only to bodies of water that are privately owned (*the runway*).

***How long is the NYSDOT determination good for?***

It is valid until the FAA's airspace determination expires.

***If I purchase or sell an airport that has previously received a positive determination under General Business Law Section 249 and local approval, is it necessary to obtain another determination under Section 249?***

No, not unless an airport improvement (as described in Part 75) is proposed.

## SAMPLE RESOLUTION

TOWN/CITY/VILLAGE OF \_\_\_\_\_  
\_\_\_\_\_, COUNTY, NEW YORK  
BOARD RESOLUTION PURSUANT TO NEW YORK STATE  
GENERAL BUSINESS LAW SECTION 249

WHEREAS, (owner's names) is/are the owner(s) of a certain parcel of real property located on \_\_\_\_\_ Road/Street, Town/City/Village of \_\_\_\_\_, County of \_\_\_\_\_, State of New York; and

WHEREAS, New York State General Business Law Section 249 provides that no person shall establish or improve a privately owned (specify: airport/heliport/etc.) except by authorization of the governing board of the Town/City/Village in which such private (specify: airport/heliport/etc.) is proposed to be established or improved; and

WHEREAS, New York State General Business Law Section 249 provides that the governing body of a Town/City/Village shall not authorize the establishment or improvement of a private (specify: airport/heliport/etc.) at the requested location unless in accordance with the standards prescribed by the Commissioner of Transportation of the State of New York; and

WHEREAS, the (specify: airport/heliport/etc.) proposed to be established or improved will be privately owned and the owner(s) of the real property upon which the establishment is to take place has (have) consented to such establishment; and

NOW, THEREFORE, BE IT RESOLVED THAT, the New York State Commissioner of Transportation is hereby requested to make a determination as to whether or not the establishment or improvement of such a privately owned (specify: airport/heliport, etc.) complies with his standards adopted pursuant to Section 249 of the New York State General Business Law.

Seconded by: \_\_\_\_\_

DATED:

Roll Call vote as follows: (Names with yes/no/abstention or absent)

(Certified copy specified by Town Clerk, etc. with seal required)

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW  
YORK

TITLE 17. DEPARTMENT OF TRANSPORTATION

CHAPTER III. AIRPORTS

PART 75. **APPROVAL OF PRIVATELY OWNED AIRPORTS**

Text is current through February 29, 2008.

(Statutory Authority: General Business Law, Section 249)

Section 75.1. Definitions.

For the purposes of this Part, the terms hereinafter listed shall mean as follows:

(a) Landing area. Any locality, either of land or water, including airports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo.

(b) Airport. Any landing area used regularly by aircraft for receiving or discharging passengers or cargo; or for the landing and takeoff of aircraft being used for personal or training purposes.

(c) Airport improvement. The extension, alteration, addition to or realignment of the runway(s) of an existing airport, or the modification in any way of the landing or takeoff directions at such an airport.

(d) Approach surface.

(1) For airports used by fixed-wing aircraft. An imaginary plane sloping upward from a point at the same elevation as, and 200 feet from, the appropriate runway end to provide the required clearances above roads, waterways and railroads. (See Exhibit A [Appendix A-6, *infra*] for applicable approach surface dimensions.)

(2) For heliports. An imaginary plane sloping upward from the helipad primary surface to provide the required clearances above roads, waterways and railroads. (See Exhibit B [Appendix A-6, *infra*] for applicable approach surface dimensions.)

(e) Approach zone. A trapezoidal area formed by the projection of the approach surface onto the ground directly below the approach surface. Approach zone dimensions are the same as those of the associated approach surface and vary according to runway category, as shown in Exhibit C for airports and Exhibit D for heliports (Appendix A-6, *infra*) (see "approach surface", subdivision [d] of this section).

(f) Primary surface. That surface which is longitudinally centered on a runway or landing area centerline extending the full length of either side of, and 200 feet beyond the ends of, a runway. It is the same elevation as the nearest point of the runway centerline. The primary surface width will vary according to the runway category (see dimension A on Exhibit A). The primary surface of a helipad is the overall size of the landing area (see dimensions R & S on Exhibit B) (Appendix A-6, *infra*).

(g) Lateral transition surface. An area on each side of the primary surface of the runway or landing area and approach surface. The lateral transition surface slopes upward and outward on a seven-to-one plane for airports and a two-to-one plane for heliports (see Exhibits C and D [Appendix A-6, *infra*] for applicable lateral transition surface dimensions for airports and heliports, respectively). The same clearances apply for lateral transition surfaces as apply for approach surfaces (see Exhibits A and B [Appendix A-6, *infra*]).

(h) Lateral transition zone. An area on the ground formed by the projection of the lateral transition surface onto the ground directly below the lateral transition surface. Lateral transition zone dimensions are the same as those of the associated lateral transition surface and vary according to runway category, as shown in Exhibit C for airports and Exhibit D for heliports (Appendix A-6, *infra*) (see "lateral transition surface", subdivision [g] of this section).

(i) Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designations. There are two types of visual runways:

(1) Utility runway. A runway that is constructed for, and intended to be used by, propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(2) Larger than utility runway. A runway that is constructed for, and intended to be used by, propeller-driven aircraft of more than 12,500 pounds maximum gross weight, and turbofan and turbojet aircraft.

(j) Non-precision instrument runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for

which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an approved FAA planning document.

(k) Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS). It also means a runway for which a precision approach system is planned and is also indicated on an FAA-approved airport layout plan or any other FAA planning document.

(l) Instrument Landing System (ILS). An Instrument Landing System (ILS) is a system which provides aircraft the lateral, longitudinal and vertical guidance necessary for a landing.

(m) Aircraft operation. Either a landing or takeoff by an aircraft.

(n) Aircraft. Any contrivance, now or hereafter invented, for avigation of or flight in the air, except a parachute or other contrivance designed for use as, and carried primarily for, safety equipment.

(1) Fixed-wing aircraft. An aircraft, the support of which in the air is normally derived from airfoils that are stationary.

(2) Helicopter/rotary-wing aircraft. An aircraft, the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

(3) Balloon. An aircraft, the support of which in the air is normally derived from its own buoyancy.

(o) Heliport/helipad. An airport used exclusively by helicopters (see "airport", subdivision [b] of this section).

(p) Seaplane operational area. That part of a body of water on which seaplane operations take place.

(q) Approach/departure paths. The centerline of approach surfaces (see "approach surface", subdivision [d] of this section).

Section 75.2. Standards prescribed by Commissioner of Transportation for approval of privately owned airports.

(a) Primary surfaces, approach zones and lateral transition zones shall be clear of all public-owned buildings (see Exhibit C for fixed-wing aircraft and Exhibit D for rotary-wing aircraft and balloons [Appendix A-6, *infra*]).

(b) For airports used by fixed-wing aircraft, the primary, approach and lateral transition surfaces for each runway shall be established in accordance with the dimensions shown on Exhibits A and C, respectively (Appendix A-6, *infra* ).

(c) For airports used solely by helicopters or balloons, the primary, approach and lateral transition surfaces shall be established in accordance with the dimensions shown on Exhibits B and D, respectively (Appendix A-6, *infra*).

(d) Primary, approach and lateral transitional surfaces shall maintain the following clearances: 17 feet above interstate highways; 15 feet above all other highways; 23 feet above railroads, and above the highest object which normally traverses waterways.

(e) Favorable airspace determination from the Federal Aviation Administration must be issued and a copy submitted to the commissioner.

(f) The commissioner may waive any or all of these requirements if his investigation of all factors discloses that the establishment or alteration of a particular airport does not conflict with or affect the safety of public buildings or facilities, or operations on public highways or waterways, and that the volume, character and direction of traffic at such airport will not constitute a menace to the safety of operations at other airports in the vicinity.

Section 75.3. Documents required by Commissioner of Transportation for investigation of airport sites.

(a) A certified copy of a resolution (or official meeting minutes) duly adopted by the local governing body of the city, village or town in which the airport or any part thereof is proposed to be established or improved, requesting the Commissioner of Transportation to make a determination as to whether or not the establishment or improvement of such a privately owned airport complies with his standards adopted pursuant to section 249 of the General Business Law.

(b) One USGS topographical map (scale 1:24,000) and one plan view map (scale 1:1,000) with the position of the airport indicated thereon. The airport runway(s), helipad or seaplane operational area must

be plotted thereon accurately. The direction and length of runways and seaplane operational areas must be included on the map. Helipads must be precisely located with the approach/departure paths clearly indicated. The map must be sufficiently large so as to include all approach and lateral transition zones to the airport.

(c) One copy of the favorable airspace determination issued by the Federal Aviation Administration for the proposed airport establishment or improvement.

(d) One copy of the letter from the proponent to the local governing body requesting approval to establish or improve the airport with the following information included:

(1) name and address of proponent;

(2) the type of aviation activities proposed (aircraft sales and service, flight instruction, crop-dusting, air taxi, etc.);

(3) number of aircraft expected to be based at the airport;

(4) type of aircraft expected to be based at the airport;

(5) whether an instrument approach procedure will be requested for this airport; and

(6) maximum number of daily operations and the anticipated total annual operations.

(e) A statement from the local governing body making the request for such determination that the airport proposed to be established or improved is privately owned, and that all of the owners of the real property upon which the establishment or improvement is to take place have consented to such establishment or improvement.

## APPENDIX D - AIRPORT CLOSURE NOTIFICATION

Chapter 478 of the Laws of 1995 (Section 14-h.3 of the NYS Transportation Law) requires property owners to notify the New York State Department of Transportation of their intention to dispose of, sell, lease, or otherwise transfer interest in an air transportation facility that would result in such facility no longer being used for aviation purposes. The Department must receive written notice of the proposed transfer 90 days prior to transfer. Notifications should be forwarded to:

New York State Department of Transportation  
Aviation Bureau  
50 Wolf Road – POD 54  
Albany, NY 12232

When forwarding a notification, we request that all airport tenants be informed of the intended closure, and that evidence of this notification be provided to us. In addition, the Department should be notified of any change of use.

FAA notification is also required in some instances involving deactivation, abandonment or discontinued use of an airport for a period of one year or more. Notification should be done by submittal of Form 7480-1, available on the web at: <http://www.faa.gov/documentLibrary/media/form/7480-1.pdf> The form should be sent to: Sharon Perry, FAA Eastern Region, Airports District AEA-620, One Aviation Plaza, Jamaica, NY 11434, tel. (718) 553-3341, fax (718) 995-5614 or by e-mail to [Sharon.perry@faa.gov](mailto:Sharon.perry@faa.gov).

## APPENDIX E - ADDITIONAL REQUIREMENTS FOLLOWING GRANT SELECTION

### IF YOUR APPLICATION RESULTS IN AN EXECUTED AGREEMENT, THE FOLLOWING SUBMITTALS WILL BE REQUIRED TO PROGRESS PROJECTS

#### CAPITAL IMPROVEMENTS

All documents submitted for review will receive a formal notice indicating approval or requiring resolution of comments before issuance of approval. Transmittal memos which stipulate a date after which it is assumed that no comments are forthcoming, and therefore approval is implied, are not acceptable. Proceeding beyond any project milestone without first obtaining the requisite approval(s) endangers the project schedule, and in some cases may result in a mandatory re-letting of the project.

**Certification of consultant/contract selection:** A letter (preferably on official stationery) *must* be submitted to the Department from an airport official certifying that the professional engineering consultant and/or contractor selection(s) were accomplished in accordance with program guidelines. Several contractors, engineers, and projects may be addressed in one letter as long as each is associated with the appropriate PIN number.

**Engineering:** A draft agreement, including cost breakdowns, is to be submitted for review and approval. Engineering agreements for construction administration and inspection are not to include language which attempts to limit the authority of the Engineer. Any agreements containing such statements will not be approved until those statements are removed. Upon receipt of written approval, the agreement should be finalized and an executed copy forwarded to the Aviation Bureau.

**Force Account (if applicable):** A force account proposal and cost estimate will be submitted to the Aviation Bureau for review and approval in those cases where the sponsor wishes to accomplish work using their own work force. Upon Department approval, the work will become eligible for reimbursement.

**Plans and Specifications:** One-hundred percent plans and/or specifications must be submitted to the Aviation Bureau and Regional Office Planning Group for review and approval prior to bid solicitation. Contract documents are to follow the outline specified in FAA AC 150/5370-10, "STANDARDS FOR SPECIFYING CONSTRUCTION OF AIRPORTS". Proposals or project manuals which do not conform to the specified format will be returned without being reviewed. Changes in project scope should be brought to the attention of the Aviation Bureau as soon as possible. It is not unreasonable for projects to change as design progresses; however approval of scope changes should be sought immediately as opposed to at the time of final plan submission. As-built plans are to be submitted in electronic format (PDF) at project completion.

As noted in the guidelines all projects resulting from this solicitation for requests to fund projects under the Aviation Capital Grant Program are subject to the requirements of New York State Executive Law Article 15-A, entitled "Participation by Minority Group members and Women with Respect to State Contracts". More specifically, Article 15-A §310.3(b) requires that grant projects having an Engineer's Estimate of at least \$1,000,000 and involves the acquisition, construction, demolition, replacement, major repair or renovation of real property and/or improvements on real property must employ participation goals for Minority/Women's Business Enterprise (M/WBE). M/WBE goals are to be included in the 100% plans and specifications submitted to the Aviation Bureau for review and comment prior to advertising for bids. Questions should be directed to the Aviation Bureau of the New York State Department of Transportation.

**Bid Documents:** When requesting concurrence to award, a certified copy of the bid results, including the engineer's estimate, is to be forwarded to the Aviation Bureau with a recommendation for award. Contract award and Notice to Proceed may follow Department concurrence. Changes in project scope should be brought to the attention of the Aviation Bureau as soon as possible.



## **CHANGE ORDERS**

Contract Change Orders are to be forwarded to the Aviation Bureau for review and approval which will be subject to the financial limits of the grant agreement. A copy of the Change Order transmittal should be forwarded to the NYSDOT Regional Construction Office.

In those instances where the completion of the project does not exhaust the funding available for a specific grant, consideration will be given to providing additional improvements or equipment related to the project scope and purpose as described in the grant application; however, the Department is not obligated to approve the expenditure of remaining funds on the premise that an airport is entitled to expend any remaining funds merely because a certain amount was awarded.

## **EQUIPMENT PURCHASE**

If an engineering contract is used, it should be forwarded for Department review (see Capital Improvements, above). Bid results or quotes are to be forwarded for concurrence prior to purchase being made.

## **LAND AND EASEMENT ACQUISITION**

For land and easement acquisition, the sponsor is to follow the procedures contained in "Real Property Acquisition for Airport Development Projects." A copy may be obtained by contacting the Aviation Bureau.

## **REIMBURSEMENTS**

Reimbursement requests may be submitted for the State share of eligible costs incurred using Form FIN 190. Two signed copies of the request should be sent to the Aviation Bureau and an informational copy to the DOT Regional Planning Office. Please attach a summary of charges to all requests. Retainage will only be applied in those instances in which a partial payment request does not have retainage already withheld from disbursements (for example, private sponsors who may not be required to apply retainage). Attached to the request for final reimbursement, sponsor must submit the Project Completion Report and NYSDOT may conduct a final inspection of the work or acquisition.

## **PROJECT COMPLETION REPORTS**

A Project Completion Report is to be forwarded to the Department (Aviation Bureau and Regional Office) no later than six months from project completion or at the time final reimbursement is requested, whichever is earlier.