

NEW AIRPORT BOARD MEMBER ORIENTATION PACKAGE





TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

January 1, 2015

Dear Airport Board Members:

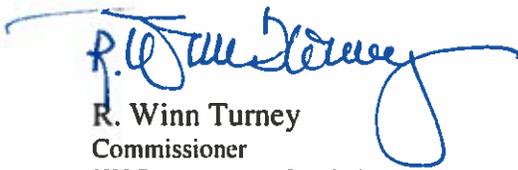
The KY Department of Aviation (KDA) and the KY Aviation Association (KAA) realize that joining and participating in an Airport Board can be a very daunting task. In an effort to alleviate the stress and confusion such an important appointment can entail, the KDA has prepared this *Airport Board Member's Handbook*. Within, you will find a wealth of information on topics from Airport Zoning to KDA/FAA policies and forms to consultant selection and much more.

Before you begin reviewing the information contained herein, please note a few important items regarding this *Handbook*:

- 1) Although there are many included forms and documents, the majority of the information in this *Handbook* are internet "links" to web sites and pages with additional information. It would quickly become overwhelming and cost-prohibitive to print all of the information from these internet sites. This *Handbook* should primarily serve you as a "guide" to finding the location of the information you are looking for.
- 2) The world of aviation is in a constant state of change. New rules, regulations, design standards, and more are adopted and modified every day. To that end, please be aware that the information contained in this *Handbook* is as accurate as possible up to its most recent update, which was completed on January 1, 2015. Any new, more current or more relevant information or forms you may come across should be used to replace the older, out-of-date information and forms included here.
- 3) As mentioned, there is a lot of information included here. If you have any questions regarding any of the information here, please feel free to contact us or our staff at the KY Department of Aviation, your FAA Program Manager at the FAA-Memphis Airport's District Office, or your engineering/planning consultants. All of us are happy to help with any problems or issues may be facing your Airport Board.

Again, thank you for taking the time and interest to get involved in your local Airport Board. Only through your hard work, time, and dedication to your airport can aviation in Kentucky continue to grow and thrive.

Sincerely yours,



R. Winn Turney
Commissioner
KY Department of Aviation



Henry G. Lackey
Deputy Commissioner
KY Department of Aviation



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FAA
Southern Region
Memphis Airports District Office

Staff Assignments

Serving Kentucky, North Carolina, and Tennessee

Address:

Memphis Airports District Office
 2600 Thousand Oaks Blvd., Suite 2250
 Memphis, TN 38118

Office phone: 901-322-8180

FAX: 901-322-8195

Conference room: 901-322-8196

ADO Manager:

Phillip Braden
 Phillip.braden@faa.gov

Assistant ADO Manager:

Vacant position



Kentucky Airports and FAA Program Managers

| City | Airport Name | LOCID | FAA Program Manager | Phone number, Email Address |
|-----------|------------------|-------|---------------------|---|
| Ashland | Ashland Regional | DWU | Chastity Clark | 901-322-8189, Chastity.Clark@faa.gov |
| Bardstown | Samuels Field | BRY | Tommy Dupree | 901-322-8182, Tommy.Dupree@faa.gov |

| City | Airport Name | LOCID | FAA Program Manager | Phone number, Email Address |
|----------------|--|-------|---------------------|---|
| Bowling Green | Bowling Green-Warren County Regional | BWG | Tommy Dupree | 901-322-8182, Tommy.Dupree@faa.gov |
| Cadiz | Lake Barkley State Park | 1M9 | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |
| Campbellsville | Taylor County | AAS | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Covington | Cincinnati/Northern Kentucky International | CVG | Tommy Dupree | 901-322-8182, Tommy.Dupree@faa.gov |
| Cynthiana | Cynthiana-Harrison County | 0I8 | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Danville | Stuart Powell Field | DVK | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Elizabethtown | Addington Field | EKX | Tommy Dupree | 901-322-8182, Tommy.Dupree@faa.gov |
| Falls-Of-Rough | Rough River State Park | 2I3 | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Falmouth | Gene Snyder | K62 | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Flemingsburg | Fleming-Mason | FGX | Chastity Clark | 901-322-8189, Chastity.Clark@faa.gov |
| Frankfort | Capital City | FFT | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Fulton | Fulton | 1M7 | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |
| Georgetown | Georgetown Scott County - Marshall Field | 27K | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Gilbertsville | Kentucky Dam State Park | M34 | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |

| City | Airport Name | LOCID | FAA Program Manager | Phone number, Email Address |
|--------------|-----------------------------------|-------|---------------------|---|
| Glasgow | Glasgow Municipal | GLW | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |
| Greenville | Muhlenberg County | M21 | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |
| Hardinsburg | Breckinridge County | I93 | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Harlan | Tucker-Guthrie Memorial | I35 | Mike Thompson | 901-322-8188, Mike.Thompson@faa.gov |
| Hartford | Ohio County | JQD | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |
| Hazard | Wendell H Ford | CPF | Mike Thompson | 901-322-8188, Mike.Thompson@faa.gov |
| Henderson | Henderson City-County | EHR | Stephen Wilson | 901-322-8185, Stephen.Wilson@faa.gov |
| Hopkinsville | Hopkinsville-Christian County | HVC | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |
| Jackson | Julian Carroll | JKL | Mike Thompson | 901-322-8188, Mike.Thompson@faa.gov |
| Jamestown | Russell County | K24 | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |
| Leitchfield | Grayson County | M20 | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |
| Lewisport | Hancock County-Ron Lewis Field | KY8 | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Lexington | Blue Grass | LEX | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| London | London-Corbin Airport-Magee Field | LOZ | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |

| City | Airport Name | LOCID | FAA Program Manager | Phone number, Email Address |
|----------------|--|-------|---------------------|---|
| Louisville | Louisville International-Standiford Field | SDF | Tommy Dupree | 901-322-8182, Tommy.Dupree@faa.gov |
| Louisville | Bowman Field | LOU | Tommy Dupree | 901-322-8182, Tommy.Dupree@faa.gov |
| Madisonville | Madisonville Municipal | 2I0 | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Marion | Marion-Crittenden County | 5M9 | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Mayfield | Mayfield Graves County | M25 | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |
| Middlesboro | Middlesboro-Bell County | 1A6 | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |
| Monticello | Wayne County | EKQ | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |
| Morehead | Morehead-Rowan County Clyde A. Thomas Regional | SYM | Chastity Clark | 901-322-8189, Chastity.Clark@faa.gov |
| Mount Sterling | Mount Sterling-Montgomery County | IOB | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Murray | Kyle-Oakley Field | CEY | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |
| Owensboro | Owensboro-Daviess County | OWB | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Paducah | Barkley Regional | PAH | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Pikeville | Pike County-Hatcher Field | PBX | Mike Thompson | 901-322-8188, Mike.Thompson@faa.gov |
| Pine Knot | McCreary County | 18I | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |

| City | Airport Name | LOCID | FAA Program Manager | Phone number, Email Address |
|---------------|-----------------------------|-------|---------------------|---|
| Prestonsburg | Big Sandy Regional | SJS | Mike Thompson | 901-322-8188, Mike.Thompson@faa.gov |
| Princeton | Princeton-Caldwell County | 2M0 | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Richmond | Madison | I39 | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Russellville | Russellville-Logan County | 4M7 | Ja'Monta Smith | 901-322-8186, Ja'Monta.Smith@faa.gov |
| Somerset | Lake Cumberland Regional | SME | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |
| Springfield | Lebanon-Springfield | 6I2 | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Stanton | Stanton | I50 | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Sturgis | Sturgis Municipal | TWT | Cynthia Wills | 901-322-8190, Cynthia.Wills@faa.gov |
| Tompkinsville | Tompkinsville-Monroe County | TZV | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |
| West Liberty | West Liberty | 9I3 | James Williams | 901-322-8184, James.Hayward.Williams@faa.gov |
| Williamsburg | Williamsburg-Whitley County | BYL | Kim Brockman | 901-322-8194, Kim.Brockman@faa.gov |

Other FAA Staff Assignments

| Name | Title or Assignment | Phone Number, Email Address |
|-------------------|---|---|
| Phillip J. Braden | Manager | 901-322-8180, Phillip.Braden@faa.gov |
| Vacant | Assistant Manager | 901-322-8191 |
| Aaron Braswell | Environmental Protection Specialist | 901-322-8192, Aaron.Braswell@faa.gov |
| Chastity Clark | TN State Block Grant Program | 901-322-8189, Chastity.Clark@faa.gov |
| Tommy Dupree | Team Lead, Civil Engineer (includes NC PFC Coordinator) | 901-322-8182, Tommy.Dupree@faa.gov |
| Tracey Hardaway | Grants Program Assistant (includes Administrative Officer) | 901-322-8183, Tracey.Hardaway@faa.gov |
| Tim Hester | Community Planner – NC (includes OE/NRA, Data/5010) | 901-322-8187, Tim.Hester@faa.gov |
| Mike Thompson | NC State Block Grant Program | 901-322-8188, Mike.Thompson@faa.gov |
| Lucille Williams | Management and Program Assistant | 901-322-8193, Lucille.Williams@faa.gov |
| Stephen Wilson | Community Planner – KY, TN (includes OE/NRA, Data/5010) | 901-322-8185, Stephen.Wilson@faa.gov |

POLICY NO. 02-3-1

CONDUCT POLICY

1. APPLICATION

This Conduct Policy applies to all directors, officers and employees of the ("Airport").

2. DEFINITIONS

2.1 **Business** means any person or legal entity through which commerce is conducted for profit, including without limitation an individual, sole proprietorship, partnership, corporation, or limited liability entity.

2.2 **Confidential Information** means information concerning the property or affairs of the Airport which is designated by the Airport Board, Airport Management or counsel as confidential and/or proprietary, including without limitation all materials exempted from disclosure under Kentucky's Open Records Act or Kentucky's Open Meetings Act at the time of its use or disclosure.

2.3 **Immediate Family** means a person's spouse, unemancipated children residing in the person's home, and any one residing in the person's home and claimed as a dependent for tax purposes.

2.4 **Interest** means any significant direct or indirect benefit to a person or that person's immediate family from which the person is entitled to receive any financial benefit.

3. CONFLICTS OF INTEREST

3.1 **General.** Each Airport Director, officer and employee should be free of personal interest which would adversely influence their judgment or action in conduct of the Airport's business. Such persons should avoid actual conflicts of interest as well as situations which would create an appearance of a conflict of interest. Where there is doubt about whether a conflict exists, the matter should be brought to the attention of Airport management and counsel to take such actions as are deemed appropriate in the circumstances.

3.2 **No Significant Interest, obligation or involvement.** No Director, officer or employee of the Airport or any member of their immediate family shall directly or

indirectly have a significant financial interest in, significant involvement with or significant obligation to any business which does or seeks to do business with the Airport, unless such person fully discloses it to the Airport Board and does not participate in Airport Board decisions concerning such interest, involvement or obligation.

- A. **Significant.** Any financial interest in, involvement with or loan from a business which may adversely influence the person's judgment or action on behalf of the Airport is considered "significant".
- B. **Examples.** The dollar amounts and/or percentages in these examples shall be modified as those amounts and percentages are modified in KRS 45A.340, as from time to time amended.

- (i) Ownership of more than 5% of a company or other legal entity, or involvement as an officer, director or manager with decision making power is significant. If the Airport transacts business with the entity, the Airport director, officer or employee may not serve as agent for the Airport with the entity.

- (ii) Ownership or control of 10% or more of a company or other legal entity is significant if the value of the Airport purchase is \$25.00 or more. Any contract or purchase of \$25.00 or more with an entity owned or controlled 10% or more by an officer, director or employer of the Airport requires application of competitive bidding procedures, pursuant to the Airport's Procurement Policy and Procedure, Policy No. 01-05-02.

- (iii) An investment of less than 5% of any class of publicly traded securities may be disregarded.

- (iv) A loan from a financial institution at prevailing interest rates and customary terms may also be disregarded.

3.3 Disclosure. If a possible conflict of interest arises during a meeting of the Airport Board, the Airport Board member shall disclose the possible conflict of interest to the Board; and, if recommended by counsel, the Board member shall leave the Board meeting and not discuss or vote upon the possible conflict issue. The Board member's disclosure and abstention from voting should be reflected in the minutes.

3.4 Doubt. In case of doubt as to the propriety or impropriety of entering into any purchase, contract, lease or other agreement to which the Airport Board is a party, the Director, officer or employee shall make full disclosure to the Airport Board Chairman, and in his absence, the Airport Board Vice Chairman, and consult with Airport counsel. The Airport Board Chairman and Vice Chairman

shall discuss any potential conflict of interest with the other and Airport counsel.

4. GIFTS AND COMPENSATION.

4.1 Compensation. No extra compensation or extra pay shall be granted to any officer, agent or employee of the Airport, except that called for by the discharge of official duties. No Airport director shall receive any compensation or reimbursement for expenses except that described in KRS Chapter 183 as from time to time amended.

4.2 No Solicitation. No Airport director, officer or employee shall solicit directly or indirectly any gratuity regardless of value from any person. Subject to this prohibition, such person may accept unsolicited gratuities of a value up to and including \$50.00.

4.3 Influence. No Airport director, officer or employee shall accept directly or indirectly any gratuity, regardless of value, offered based on any understanding that the vote, official act or judgment of the director, officer or employee will be influenced thereby, or if it may reasonably be inferred that the purpose of the gift was to influence the action of the director, officer or employee, or to affect the performance or omission of an act, or that the gift giver has an interest which may be substantially affected directly or indirectly by the performance or omission of an official act.

5. USE OF AIRPORT PROPERTY.

5.1 Private. No Airport property, vehicle, equipment, labor or service will be used for personal reasons by any Airport director, officer or employee unless such use is provided as a matter of stated public policy or contract for the use of the director, officer or employee incidental to the conduct of official Airport business. Such use by any employee shall require advance approval by the Airport Manager.

5.2 Personal. No Airport equipment will be removed from the Airport premises where it is normally kept, for the personal use of any Airport director, officer or employee unless such equipment is provided as a matter of stated public policy or contract for the use of the director, officer or employee in the conduct of official Airport business.,

5.3 Letterhead. The Airport's letterhead will not be used for personal correspondence or in personal business correspondence.

5.4 Hourly Consultants and Service Providers. Any requests for performance of a project which would require extensive time to be expended by hourly consultants or service providers shall be approved in advance by the Airport

Manager and/or the Chairman and Vice Chairman of the Airport's Board of Directors. If either the Chairman or Vice Chairman is not available, approval shall be obtained from one (1) other Board member. Services in excess of five (5) hours shall be approved in advance by the Board of Directors. This policy is not intended to prohibit direct contact with Airport counsel by any director concerning possible conflicts of interest.

6. CONFIDENTIAL MATTERS.

6.1 General. No director, officer or employee of the Airport shall use for personal gain or benefit, or, except as necessary in the regular course of business, disclose to anyone within or outside of the Airport any information contained in the course of such person's job or official Airport activities which is confidential information as defined at Section 2.2 hereof.

6.2 Airport Employees. In no case shall confidential information be transmitted by Airport employees to persons outside the Airport, including without limitation family or associates. Transmission by employees of information known to be confidential to the Airport is grounds for disciplinary action according to the Airport Personnel Policies, up to and including immediate termination of employment.

7. EFFECT.

7.1 Other Policies. This Conduct Policy replaces and supercedes (i) Airport Policy No. 01-05-02 entitled "Conflict of Interest" and (ii) Airport Policy No. 99-06-02 entitled "Confidentiality of Airport Business."

7.2 Personnel Policies. This Conduct Policy is applicable to Airport employees in addition to the Airport's personnel policies; and the Airport's personnel Policies, as from time to time amended, shall supercede this Conduct Policy wherever there is a conflict between them.

ADOPTED this March 12, 2002 at a regular meeting of the Airport Board of Directors by unanimous vote.

CONDUCT POLICY RECEIPT AND ACKNOWLEDGMENT

The undersigned hereby acknowledges that I have read the Conduct Policy of the _____, and if requested, have received a copy thereof. I understand the contents of this Policy, and agree to abide by it so long as I am employed by the _____ or am a member of its Board of Directors.

This ____ day of _____, 20____.

Signature

Printed Name: _____

____ Employee

____ Member, Board of Directors

Kentucky Airport Zoning Commission

The Kentucky Airport Zoning Commission (KAZC) is responsible for providing aviators and property owners in the Commonwealth with a safe airport environment and airspace system. Kentucky law requires that all structures built on or near an airport, as defined by KRS 183.861, must be approved and permitted by the KAZC prior to construction. This includes but is not limited to buildings, antenna towers, water towers, above ground electrical power lines, runway and taxiway extensions, apron expansion, parking lots and construction cranes.

All proposed structures within the KAZC jurisdiction must submit a completed TC56-50 form 90 days prior to construction (please visit the KAZC webpage to view a meeting schedule).

The Federal Aviation Administration (FAA) requires a FAA Form 7460-1 be submitted 45 day prior to construction.

The following documents will provide information for submitting a TC56-50 permit application:

- Instructions for Filing
- TC56-50 Application for Permit To Construct or Alter a Structure
- Kentucky Revised Statute, KRS 183.861 thru 183.873 and 183.990
- Kentucky Administration Regulation Title 602 Chapter 50
- FAA Form 7460-1

Kentucky Airport Zoning Commission

John Houlihan, Administrator

90 Airport Road, Building 400

Frankfort KY 40601

Office: 502-564-4480

Webpage: <http://transportation.ky.gov/Aviation/Pages/Zoning-Commission.aspx>

Kentucky Airport Zoning Commission

Instructions for Filing Forms TC56-50 and FAA 7460-1

- Include a completed copy of the Federal Form (FAA 7460-1) when submitting to the KY Airport Zoning Commission TC56-50 form.
- Include a map showing the location of the proposed site.
- The FAA will send a determination letter after conducting an aeronautical study of the proposed construction or alteration.
- Once you receive the FAA determination letter, please forward us a copy. We cannot give final approval without the determination letter.
- All construction equipment (cranes) that lie within the Commission's jurisdiction must be approved.
- Please email attachments in a PDF format.

NOTE: All structures must have a permit from the Department of Housing, Building and Construction.

Changes of Ownership

Any change or transfer in the care, custody, control or ownership of a structure previously permitted by the Commission shall require the original owner to notify the Commission in writing of the name and address of the new owner on TC56-54 form prescribed by the Commission. Please mail, fax or email to the address below:

Kentucky Airport Zoning Commission
90 Airport Road
Building 400
Frankfort KY 40601
502 564 4480
Fax: 502 564 7953
john.houlihan@ky.gov



KENTUCKY AIRPORT ZONING COMMISSION

APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE**JURISDICTION**

602 KAR 50:030

Section 1. The commission has zoning jurisdiction over that airspace over and around the public use and military airports within the Commonwealth which lies above the imaginary surface that extends outward and upward at one (1) of the following slopes:

- (1) 100 to one (1) for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each public use airport and military airport with at least one (1) runway 3,200 feet or more in length; or
- (2) fifty (50) to one (1) for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each public use and military airport with its longest runway less than 3,200 feet in length.

Section 2. The commission has zoning jurisdiction over the use of land and structures within public use airports within the state.

Section 3. The commission has jurisdiction from the ground upward within the limits of the primary and approach surfaces of each public use airport and military airport as depicted on airport zoning maps approved by the Kentucky Airport Zoning Commission.

Section 4. The Commission has jurisdiction over the airspace of the Commonwealth that exceeds 200 feet in height above the ground.

Section 5. The owner or person who has control over a structure which penetrates or will penetrate the airspace over which the Commission has Jurisdiction shall apply for a permit from the Commission in accordance with 602 KAR 50:090.

INSTRUCTIONS

1. "Alteration" means to increase or decrease the height of a structure or change the obstruction marking and lighting.
2. "Applicant" means the person who will own or have control over the completed structure.
3. "Certification by Applicant" shall be made by the individual who will own or control the completed structure; or a partner in a partnership; or the president or authorized officer of a corporation company, or association; or the authorized official of a body politic; or the legally designated representative of a trustee, receiver, or assignee.
4. Prepare the application and forward to the administrator, Kentucky Airport Zoning Commission, Department of Aviation, 90 Airport Rd., Building 400, Frankfort, KY 40601. For questions, telephone 502-564-4480.
5. The statutes applicable to the Kentucky Airport Commission are KRS 183.861 to 183.990 and the administrative regulations are 602 KAR Chapter 50.
6. When applicable, attaché the following appendices to the application:
 - Appendix A. A 7.5 minute quadrangle topographical map prepared by the U.S. Geological Survey and the Kentucky Geological Survey with the exact location of the structure which is the subject of the application indicated thereon. (*The 7.5 minute quadrangle map may be obtained from the Kentucky Geological Survey, Department of Mines and Minerals, Lexington, KY 40506.*)
 - Appendix B. For structures on or very near to property of a public use airport, a copy of the airport layout drawing (ALP) with the exact location of the structure which is the subject of this application indicated thereon. (*The ALP may be obtained from the Chairperson of the local airport board or the Department of Aviation.*)
 - Appendix C. Copies of Federal Aviation Administration Applications (*FAA Form 7460-1*) or any orders issued by the manager, Air Traffic Division, FAA regional office.
 - Appendix D. If the applicant has indicated in item number 7 of the application that the structure will not be marked or lighted in accordance with the regulations of the Commission, the applicant shall attach a written request for a determination by the commission that the marking and lighting are not necessary. The applicant shall specifically state the reasons that the absence of marking and lighting will not impair the safety of air navigation.
 - Appendix E. The overall height in feet of the overhead transmission line or static wire above ground level or mean water level with span length 1,000 feet and over shall be depicted on a blueprint profile map.

PENALTIES

1. Persons failing to comply with the Airport Zoning Commission statutes and regulations are liable for a fine or imprisonment as set forth in KRS 183.990(3).
2. Applicants are cautioned: Noncompliance with Federal Aviation Administration Regulations may provide for further penalties.



KENTUCKY TRANSPORTATION CABINET
 KENTUCKY AIRPORT ZONING COMMISSION

TC 56-50
 Rev. 07/2010
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APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A STRUCTURE

| | | | | | |
|---|--|---|-----|---|-----|
| APPLICANT (<i>name</i>) | | PHONE | FAX | KY AERONAUTICAL STUDY # | |
| ADDRESS (<i>street</i>) | | CITY | | STATE | ZIP |
| APPLICANT'S REPRESENTATIVE (<i>name</i>) | | PHONE | FAX | | |
| ADDRESS (<i>street</i>) | | CITY | | STATE | ZIP |
| APPLICATION FOR <input type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Existing | | | | WORK SCHEDULE | |
| DURATION <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary (<i>months</i> <i>days</i>) | | | | Start End | |
| TYPE <input type="checkbox"/> Crane <input type="checkbox"/> Building | | MARKING/PAINTING/LIGHTING PREFERRED | | | |
| <input type="checkbox"/> Antenna Tower | | <input type="checkbox"/> Red Lights & Paint <input type="checkbox"/> White- medium intensity <input type="checkbox"/> White- high intensity | | | |
| <input type="checkbox"/> Power Line <input type="checkbox"/> Water Tank | | <input type="checkbox"/> Dual- red & medium intensity white <input type="checkbox"/> Dual- red & high intensity white | | | |
| <input type="checkbox"/> Landfill <input type="checkbox"/> Other | | <input type="checkbox"/> Other | | | |
| LATITUDE ° ' " | | LONGITUDE ° ' " | | DATUM <input type="checkbox"/> NAD83 <input type="checkbox"/> NAD27 <input type="checkbox"/> Other | |
| NEAREST KENTUCKY City County | | NEAREST KENTUCKY PUBLIC USE OR MILITARY AIRPORT | | | |
| SITE ELEVATION (AMSL, <i>feet</i>) | | TOTAL STRUCTURE HEIGHT (AGL, <i>feet</i>) | | CURRENT (FAA aeronautical study #) | |
| OVERALL HEIGHT (<i>site elevation plus total structure height, feet</i>) | | | | PREVIOUS (FAA aeronautical study #) | |
| DISTANCE (<i>from nearest Kentucky public use or Military airport to structure</i>) | | | | PREVIOUS (KY aeronautical study #) | |
| DIRECTION (<i>from nearest Kentucky public use or Military airport to structure</i>) | | | | | |
| DESCRIPTION OF LOCATION (<i>Attach USGS 7.5 minute quadrangle map or an airport layout drawing with the precise site marked and any certified survey.</i>) | | | | | |
| DESCRIPTION OF PROPOSAL | | | | | |
| FAA Form 7460-1 (<i>Has the "Notice of Construction or Alteration" been filed with the Federal Aviation Administration?</i>) <input type="checkbox"/> No <input type="checkbox"/> Yes, when? | | | | | |
| CERTIFICATION (<i>I hereby certify that all the above entries, made by me, are true, complete, and correct to the best of my knowledge and belief.</i>) | | | | | |
| PENALTIES (<i>Persons failing to comply with KRS 183.861 to 183.990 and 602 KAR 050 are liable for fines and/or imprisonment as set forth in KRS 183.990(3). Noncompliance with FAA regulations may result in further penalties.</i>) | | | | | |
| NAME | | TITLE | | SIGNATURE | |
| | | | | | |
| COMMISSION ACTION | | <input type="checkbox"/> Chairperson, KAZC <input type="checkbox"/> Administrator, KAZC | | | |
| <input type="checkbox"/> Approved | | SIGNATURE | | DATE | |
| <input type="checkbox"/> Disapproved | | | | | |

183.861 Establishment of Airport Zoning Commission -- Jurisdiction over land use issues.

- (1) There is hereby created and established within the cabinet, a commission to be known as the "Kentucky Airport Zoning Commission" which, notwithstanding the provisions of KRS Chapters 100 and 147, shall be empowered to issue orders, rules, and regulations pertaining to use of land within and around the facilities identified in subsection (2) of this section as will promote the public interest and protect and encourage the proper use of the airports and their facilities.
- (2) The commission shall have jurisdiction over land use issues around the following facilities:
 - (a) All military airports in the Commonwealth;
 - (b) All public-use airports, heliports, and seaplanes bases in the Commonwealth; and
 - (c) All state-licensed, private-use airports which have a paved runway in excess of two thousand nine hundred (2,900) feet.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 112, sec. 1, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 80, sec. 1, effective July 14, 2000. -- Created 1960 Ky. Acts ch. 179, sec. 52, effective March 25, 1960.

183.862 Commission membership -- Compensation -- Vote of ex officio chairman.

- (1) Such commission shall consist of six (6) members and the secretary of the Transportation Cabinet or in his absence his designated representative who shall be the ex officio chairman of such commission. The ex officio chairman of the commission shall not be entitled to vote on any commission action unless there is a tie vote at which time the ex officio chairman may cast the deciding vote. The members of such commission shall be appointed by the Governor for a term of four (4) years. The members shall serve for a term of four (4) years, and until their successors are appointed, provided however that the first two (2) members appointed shall serve for a term of two (2) years; the next two (2) for three (3) years; and the final two (2) for four (4) years. Upon the expiration of the first terms, successors shall be appointed for a term of four (4) years.
- (2) Each member shall be a person experienced in and familiar with the field of aeronautics.
- (3) Members of the commission shall receive fifty dollars (\$50) for each day in actual session and shall be reimbursed for travel expenses and other reasonable expenses incident to performance of their duties.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 20, sec. 1, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 154, sec. 15, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(6). -- Amended 1964 Ky. Acts ch. 134, sec. 22. -- Created 1960 Ky. Acts ch. 179, sec. 53.

183.8621 Commission administrator -- Appointment -- Qualifications -- Duties.

Upon recommendation of an individual by the secretary, the commission shall appoint an administrator of the commission who shall have immediate supervision of the employees of the commission and perform such duties as are assigned him. The administrator shall be an individual familiar with aeronautics and the commission policy. He shall keep and be custodian of the records and airport zoning maps adopted by the commission, and shall devote his full time to the duties of his office.

History: Created 1976 Ky. Acts ch. 316, sec. 2.

183.863 Corporate nature -- Quorum.

The commission shall be a body politic and corporate with the usual corporate attributes, including, but not limited to the power to sue and be sued, contract and be contracted with and to do all things reasonable or necessary to effectively carry out the duties prescribed. It shall meet on the call of the chairman or four (4) or more members. A quorum shall consist of four (4) members.

Effective: March 25, 1960

History: Created 1960 Ky. Acts ch. 179, sec. 54, effective March 25, 1960.

183.864 Venue of legal actions.

The Franklin Circuit Court shall hold concurrent venue with the courts of this Commonwealth in all civil and injunctive actions instituted by the commission for the enforcement of applicable statutes, rules, regulations and orders issued.

Effective: March 25, 1960

History: Created 1960 Ky. Acts ch. 179, sec. 55, effective March 25, 1960.

183.865 Commission functions.

All of the powers, provisions, and duties relating to the zoning and use of land, structures, and air space within and around military and public use airports, heliports, and sea plane bases within the state are hereby conferred upon, delegated to and vested in the commission. The commission shall also exercise all powers, provisions, and duties relating to the use of navigable air space within the state. Nothing contained in this chapter shall prevent a governmental unit from acquiring airports, airport facilities, or air navigation facilities, or from taking any action authorized by law for the elimination of any airport hazard, either alone or jointly with the commission.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 80, sec. 2, effective July 14, 2000. -- Amended 1966 Ky. Acts ch. 255, sec. 167. -- Amended 1964 Ky. Acts ch. 134, sec. 23. -- Created 1960 Ky. Acts ch. 179, sec. 56.

183.866 Legislative findings as to airport hazards.

It is hereby found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in the vicinity, and in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein, and therefore such hazards are not in the interest of the public health, public safety or general welfare. It is further found that any obstructions to the use of navigable air space destroy and impair the safe use of such air space thereby endangering aircraft and are not in the interest of public health, public safety or general welfare.

Effective: March 25, 1960

History: Created 1960 Ky. Acts ch. 179, sec. 57, effective March 25, 1960.

183.867 Zoning jurisdiction -- Regulations -- Public files.

- (1) The commission shall require that every military and public use airport, heliport, and sea plane base in the state file with it, from time to time, as required, maps showing the airport and area surrounding the airport used for approach or landing purposes. The commission shall thereafter designate on the maps, by reference to the regulations or standards promulgated by the Federal Aviation Administration concerning the area required for the safe maneuvering approach and landing of aircraft, the area over which jurisdiction will be assumed for zoning purposes. The commission shall notify any local zoning bodies of the area so designated and may exercise jurisdiction of the area insofar as it pertains to the safe and proper maneuvering of aircraft and the safe and proper use of the airport involved. The local zoning body may retain jurisdiction of zoning in such areas as to all other matters.
- (2) The commission may adopt regulations pertaining to the zoning of areas over which jurisdiction is assumed as will provide for the proper and safe use of the area and airport.
- (3) The commission shall maintain a public file in the offices of the cabinet showing maps of each military and public use airport, heliport, and sea plane base within the state and the area around the airport over which it has assumed jurisdiction for zoning purposes and such shall constitute public notice of the restrictions and zoning applicable to the areas or airport. The commission shall also maintain a public file showing any regulations adopted pertaining to land uses in areas zoned and these regulations shall constitute public notice of same.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 80, sec. 3, effective July 14, 2000. -- Amended 1976 Ky. Acts ch. 308, sec. 6. -- Amended 1964 Ky. Acts ch. 134, sec. 24. -- Created 1960 Ky. Acts ch. 179, sec. 58.

183.868 Factors to be considered in zoning.

In addition to considering the regulations or standards promulgated by the Federal Aviation Administration in zoning the use of land and structures in areas over which jurisdiction is assumed, the commission shall consider among other things the safety of airport users and surface persons and property, the character of flying operations conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, the views of officials of the Federal Aviation Administration as to the safe approaches required for operations at the airport, the future development of the airport including extensions to runways that may be required, the density of dwellings that may safely be permitted in the area, protection of the public investment in the airport and its facilities, the interest of the public in developing a sound public air transportation system within the state and the views and opinions of those owning land in such area.

History: Amended 1976 Ky. Acts ch. 308, sec. 7. -- Created 1960 Ky. Acts ch. 179, sec. 59, effective March 25, 1960.

183.869 Variance permits.

When the commission has assumed zoning jurisdiction over an airport and surrounding area by appropriate regulation and the filing of a map with the zoning boundaries marked thereon, no person shall thereafter change, modify or alter the use of any land or structures within such area for a purpose inconsistent with the applicable zoning regulations established by the commission except upon application to the commission for a special permit to do so. The commission shall, before issuing any such permit, give consideration to the standards set out in the preceding section.

Effective: March 25, 1960

History: Created 1960 Ky. Acts ch. 179, sec. 60, effective March 25, 1960.

183.8691 Permit application fees.

The commission shall have authority to establish by regulation reasonable application fees for the issuance of permits.

History: Created 1976 Ky. Acts ch. 316, sec. 1.

183.870 Maximum building height regulation.

The commission shall establish by regulation the maximum height to which any structure may be erected within the navigable air space of the state. In establishing such maximum heights, the commission shall consider, among other things, the regulations or standards promulgated by the Federal Aviation Administration, the terrain involved, the location of the structure in relation to airports, the safety of aircraft, the safety of surface persons and structures, the future development of the area involved, the density of population and dwelling within the area involved, the interest of the public in developing a sound public air transportation system within the state and the interest of the person desiring to erect such structure, except that upon application to the commission, special permission may be granted to exceed such heights. The commission shall, before issuing any such permit, give consideration to the standards set out herein.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 285, sec. 3, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 308, sec. 8. -- Amended 1970 Ky. Acts ch. 247, sec. 1. -- Created 1960 Ky. Acts ch. 179, sec. 61, effective March 25, 1960.

183.871 Commission hearings.

Any person may petition the commission for a hearing regarding any orders issued, and upon receipt of a petition, the commission shall convene and hear the matter in accordance with KRS Chapter 13B. It shall thereafter vote on the matter, and issue its final order based on the decision of the majority of the members present. Appeals from final orders of the commission may thereafter be prosecuted under the procedure set out in KRS Chapter 13B.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 174, sec. 11, effective July 15, 1996; and ch. 318, sec. 68, effective July 15, 1996. – Created 1960 Ky. Acts ch. 179, sec. 62, effective March 25, 1960.

Legislative Research Commission Note (7/15/96). This section was amended by 1996 Ky. Acts chs. 174 and 318 which are in conflict. Under KRS 446.250, Acts ch. 318, which was last enacted by the General Assembly, prevails.

183.872 Acquisition of property rights.

In any case in which it is desired to remove, lower or otherwise terminate a nonconforming use; or the approach protection necessary cannot, because of unconstitutional limitations, be provided by zoning regulations; or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by zoning regulations, the cabinet, commission, air board or boards, or governmental unit may acquire by purchase, grant, condemnation or otherwise, such air right, easement, or other estate or interest in the property or nonconforming use in question as may be necessary to effectuate the purposes of this chapter.

Effective: March 25, 1960

History: Created 1960 Ky. Acts ch. 179, sec. 63, effective March 25, 1960.

183.873 Injunction against zoning violation.

In addition to any other penalty prescribed in this chapter, the commission may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this chapter or of any zoning regulations adopted, or of any order or ruling made in connection with their administration or enforcement.

Effective: March 25, 1960

History: Created 1960 Ky. Acts ch. 179, sec. 64, effective March 25, 1960.

183.990 Penalties.

- (1) Any person violating any of the provisions of this chapter with respect to operation of aircraft, or violating the provisions of any rule, regulation, or ordinance adopted under KRS 183.133(6), shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or imprisoned not more than ninety (90) days or both.
- (2) Each violation of the statutes pertaining to the state airport zoning commission or of any order, rule, or regulation promulgated pursuant thereto shall be punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days or both and each day a violation continues to exist shall constitute a separate offense.
- (3) Any person who violates the provisions of KRS 183.886 shall be fined not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) or shall be imprisoned in the county jail for not less than ten (10) nor more than ninety (90) days, or both.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 174, sec. 12, effective July 15, 1996. -- Amended 1976 Ky. Acts ch. 300, sec. 8(2). -- Amended 1964 Ky. Acts ch. 134, sec. 25. -- Amended 1960 Ky. Acts ch. 179, sec. 82. -- Amended 1958 Ky. Acts ch. 153, sec. 48. -- Amended 1946 Ky. Acts ch. 49, sec. 7. -- Amended 1944 Ky. Acts ch. 147, sec. 12. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 165-56.

602 KAR 50:010. Definitions relating to 602 KAR Chapter 50.

RELATES TO: KRS 183.861 to 183.990, 14 C.F.R. Part 77, 91.119

STATUTORY AUTHORITY: KRS 183.011(15), 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 empowers the commission to regulate the use of land within and around all public use and military airports in the Commonwealth. This administrative regulation defines the terms used in the administrative regulations of the Kentucky Airport Zoning Commission.

Section 1. Administrative Terms. (1) "Administrator" means the Administrator of the Kentucky Airport Zoning Commission or any individual to whom he has delegated his authority in the matter concerned.

(2) "Commission" means the Kentucky Airport Zoning Commission created pursuant to KRS 183.861 to 183.990.

(3) "FAA" means the Federal Aviation Administration.

(4) "Local zoning body" means an independent, joint or regional planning commission or any local government which is a member of a planning unit created pursuant to KRS Chapter 100.

Section 2. Aeronautical and Zoning Terms. (1) "Aeronautical study" means a review or analysis of the effect of the proposed construction or alteration of a structure upon the operation of an airport and the safe and efficient utilization of the navigable airspace.

(2) "Aircraft" is defined in KRS 183.011(2).

(3) "Airport" is defined in KRS 183.011(5).

(4) "Airport land use permit" means the approval by order of the commission of a request by a public use airport to change a use or activity within an airport to one which is otherwise prohibited by the administrative regulation of the commission.

(5) "Airport master plan", "airport layout plan" or "airport map" means the basic plan for the layout of an existing or proposed public use airport that shows at a minimum:

(a) The present boundaries of the airport and of the off-site area that the owner of a public use airport owns or controls for airport purposes, and of the proposed additions to the airport boundaries;

(b) The location and nature of existing and proposed airport facilities (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and of their proposed modification and extensions; and

(c) The location of existing and proposed nonaviation areas, and of their existing improvements.

(6) "Airport reference point" means that point on an airport which is used to geographically locate the airport.

(7) "Alter a structure" means to increase or decrease the height of a structure or change the visibility of a structure by painting, marking or lighting the structure in a manner different from the painting, marking, and lighting standards set forth in the administrative regulations of the commission.

(8) "Approach clearance surface" (military airport) means an inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet with the following characteristics:

(a) The slope of the approach clearance surface is 50 (fifty) to one (1) along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation;

(b) It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning;

(c) The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(9) "Approach surface" (public use airport) means an imaginary surface at an airport longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface and is applied to each end of each runway based upon the type of approach available or planned for that runway end and has the following characteristics:

(a) The inner edge of the approach surface shall be the same width as the primary surface and shall extend uniformly to a width of:

1. 1,250 feet for that end of a utility runway with only visual approaches;

2. 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

3. 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

4. 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths (3/4) of a statute mile;

5. 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths (3/4) statute mile; and

6. 16,000 feet for precision instrument runways.

(b) The approach surface shall extend for a horizontal distance of:

1. 5,000 feet at a slope of twenty (20) to one (1) for all utility and visual runways;

2. 10,000 feet at a slope of thirty-four (34) to one (1) for all nonprecision instrument runways other than utility; and

3. 10,000 feet at a slope of fifty (50) to one (1) with an additional 40,000 feet at a slope of forty (40) to one (1) for all precision instrument runways.

(c) The outer width of an approach surface to an end of a runway shall be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(10) "Conical surface" (public use airport) means an imaginary surface at an airport extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of 4,000 feet.

(11) "Conical surface" (military airport) means an imaginary surface extending from the periphery of the inner horizontal surface outward and upward at a slope of twenty (20) to one (1) for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(12) "En route obstacle clearance area" means that airspace needed for an airway, a feeder route, or a Federal Aviation Administration approved off-airway route for the Kentucky airports described in the "U.S. Terminal Procedures, Southeast Volume 1 of 3".

(13) "Established airport elevation" means the highest point on an airport's existing or planned runway expressed in feet above mean sea level.

(14) "Horizontal surface" (public use airport) means an imaginary horizontal plane at an airport 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs and shall meet the following specifications:

(a) The radius of each arc shall be:

1. 5,000 feet for all runways designated as utility or visual; or

2. 10,000 feet for all other runways; and

(b) The radius of the arc specified for each end of a runway shall have the same arithmetical value which shall be the highest determined for either end of the runway and if a 5,000-foot arc is encompassed by tangents connecting two (2) adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(15) "Horizontal surface, inner" (military airport) means an imaginary plane that is oval in shape at a height of 150 feet above the established airfield elevation and the plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(16) "Horizontal surface, outer" (military airports) means an imaginary plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(17) "Military airport" means any airport operated by an armed force of the United States.

(18) "Navigable airspace" is defined in KRS 183.011(15) and air space at and above the minimum safe altitudes of flight and the air space necessary for normal landing or taking off of aircraft and except where necessary for takeoff and landing, the minimum safe altitudes as defined in 14 CFR 91.119 are:

(a) Over any congested area of a city, town or settlement, or over any open air assembly of persons, an altitude of 1000 feet above the highest obstacle within a horizontal radius of 2000 feet of the aircraft;

(b) Over other than congested areas, an altitude of 500 feet above the surface except over open water or sparsely populated areas; or

(c) Over open water or sparsely populated areas, an altitude of 500 feet above any person, vessel, vehicle or structure.

(19) "Permit" is defined by KRS 183.011(18).

(20) "Primary surface" (public use airport) means an imaginary surface longitudinally centered on a runway with the following characteristics:

(a) If the runway has a specially prepared hard surface, the primary surface shall extend 200 feet beyond each end of that runway;

(b) If the runway does not have a specially prepared hard surface, or planned hard surface, the primary surface shall end at each end of that runway;

(c) The elevation of any point on the primary surface shall be the same as the elevation of the nearest point on the runway centerline; and

(d) The width of a primary surface shall be the width prescribed below for the most precise approach existing or planned for either end of that runway:

1. 250 feet for a utility runway having only visual approaches;

2. 500 feet for a utility runway having nonprecision instrument approaches; or

3. For other than a utility runway the width shall be:

a. 500 feet for a visual runway having only visual approaches;

b. 500 feet for a nonprecision instrument runway having visibility minimums greater than three-fourths (3/4) statute mile; or

c. 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths (3/4) of a statute mile, and for a precision instrument runway.

(21) "Primary surface" (military airport) means a surface located on the ground or water longitudinally centered on each runway with the same length as the runway and the width of the primary surface for runways is 2,000 feet.

(22) "Public use airport imaginary surfaces" means the air space around an airport necessary for the safe landing and taking off of aircraft with the following characteristics:

(a) The size of each imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway;

(b) The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end; and

(c) The types of imaginary surfaces are defined in this section.

(23) "Public airport" is defined in KRS 183.011(20).

(24) "Public use airport" is defined in KRS 183.011(21).

(25) "Runway" means the surface of an airport used for landing and taking off of aircraft as depicted on the airport zoning map, airport master plan or Federal Aviation Administration (FAA) form 7480-1, Notice of Landing Area Proposal and the types of runways and their approaches for airport zoning purposes are:

(a) "Nonprecision instrument runway" means 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 nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document;

(b) "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), microwave landing system (MLS), or a Precision Approach Radar (PAR) and also includes a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan or any other FAA planning document;

(c) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority;

(d) "Utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less; and

(e) "Other than utility runway" means a runway that is constructed for and intended to be used by aircraft with a maximum gross weight both above and below 12,500 pounds which may be propeller-driven, turbo-propelled, or jet-propelled.

(26) "Terminal obstacle clearance area" means that airspace needed for the initial, intermediate, final and missed approach segments of an instrument approach procedure and the circling approach in instrument departure areas for the Kentucky airports described in the "U.S. Terminal Procedures, Southeast Volume 1 of 3".

(27) "Transitional surface" means the imaginary surface at an airport which extends outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces and includes transitional surfaces for those portions of the precision approach surface which:

(a) Project through and beyond the limits of the conical surface; and

(b) Extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline. (KAV-8-1; 1 Ky.R. 806; eff. 5-14-75; Am. 2 Ky.R. 14; eff. 9-10-75; 304; eff. 3-10-76; 5 Ky.R. 597; eff. 3-7-79; 10 Ky.R. 442; 768; eff. 1-4-84; 14 Ky.R. 265; eff. 9-10-87; 19 Ky.R. 796; 1077; eff. 11-4-92; 20 Ky.R. 148; eff. 9-3-93; 23 Ky.R. 4214; eff. 8-11-97; 27 Ky.R. 2226; 2772; eff. 4-9-2001.)

602 KAR 50:030. Jurisdiction of the Kentucky Airport Zoning Commission.

RELATES TO: KRS 183.861, 183.867(2), 183.865, 183.867, 183.868, 183.870 **STATUTORY AUTHORITY:** KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 authorizes the Airport Zoning Commission to promulgate administrative regulations concerning the use of land within and around designated airports in the Commonwealth. KRS 183.867(2) authorizes the commission to promulgate administrative regulations concerning jurisdiction over zoning of areas over which jurisdiction is assumed. This administrative regulation establishes the areas over which the Kentucky Airport Zoning Commission has zoning jurisdiction and establishes whether a permit shall be required from a property owner.

Section 1. Zoning Jurisdiction. The commission shall have zoning jurisdiction over the airspace above and around the airports designated in KRS 183.861. This jurisdiction shall include the airspace that lies above the surface extending outward and upward at one (1) of the following slopes:

(1) If an airport has at least one (1) runway that is 3,200 feet or more in length, the slope shall be 100 to one (1) for a horizontal distance of 20,000 feet from the closest point of the nearest runway; or

(2) If an airport's longest runway is less than 3,200 feet in actual length, the slope shall be fifty (50) to one (1) for a horizontal distance of 10,000 feet from the nearest point of the nearest runway.

Section 2. Airspace. (1) The commission shall have jurisdiction from the ground upward within the limits of the primary and approach surfaces as depicted on Airport Zoning Maps approved by the Kentucky Airport Zoning Commission, in accordance with KRS 183.867.

(2) The commission shall have jurisdiction over the airspace of the Commonwealth that exceeds 200 feet in height above ground level.

(3) The owner or person with control of a structure that penetrates or may penetrate the airspace over which the commission has jurisdiction shall apply for a permit from the commission, in accordance with 602 KAR 50:090. (KAV-9-1; 1 Ky.R. 807, eff. 5-14-75; Am. 2 Ky.R. 306, eff. 3-10-76; 5 Ky.R. 599, eff. 3-7-79; 10 Ky.R. 445, eff. 1-4-84; 14 Ky.R. 267, eff. 9-10-87; 19 Ky.R. 800, eff. 11-4-92; 27 Ky.R. 2228; 2774, eff. 4-9-2001; 39 Ky.R. 1058; 1881, eff. 4-5-2013.)

602 KAR 50:040. Airport land uses.

RELATES TO: KRS 183.865

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: To regulate the use of land within airports of the Commonwealth within the jurisdiction and function of the commission.

Section 1. Notwithstanding the provisions of any ordinance of a city or county legislative body pursuant to the authority of KRS Chapters 100 or 147, the following uses shall be allowed on the land within an airport: runways; taxiway, aircraft ramps; navigational aids and signals; safety equipment; aircraft terminals; cargo and service buildings; ramps; gates; hangars, aircraft sales, leasing, repair, and storage; automobile parking, garage and service facilities; motels and restaurants.

Section 2. Notwithstanding the provisions of any ordinance of a city or county legislative body pursuant to the authority of KRS Chapters 100 or 147, the commission may allow the following additional uses, which do not constitute a hazard to air navigation: any commercial, industrial or residential use, including but not limited to governmental agencies and operation, banks and financial institutions, retail and wholesale stores, warehouses and storage facilities; manufacturing facilities and operations; offices and service facilities upon the issuance of an airport land use permit by order of the commission.

Section 3. Any activity or structure which lawfully existed before the adoption or amendment of the zoning administrative regulations of the commission, but does not conform to all of the administrative regulations which pertain to the use of land within public airports may continue as a nonconforming use, provided there is no alteration or change to the activity or structure which extends or enlarges the nonconformity.

Section 4. (1) A request for an airport land use permit shall be filed with the administrator and it shall state: the petitioner's name, address, and telephone number; the name of the public airport concerned; a description of the dimensions of any structure proposed to be erected; and a statement or reasons why the proposed use and structure will not constitute a hazard to air navigation.

(2) The petitioner shall annex to the request a copy of the airport zoning map for the airport concerned with the site of the proposed use or structure located thereon.

(3) The petition shall be considered at the next meeting of the commission and a copy of the commission's order, ruling or award shall be mailed to the petitioner. (KAV-16; 1 Ky.R. 1043; eff. 6-11-75; Am. 10 Ky.R. 445; eff. 1-4-84.)

602 KAR 50:050. Airport zoning map.

RELATES TO: KRS 183.867

STATUTORY AUTHORITY: KRS 183.861, 183.867(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 authorizes the Airport Zoning Commission to promulgate administrative regulations concerning the use of land within and around designated airports in the Commonwealth. KRS 183.867 authorizes the commission to promulgate administrative regulations pertaining to the zoning of areas over which jurisdiction is assumed in order to provide for the proper and safe use of the area and airport. This administrative regulation establishes the procedures for the adoption and revision of airport zoning maps for the existing and future expansion of airports under the jurisdiction of the commission.

Section 1. Filing a Map. (1) Every owner of an airport as established in KRS 183.867(1) shall file with the administrator of the Kentucky Airport Zoning Commission:

(a) A map showing the airport and the area surrounding the airport used for approach and landing purposes; or

(b) An airport master plan.

(2) If an airport owner fails to file a map, the administrator shall prepare a map showing the airport and the area surrounding the airport used for approach and landing purposes.

(3) The airport owner or administrator shall designate the proposed area of jurisdiction of the commission and the airport surfaces on the map or airport master plan.

Section 2. Submission of a Map. (1)(a) The proposed airport zoning map, prepared in accordance with Section 1 of this administrative regulation, shall be submitted to the commission.

(b) 1. If the airport zoning map is adopted by order of the commission, this adoption shall serve as the official designation of the area of the commission's jurisdiction.

2. The date of its adoption shall be noted on the airport zoning map.

3. The original zoning map shall be kept in the office of the airport administrator.

4. The commission shall keep a copy of the map in accordance with KRS 183.867(3).

(c) The airport owner shall inform the administrator of changes in the existing or proposed boundaries, runways, or taxiways by:

1. Filing a revised airport zoning map; or

2. Furnishing the administrator with information sufficient to prepare a revised map.

(2) The airport owner or administrator shall designate the proposed area of jurisdiction and airport surfaces on the revised map.

(3) If adopted by the commission in accordance with subsection (1) of this section, the revised map shall supersede a previous map.

Section 3. The commission shall notify a local zoning body of a new designation of jurisdiction, in accordance with KRS 183.867(1), by sending a copy of the airport zoning map adopted by order of the commission.

Section 4. The local zoning bodies shall not adopt an ordinance or policy that conflicts with the jurisdiction of the commission in an area pertaining to the use of the airport.

Section 5. An airport zoning map adopted by the commission shall remain in full force and effect until revised by the commission in accordance with Section 2 of this administrative regulation. (KAV-10; 1 Ky.R. 1043; eff. 6-11-75; Am. 10 Ky.R. 446; eff. 1-4-84; 14 Ky.R. 268; eff. 9-10-87; 19 Ky.R. 801; eff. 11-4-92; 27 Ky.R. 2229; 2774; eff. 4-9-2001; 39 Ky.R. 1059; 1882; eff. 4-5-2013.)

602 KAR 50:060. Construction within jurisdictional airspace.

RELATES TO: KRS 183.861-183.890, 14 C.F.R. Part 77

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 allows the Kentucky Airport Zoning Commission to regulate the use of land within and around all public use and military airports within Kentucky. This administrative regulation is promulgated to regulate the construction and alteration of structures in the airspace of the state over which the commission has jurisdiction in order to prevent an obstruction to the safety of air navigation.

Section 1. Except as provided in 602 KAR 50:090, a person shall not construct or alter any structure which penetrates the airspace of the state over which the commission has jurisdiction as set forth in 602 KAR 50:030, unless the person who intends to construct or alter the structure obtains a permit from the commission in accordance with the procedures set forth in 602 KAR 50:090.

Section 2. The commission shall consider the provisions of 14 CFR Part 77 Sections 77.21 through 77.25, the aeronautical study performed by the administrator and any aeronautical study performed by the FAA as well as the factors set forth in KRS 183.868 and 183.870 in approving or disapproving an application for a permit submitted in accordance with the requirements of Section 1 of this administrative regulation.

Section 3. (1) Any change or transfer in the care, custody, control or ownership of a structure previously permitted by the commission shall require the original owner to notify the commission in writing of the name and address of the new owner on Kentucky Airport Zoning Commission/Transportation Cabinet form TC 56-50G "Notification of Change in Ownership" effective March 1997.

(2) The new owner shall comply with all conditions and requirements of the originally issued permit for the transferred structure unless properly amended by the commission.

Section 4. (1) A power line existing prior to January 4, 1984 for which a permit has not been issued may continue in its present configuration.

(2) A person proposing to alter or reconstruct any wire, transmission, distribution or other power line subsequent to September 1, 1983 that exceeds 200 feet above the ground level shall:

- (a) Obtain a permit from the commission in accordance with 602 KAR 50:090; and
- (b) Comply with the applicable marking and lighting requirements in accordance with 602 KAR 50:100.

Section 5. Incorporation by Reference. (1) Kentucky Airport Zoning Commission/Transportation Cabinet form TC 56-50G "Notification of Change in Ownership" effective March 1997 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Zoning Administrator, Division of Aeronautics, 200 Mero Street, Station: W3-09-02, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. The telephone number is (502) 564-4480. The fax number is (502) 564-7953. (KAV-11; 13; 1 Ky.R. 807; eff. 5-14-75; Am. 10 Ky.R. 447; 770; eff. 1-4-84; 13 Ky.R. 293; eff. 9-4-86; 19 Ky.R. 802; eff. 11-4-92; 23 Ky.R. 4217; eff. 8-11-97; 27 Ky.R. 2230; 2775; eff. 4-9-2001.)

602 KAR 50:070. Standards for determining obstructions.

RELATES TO: KRS 183.868, 14 C.F.R. Part 77

STATUTORY AUTHORITY: KRS 183.861, 183.868

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 allows the Kentucky Airport Zoning Commission to regulate the use of land within and around all public use and military airports within Kentucky. This administrative regulation is promulgated to establish standards for determining obstructions to air navigation.

Section 1. Standards for Determining Obstructions. A permanent or temporary object shall be an obstruction to air navigation if it is of greater height than any of the following heights or penetrates any of the following surfaces:

(1) A height of more than 500 feet above ground level at the site of the object.

(2)(a) A height that is more than 200 feet above ground level or above the established airport elevation, whichever is higher, within three (3) nautical miles of the established reference point of a public use and military airports, which has at least one (1) runway of more than 3,200 feet in actual length.

(b) Beyond three (3) nautical miles, that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.

(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the permanent or temporary structure or object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

(4) A height within an en route obstacle clearance area, including turn and termination areas, of a federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under 602 KAR 50:010, Section 2 including those identified in "U.S. Terminal Procedures, Southeast Volume 1 of 4".

Section 2. 14 CFR Part 77. (1) The Kentucky Airport Zoning Commission adopts 14 CFR Part 77, Sections 77.21 through 77.25, Objects Affecting Navigable Airspace, as effective on April 1, 1997.

(2) 14 CFR Part 77, Sections 77.21 through 77.25 shall govern the determination of an obstruction to safe air navigation in any instance not specified in this administrative regulation.

Section 3. Incorporation by Reference. (1) The publication of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration "U.S. Terminal Procedures, Southeast Volume 1 of 4" effective August 10, 2000 is incorporated by reference.

(2) This material may be inspected or copied from the Zoning Administrator, Transportation Cabinet, Division of Aeronautics, Kentucky Airport Zoning Commission, 200 Mero Street, Station: W3-09-02, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. The telephone number is (502) 564-4480. The fax number is (502) 564-7953.

(3) A copy of the material incorporated by reference may be obtained from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, NOAA, N/CG33, Distribution Branch, Riverdale, Maryland 20737. The telephone number is (301) 436-6993. (KAV-14; 1 Ky.R. 807; eff. 5-14-75; Am. 2 Ky.R. 307; eff. 3-10-76; 5 Ky.R. 599; eff. 3-7-79; 10 Ky.R. 447; 770; eff. 1-4-84; 19 Ky.R. 803; eff. 11-4-92; 23 Ky.R. 4218; eff. 8-11-97; 27 Ky.R. 2231; 2776; eff. 4-9-2001.)

602 KAR 50:090. Permit application procedures.

RELATES TO: KRS 183.869, 183.870, 183.871

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 allows the Kentucky Airport Zoning Commission to regulate the use of land within and around all public use and military airports within Kentucky. This administrative regulation is promulgated to outline the procedure that a person shall follow in order to obtain a permit or tentative approval to erect or alter a structure, and defines the authority of the Administrator of the Kentucky Airport Zoning Commission to reject or approve applications for permits and provide for the processing of an application for a permit.

Section 1. (1) Every person who is required by 602 KAR 50:030 to obtain a permit to construct or alter a structure shall send a signed and completed Form TC 56-50, "Application for Permit to Alter or Construct a Structure", revised effective August 2000, to the Administrator of the Kentucky Airport Zoning Commission, Division of Aeronautics, 125 Holmes Street, Frankfort, Kentucky 40622.

(2) Except as set forth in Section 3 of this administrative regulation, the application shall be submitted at least ninety (90) days prior to the date the proposed construction or alteration is scheduled to begin.

Section 2. (1) Upon receipt of the application, the administrator shall review the application to determine if all required information has been submitted.

(2) If the application is incomplete, the administrator shall:

- (a) Reject it;
- (b) Return it to the person who submitted it; and
- (c) Provide a statement of the additional information that is required for a complete application.

(3) If the application is complete, the administrator shall conduct an aeronautical study for the purpose of determining whether to recommend to the commission that a permit be issued.

(4) The preliminary recommendation of the administrator for approval or disapproval may be furnished to the applicant prior to consideration of the application by the commission.

(5) The commencement of any construction or erection of the structure prior to final consideration by the commission and the issuance of a permit shall be at the sole risk of the applicant.

(6) The commission, its members and its administrator shall not be responsible or liable in any manner for any work performed prior to the issuance of a permit.

Section 3. (1) If approval for a temporary structure is being sought, the applicant shall furnish to the administrator an affidavit or sworn statement detailing the conditions and reasons for the extraordinary measures being requested or provide any other information requested by the administrator.

(2) The administrator may approve an application for a temporary structure that will be in existence for a short duration of four (4) months or less. Those temporary structures which will be in existence for greater than four (4) months shall be presented to the commission for consideration.

(3) This approval shall not be granted if it is evident that the proposed temporary structure will adversely affect the safety of air navigation.

Section 4. (1) The administrator shall submit the application, the results of his aeronautical study and his recommendation for commission action to the commission at its next meeting.

(2) At least twenty (20) days prior to the commission meeting at which the application is to be considered, the administrator shall circulate a copy of the application and the conclusions of his aeronautical study to any interested parties, including local airport boards, municipal and county governments' officials, airport owners and operators.

(3)(a) An interested party shall be permitted to file with the commission written objections to or remarks about the application.

(b) The objections or remarks shall be filed with the commission not later than the date for filing established in the circulated copy of the application.

(c) The date by which the objections or remarks shall be received by the administrator shall provide all interested parties with at least eighteen (18) days from the date the administrator mailed the notice by first class mail.

Section 5. (1) The application normally shall be considered at the first meeting of the commission after the expiration of the established period in which an interested party could file an objection to or remarks about the application.

(2) A copy of the commission's decision shall be mailed to the applicant and any other interested parties who filed an objection to or remarks about the application.

Section 6. (1) If tentative approval of a permanent structure is being sought, the applicant shall furnish to the administrator an affidavit or sworn statement detailing the conditions and reasons for the extraordinary measures being requested or provide any other information requested by the commission or its administrator.

(2) The commission may grant tentative approval of an application if:

- (a) The time for filing an objection to the application has not expired, but it appears to the commission that an objection will not be filed; and
- (b) It appears to the commission that the proposed structure will not adversely affect the safety of air navigation; or
- (c) Other special conditions imposed in the permit have been met.

(3) The commencement of any construction or erection of the proposed structure based on the issuance of tentative approval by the commission prior to the issuance of a permit shall be at the sole risk of the applicant.

(4) The commission, its members, and its administrator shall not be responsible or liable in any manner for any work performed prior to the issuance of a permit.

Section 7. Incorporation by Reference. (1) Transportation Cabinet Form TC 56-50, "Application for Permit to Alter or Construct a Structure", revised effective August 2000 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Zoning Administrator, Division of Aeronautics, 200 Mero Street, Station: W3-09-02, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. The telephone number is (502) 564-4480. The fax number is (502) 564-7953. (KAV-12; 1 Ky.R. 1044; eff. 6-11-75; Am. 10 Ky.R. 448; 771; eff. 1-4-84; 13 Ky.R. 294; eff. 9-4-86; 19 Ky.R. 804; eff. 11-4-92; 23 Ky.R. 4220; 24 Ky.R. 339; eff. 8-11-97; 27 Ky.R. 2232; 2776; eff. 4-9-2001.)

602 KAR 50:100. Standards for marking or lighting structures.

RELATES TO: KRS 183.861-183.990, 14 C.F.R. Part 77

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: KRS 183.861 allows the Kentucky Airport Zoning Commission to regulate the use of land within and around all public use and military airports within Kentucky. This administrative regulation is promulgated to describe the standards for the marking or lighting of structures which penetrate the airspace under the jurisdiction of the Kentucky Airport Zoning Commission.

Section 1. The Advisory Circular No. AC 70/7460-1K, Obstruction Marking and Lighting, issued by the Federal Aviation Administration effective March 2000 shall govern the marking and lighting of structures which:

- (1) Penetrate the jurisdictional airspace of the commission; or
- (2) Have been determined by the commission to be an obstruction to safe air navigation.

Section 2. A person who is issued a permit to alter or construct a structure shall mark or light the structure in accordance with the applicable standards of the Federal Aviation Advisory Circular, "Obstruction Marking and Lighting", unless the commission determines that the absence of the marking or lighting will not impair the safety of air navigation.

Section 3. Any structure that exceeds 200 feet above ground level shall be obstruction marked or lighted in accordance with the standards of the Federal Aviation Advisory Circular, "Obstruction Marking and Lighting", unless the commission determines the absence of the marking or lighting will not impair the safety of air navigation.

Section 4. (1) A holder of a commission permit that requires obstruction marking and lighting as a condition for the approval of the application may request a change in that requirement to maintain or improve the system based upon technological advances.

- (2) Before changes or alterations are made to the previously approved obstruction marking or lighting system, a request shall be:
 - (a) Made in writing; and
 - (b) Approved by the commission.

Section 5. If an existing, permitted and standing facility is abandoned, the permit holder shall continue to maintain obstruction marking or lighting which was required by the commission unless the facility is physically removed.

Section 6. During the construction or alteration of a structure, once any portion of the structure exceeds 200 feet above ground level, it shall be obstruction marked and lighted in accordance with the standards of the Federal Aviation Advisory Circular, "Obstruction Marking and Lighting", unless the commission determines the absence of this marking or lighting will not impair the safety of air navigation and so states when the permit is issued.

Section 7. Incorporation by Reference. (1) Advisory Circular No. AC 70/7460-1K, Obstruction Marking and Lighting, issued by the Federal Aviation Administration effective March 2000 is incorporated by reference.

(2) This material may be inspected, or copied, subject to applicable copyright law, from the Zoning Administrator, Division of Aeronautics, 200 Mero Street, Station: W3-09-02, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. The telephone number is (502) 564-4480. The fax number is (502) 564-7953.

(3) This material may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, D.C. 20402-9328. (KAV-17; 1 Ky.R. 807; eff. 5-14-75; Am. 2 Ky.R. 16; eff. 9-10-75; 5 Ky.R. 599; eff. 3-7-79; 10 Ky.R. 449; 772; eff. 1-4-84; 12 Ky.R. 1632; eff. 5-6-86; 19 Ky.R. 805; eff. 11-4-92; 23 Ky.R. 4222; 24 Ky.R. 341; eff. 8-11-97; 27 Ky.R. 2234; 2777; eff. 4-9-2001.)

602 KAR 50:110. Valid permit period for alteration or construction of a structure.

RELATES TO: KRS 183.861-183.990

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: The commission finds it is necessary for the public interest that construction or alteration of a structure be commenced and completed within a reasonable period after the issuance of a permit; therefore, the function of this administrative regulation is to limit the period in which to commence and complete construction.

Section 1. If the construction or alteration of a structure is not completed within eighteen (18) months from the date of issuance of the permit, permit shall be void and no work shall be performed without the issuance of a new permit. The commission may grant a shorter or longer period of time to complete the construction or alteration of a structure when it issues a permit.

Section 2. All holders of an approved commission permit shall complete and return a construction or alteration project status report as soon as the structure reaches its greatest height. This report may be filed with the administrator any time during the eighteen (18) months allowed for completion of the construction or alteration of the structure.

Section 3. All commission permit holders shall send written notification to the Airport Zoning Commission administrator within thirty (30) days after the removal of a tall structure that was issued a permit from the commission. If a commission permit holder sells or transfers his facility, the existing commission permit shall transfer to the new owner provided the requirements of 602 KAR 50:060, Section 3, are met.

Section 4. The Kentucky Airport Zoning Administrator, upon written application and the showing of just cause, may extend the time allowed for completion of the construction or alteration of a structure for a period not to exceed an additional eighteen (18) months. (KAV-15; 1 Ky.R. 808; eff. 5-14-75; Am. 10 Ky.R. 450; eff. 1-4-84; 19 Ky.R. 806; eff. 11-4-92.)

602 KAR 50:115. Enforcement procedures; violations.

RELATES TO: KRS 183.861-183.990

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: The Kentucky Airport Zoning Commission finds it necessary to establish administrative enforcement procedures whereby a person in violation of the statutes, administrative regulations, orders or permits of the commission may be given notice of the violation or show cause to the commission why he is not in violation as a means to minimize litigation.

Section 1. The commission delegates responsibility to determine apparent violations of its statutes, administrative regulations, orders and permits to its administrator. The administrator shall investigate violations of the statutes, administrative regulations, orders and permits and mail a notice to the person who owns or controls the structure, land, etc., in violation thereof.

Section 2. The notice shall state the location, type of structure and the reasons the structure is in violation of the statutes, administrative regulations, orders or permits of the commission. The person shall be requested to correct the violation within thirty (30) days of the notice or show cause to the commission why compliance should not be enforced.

Section 3. The person to whom the notice is directed pursuant to this administrative regulation may show cause why enforcement should be withheld by filing a written petition for a hearing before the commission. The petition may be in the form of a letter. The petition shall be filed in person or by mail with the Administrator, Kentucky Airport Zoning Commission, Frankfort, Kentucky 40622. The petitioner shall state, if applicable, facts sufficient to show:

- (1) The structure is not an obstruction in the zoned airspace of this state; or
- (2) The structure is in the zoned airspace of this state, but it is not a hazard to the safety of air navigation; and
- (3) Any other facts the petitioner deems relevant that would relieve him from the terms of the order, including a request for an extension of time to remove the structure.
- (4) If the administrator does not receive a petition from a person to whom a notice has been mailed and finds that violation continued during the period allowed in the notice, then the administrator shall refer the matter to the commission for its action in order to determine the appropriate penalties and action for the said violation.

Section 4. If the administrator does not receive a petition from a person to whom a notice has been mailed and finds that the structure has not been removed during the period allowed in the notice, then the administrator shall refer the matter to the commission for its action.

Section 5. The administrator shall set the petition for a hearing to be conducted pursuant to 602 KAR 50:120.

Section 6. The commission may order an injunctive action be instituted in circuit court for the enforcement of applicable statutes, rules, administrative regulations, and orders issued pursuant to this administrative regulation. (2 Ky.R. 82; eff. 9-10-75; Am. 10 Ky.R. 450; eff. 1-4-84.)

602 KAR 50:120. Reconsideration and administrative hearing procedures.

RELATES TO: KRS 183.871

STATUTORY AUTHORITY: KRS 183.861

NECESSITY, FUNCTION, AND CONFORMITY: To provide for general procedures for a request for reconsideration and for the conduct of all hearings on any petition to the commission.

Section 1. Request for reconsideration of an action taken by the commission shall be as follows:

(1) A person who wishes to provide additional information, further explain the information previously presented to the commission, request reconsideration, or otherwise discuss a matter with the commission shall notify the administrator of his intention to attend a meeting of the commission.

(2) The notice shall be in writing and filed within thirty (30) days of the mailing of the document formalizing the commission's action to appropriate parties.

(3) The administrator shall place the issue on the agenda for the next commission meeting at which he is able to provide to all interested parties a ten (10) day written notice of the placement of the issue on the agenda of the commission.

Section 2. Request for a hearing shall be accomplished as follows:

(1) A person aggrieved by an action taken by the commission with respect to any application for a permit, request for adoption of airport zoning map, notice of violation, or any orders or rulings issued pursuant to the commission's administrative regulations may petition the commission in writing for an administrative hearing.

(2) The petition, which may be in the form of a letter, shall identify the action taken by the commission for which a hearing is sought and it shall state specifically the grounds for the request in addition to a statement of the relief desired.

(3) The petition shall be filed within thirty (30) days of the mailing of the document formalizing the commission's action to appropriate parties or if the person requested the opportunity to appear before the commission, within thirty (30) days of the action taken by the commission after the petitioner's appearance before the commission. The document may be executed by either the administrator or the chairman of the commission.

(4) Once a petition for a hearing is received, the administrator shall notify all other interested parties of the receipt of the petition for a hearing. Other interested parties may include but shall not be limited to the applicant, local zoning body, local air board, airport owner and other identifiable person or persons who exhibit an interest in the commission's decision.

(5) The administrator shall request the Transportation Cabinet's Office of General Counsel to assign a hearing officer. The hearing and subsequent actions shall conform to the requirements of KRS Chapter 13B.

Section 3. (1) If the commission deems it in the best interest of the public, it may require that a public discussion of an issue under consideration be conducted prior to taking any action on an application, permit, zoning map, or other item before the commission for consideration.

(2) The administrator shall, at least ten (10) days prior to the meeting, notify all interested parties of the date, time, and location of the commission meeting at which the public discussion will take place.

(3) An action rendered by the commission as a result of a public discussion conducted under this subsection shall constitute a final agency action from which an appeal may be taken pursuant to Section 2 of this administrative regulation. (1 Ky.R. 808; eff. 5-14-75; Am. 10 Ky.R. 451; 772; eff. 1-4-84; 14 Ky.R. 269; eff. 9-10-87; 19 Ky.R. 807; eff. 11-4-92; 23 Ky.R. 4224; 24 Ky.R. 341; eff. 8-11-97.)

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

§ 77.7 Form and time of notice.

(a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration. FAA Form 7460-1 is available at FAA regional offices and on the Internet.

(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.

(c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.

(d) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.

(e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

§ 77.9 Construction or alteration requiring notice.

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

(a) Any construction or alteration that is more than 200 ft. AGL at its site.

(b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.

(c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

(d) Any construction or alteration on any of the following airports and heliports:

(1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S.

Government Flight Information Publications;

(2) A military airport under construction, or an airport under construction that will be available for public use;

(3) An airport operated by a Federal agency or the DOD.

(4) An airport or heliport with at least one FAA-approved instrument approach procedure.

(e) You do not need to file notice for construction or alteration of:

(1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;

(2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;

(3) Any construction or alteration for which notice is required by any other FAA regulation.

(4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193
Fax: (817) 321-7765
Phone: (817) 321-7750

Website: <https://oaaaa.faa.gov>

INSTRUCTIONS FOR COMPLETING FAA FORM 7460-1

PLEASE TYPE or PRINT

ITEM #1. Please include the name, address and phone number of a personal contact point as well as the company name.

ITEM #2. Please include the name, address and phone number of a personal contact point as well as the company name.

ITEM #3. New Construction would be a structure that has not yet been built.

Alteration is a change to an existing structure such as the addition of a side mounted antenna, a change to the marking and lighting, a change to power and/or frequency, or a change to the height. The nature of the alteration shall be included in ITEM #21 "Complete Description of Proposal".

Existing would be a correction to the latitude and/or longitude, a correction to the height, or if filing on an existing structure which has never been studied by the FAA. The reason for the notice shall be included in ITEM #21 "Complete Description of Proposal".

ITEM #4. If Permanent, so indicate. If Temporary, such as a crane or drilling derrick, enters the estimated length of time the temporary structure will be up.

ITEM #5. Enter the date that construction is expected to start and the date that construction should be completed.

ITEM #6. Please indicate the type of structure. **DO NOT LEAVE BLANK.**

ITEM #7. In the event that obstruction marking and lighting is required, please indicate type desired. If no preference, check "other" and indicate "no preference" **DO NOT LEAVE BLANK.** NOTE: High Intensity lighting shall be used only for structures over 500' AGL. In the absence of high intensity lighting for structures over 500' AGL, marking is also required.

ITEM #8. If this is an existing tower that has been registered with the FCC, enter the FCC Antenna Structure Registration number here.

ITEM #9 and #10. Latitude and longitude must be geographic coordinates, accurate to within the nearest second or to the nearest hundredth of a second if known. Latitude and longitude derived solely from a hand-held GPS instrument is NOT acceptable. A hand-held GPS is only accurate to within 100 meters (328 feet) 95 percent of the time. This data, when plotted, should match the site depiction submitted under ITEM #20.

ITEM #11. NAD 83 is preferred; however, latitude and longitude may be submitted in NAD 27. Also, in some geographic areas where NAD 27 and NAD 83 are not available other datum may be used. It is important to know which datum is used. **DO NOT LEAVE BLANK.**

ITEM #12. Enter the name of the nearest city and state to the site. If the structure is or will be in a city, enter the name of that city and state.

ITEM #13. Enter the full name of the nearest public-use (not private-use) airport or heliport or military airport or heliport to the site.

ITEM #14. Enter the distance from the airport or heliport listed in #13 to the structure.

ITEM #15. Enter the direction from the airport or heliport listed in #13 to the structure.

ITEM #16. Enter the site elevation above mean sea level and expressed in whole feet rounded to the nearest foot (e.g. 17'3" rounds to 17', 17'6" rounds to 18'). This data should match the ground contour elevations for site depiction submitted under ITEM #20.

ITEM #17. Enter the total structure height above ground level in whole feet rounded to the next highest foot (e.g. 17'3" rounds to 18'). The total structure height shall include anything mounted on top of the structure, such as antennas, obstruction lights, lightning rods, etc.

ITEM #18. Enter the overall height above mean sea level and expressed in whole feet. This will be the total of ITEM #16 + ITEM #17.

ITEM #19. If an FAA aeronautical study was previously conducted, enter the previous study number.

ITEM #20. Enter the relationship of the structure to roads, airports, prominent terrain, existing structures, etc. Attach an 8-1/2' x 11" non-reduced copy of the appropriate 7.5 minute U.S. Geological Survey (USGS) Quadrangle Map MARKED WITH A PRECISE INDICATION OF THE SITE LOCATION. To obtain maps, contact USGS at 1-888-275-8747 or via internet at "<http://store.usgs.gov>". If available, attach a copy of a documented site survey with the surveyor's certification stating the amount of vertical and horizontal accuracy in feet.

ITEM #21.

- For transmitting stations, include maximum effective radiated power (ERP) and all frequencies.
- For antennas, include the type of antenna and center of radiation (Attach the antenna pattern, if available).
- For microwave, include azimuth relative to true north.
- For overhead wires or transmission lines, include size and configuration of wires and their supporting structures (Attach depiction).
- For each pole/support, include coordinates, site elevation, and structure height above ground level or water.
- For buildings, include site orientation, coordinates of each corner, dimensions, and construction materials.
- For alterations, explain the alteration thoroughly.
- For existing structures, thoroughly explain the reason for notifying the FAA (e.g. corrections, no record or previous study, etc.)

Filing this information with the FAA does not relieve the sponsor of this construction or alteration from complying with any other federal, state or local rules or regulations. If you are not sure what other rules or regulations apply to your proposal, contact local/state aviation's and zoning authorities.

Paperwork Reduction Work Act Statement: This information is collected to evaluate the effect of proposed construction or alteration on air navigation and is not confidential. Providing this information is mandatory or anyone proposing construction or alteration that meets or exceeds the criteria contained in 14 CFR, part 77. We estimate that the burden of this collection is an average 19 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB control number associated with this collection is 2120-0001. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave SW, Washington, DC 20591. Attn: Information Collection Clearance Officer, AES-200.

FAA GUIDANCE, COMPLIANCE, AND PROPERTY ACQUISITION

FAA Southern Region Airport Improvement Guide

<http://www.faa.gov/airports/southern/aip/>

FAA Southern Region Airport Compliance

http://www.faa.gov/airports/southern/airport_compliance/

FAA Real Property Acquisition Requirements

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24_main_02.tpl

FAA Grant Assurances

The FAA Grant Assurances are a collection of rules and regulations that every Airport Board should take the time to become very familiar with. By accepting/executing a grant from the FAA, the Airport Board is committing to these grant assurances, legally certifying that the Airport Board will abide by the rules and regulations contained therein. If, at any time, an Airport Board breaks any of these rules and regulations, they are at risk of having their FAA Grant Agreement revoked and their current and potential future funding withdrawn. Although these Grant Assurances are included with every FAA Grant Agreement submitted to the Airport Board for execution, a copy of these documents and a link is provided here:

http://www.faa.gov/airports/aip/grant_assurances/media/airport-sponsor-assurances-aip.pdf



U.S. Department
of Transportation
Federal Aviation
Administration

GRANT AGREEMENT

PART I – OFFER

Date of Offer _____

Airport/Planning Area _____

AIP Grant Number 3-21-xxxx-xxx-20xx

DUNS Number _____

TO: _____
(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

[Enter Co-Sponsor Name(s)] _____

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated , for a grant of Federal funds for a project at or associated with the _____ Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the _____ Airport (herein called the "Project") consisting of the following:

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated April 3, 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$XXXX.
For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b), the following amounts are being specified for this purpose:
 - \$0 or planning
 - \$0 for airport development or noise program implementation
 - \$0 for land acquisition.The source of this Grant may include funding from the Small Airport Fund.
2. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
3. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
5. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before , or such subsequent date as may be prescribed in writing by the FAA.
7. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
8. **United States Not Liable for Damage or Injury.** The United States is not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
9. **System for Award Management (SAM) Registration And Universal Identifier.**
 - A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final

payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

B. Requirement for Data Universal Numbering System (DUNS) Numbers

1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
3. **Data Universal Numbering System:** DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-492-0280) or the Internet (currently at <http://fedgov.dnb.com/webform>).

10. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

11. Informal Letter Amendment of AIP Projects. If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter to the Sponsor unilaterally reducing the maximum obligation. The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. If the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the FAA can issue a letter to the Sponsor amending the grant description.

By issuing an Informal Letter Amendment, the FAA has changed the grant amount or grant description to the amount or description in the letter.

12. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.

13. Financial Reporting and Payment Requirements. The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

14. Buy American. Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.

15. Maximum Obligation Increase For Nonprimary Airports. In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- A. May not be increased for a planning project;
- B. May be increased by not more than 15 percent for development projects;

- C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.
- 16. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.
- 17. Suspension or Debarment.** The Sponsor must inform the FAA when the Sponsor suspends or debars a contractor, person, or entity.
- 18. Ban on Texting While Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.
- 19. Trafficking in Persons.**
- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) that apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity) are:
1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
 2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
 3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
1. Is determined to have violated the Prohibitions; or
 2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either:
 - a. Associated with performance under this agreement; or

b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 49 CFR Part 29.

20. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated [Enter Date], is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

21. **Co-Sponsor.** The Co-Sponsors understand and agree that they jointly and severally adopt and ratify the representations and assurances contained therein and that the word "Sponsor" as used in the application and other assurances is deemed to include all co-sponsors.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

(Signature)

(Typed Name)

(Title)

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____.

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

By:

(Typed Name of Sponsor's Designated Official Representative)

Title:

(Title of Sponsor's Designated Official Representative)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of _____. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____.

By:

(Signature of Sponsor's Attorney)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.²

Executed this _____ day of _____, _____.

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

By:

(Typed Name of Sponsor's Designated Official Representative)

Title:

(Title of Sponsor's Designated Official Representative)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of _____, Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____.

By:

(Signature of Sponsor's Attorney)

² Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- t. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- y. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4,5,6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1,2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹

- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft

rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at

Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
 - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) **Programs and Activities.** If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the

sponsor's programs and activities.

- 2) **Facilities.** Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) **Real Property.** Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. **Duration.**

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. **Required Solicitation Language.** It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. **Required Contract Provisions.**

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was

notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated March 20, 2014 and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure

nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



**FAA
Airports**

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 3/20/2014

View the most current versions of these ACs and any associated changes at:
<http://www.faa.gov/airports/resources/advisorycirculars>

| NUMBER | TITLE |
|--------------------------|--|
| 70/7460-1K | Obstruction Marking and Lighting |
| 150/5020-1 | Noise Control and Compatibility Planning for Airports |
| 150/5070-6B Change 1 | Airport Master Plans |
| 150/5070-7 | The Airport System Planning Process |
| 150/5100-13B | Development of State Standards for Nonprimary Airports |
| 150/5200-28D | Notices to Airmen (NOTAMS) for Airport Operators |
| 150/5200-30C Change 1 | Airport Winter Safety And Operations |
| 150/5200-31C Change 2 | Airport Emergency Plan |
| 150/5210-5D | Painting, Marking, and Lighting of Vehicles Used on an Airport |
| 150/5210-7D | Aircraft Rescue and Fire Fighting Communications |
| 150/5210-13C | Airport Water Rescue Plans and Equipment |
| 150/5210-14B | Aircraft Rescue Fire Fighting Equipment, Tools and Clothing |
| 150/5210-15A | Aircraft Rescue and Firefighting Station Building Design |
| 150/5210-18A | Systems for Interactive Training of Airport Personnel |

| NUMBER | TITLE |
|----------------------------|--|
| 150/5210-19A | Driver's Enhanced Vision System (DEVS) Ground Vehicle Operations on Airports |
| 150/5220-10E | Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles |
| 150/5220-16D | Automated Weather Observing Systems (AWOS) for Non-Federal Applications |
| 150/5220-17B | Aircraft Rescue and Fire Fighting (ARFF) Training Facilities |
| 150/5220-18A | Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials |
| AC 150/5220-20 Change 1 | Airport Snow and Ice Control Equipment |
| 150/5220-21C | Aircraft Boarding Equipment |
| 150/5220-22B | Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns |
| 150/5220-23 | Frangible Connections |
| 150/5220-24 | Foreign Object Debris Detection Equipment |
| 150/5220-25 | Airport Avian Radar Systems |
| 150/5220-26 Change 1 | Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment |
| 150/5300-7B | FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes |
| 150/5300-13A Change 1 | Airport Design |
| 150/5300-14C | Design of Aircraft Deicing Facilities |
| 150/5300-16A | General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey |
| 150/5300-17C | Standards for Using Remote Sensing Technologies in Airport Surveys |
| 150/5300-18B Change 1 | General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards |
| 150/5320-5D | Surface Drainage Design |
| 150/5320-6E | Airport Pavement Design and Evaluation |

| NUMBER | TITLE |
|---------------|---|
| 150/5320-12C | Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces |
| 150/5320-15A | Management of Airport Industrial Waste |
| 150/5235-4B | Runway Length Requirements for Airport Design |
| 150/5335-5C | Standardized Method of Reporting Airport Pavement Strength – PCN (Draft approved for use) |
| 150/5340-1L | Standards for Airport Markings |
| 150/5340-5D | Segmented Circle Airport Marker System |
| 150/5340-18F | Standards for Airport Sign Systems |
| 150/5340-30G | Design and Installation Details for Airport Visual Aids |
| 150/5345-3G | Specification for L-821, Panels for the Control of Airport Lighting |
| 150/5345-5B | Circuit Selector Switch |
| 150/5345-7F | Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits |
| 150/5345-10G | Specification for Constant Current Regulators and Regulator Monitors |
| 150/5345-12F | Specification for Airport and Heliport Beacons |
| 150/5345-13B | Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits |
| 150/5345-26D | FAA Specification For L-823 Plug and Receptacle, Cable Connectors |
| 150/5345-27E | Specification for Wind Cone Assemblies |
| 150/5345-28G | Precision Approach Path Indicator (PAPI) Systems |
| 150/5345-39D | Specification for L-853, Runway and Taxiway Retro reflective Markers |
| 150/5345-42G | Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories |
| 150/5345-43G | Specification for Obstruction Lighting Equipment |
| 150/5345-44J | Specification for Runway and Taxiway Signs |
| 150/5345-45C | Low-Impact Resistant (LIR) Structures |

| NUMBER | TITLE |
|-------------------------|--|
| 150/5345-46D | Specification for Runway and Taxiway Light Fixtures |
| 150/5345-47C | Specification for Series to Series Isolation Transformers for Airport Lighting Systems |
| 150/5345-49C | Specification L-854, Radio Control Equipment |
| 150/5345-50B | Specification for Portable Runway and Taxiway Lights |
| 150/5345-51B | Specification for Discharge-Type Flashing Light Equipment |
| 150/5345-52A | Generic Visual Glideslope Indicators (GVGI) |
| 150/5345-53D | Airport Lighting Equipment Certification Program |
| 150/5345-54B | Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems |
| 150/5345-55A | Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure |
| 150/5345-56B | Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS) |
| 150/5360-12F | Airport Signing and Graphics |
| 150/5360-13 Change 1 | Planning and Design Guidelines for Airport Terminal Facilities |
| 150/5360-14 | Access to Airports By Individuals With Disabilities |
| 150/5370-2F | Operational Safety on Airports During Construction |
| 150/5370-10F | Standards for Specifying Construction of Airports |
| 150/5370-11B | Use of Nondestructive Testing in the Evaluation of Airport Pavements |
| 150/5370-13A | Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt |
| 150/5370-15B | Airside Applications for Artificial Turf |
| 150/5370-16 | Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements |
| 150/5370-17 | Airside Use of Heated Pavement Systems |
| 150/5380-6B | Guidelines and Procedures for Maintenance of Airport Pavements |
| 150/5390-2C | Heliport Design |

| NUMBER | TITLE |
|-------------|----------------|
| 150/5395-1A | Seaplane Bases |

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 3/7/2014

| NUMBER | TITLE |
|------------------------------|--|
| 150/5100-14D | Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects |
| 150/5100-17 Changes 1 - 6 | Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects |
| 150/5300-9B | Predesign, Prebid, and Preconstruction Conferences for Airport Grant Projects |
| 150/5300-15A | Use of Value Engineering for Engineering Design of Airports Grant Projects |
| 150/5320-17 | Airfield Pavement Surface Evaluation and Rating (PASER) Manuals |
| 150/5370-6D | Construction Progress and Inspection Report – Airport Grant Program |
| 150/5370-12A | Quality Control of Construction for Airport Grant Projects |
| 150/5380-7A | Airport Pavement Management Program |

**U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION
 AIRPORT IMPROVEMENT PROGRAM
 SPONSOR CERTIFICATION
 DRUG-FREE WORKPLACE**

3-21-XXXX-XXX-20XX

(Sponsor)

(Airport)

(Project Number)

Description of Work:

Title 49, United States Code, section 47105(d), authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within Federal grant programs are described in Title 49, Code of Federal Regulations, Part 29. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Except for the certified items below marked not applicable (N/A), the list includes major requirements for this aspect of project implementation, although it is not comprehensive, nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standards.

| | Yes | No | N/A |
|---|--------------------------|--------------------------|--------------------------|
| 1. A statement has been (will be) published notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. An ongoing drug-free awareness program has been (will be) established to inform employees about: | | | |
| a. The dangers of drug abuse in the workplace; | | | |
| b. The sponsor's policy of maintaining a drug-free workplace; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Any available drug counseling, rehabilitation, and employee assistance programs; and | | | |
| d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. | | | |
| 3. Each employee to be engaged in the performance of the work has been (will be) given a copy of the statement required within item 1 above. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Employees have been (will be) notified in the statement required by item 1 above that, as a condition employment under the grant, the employee will: | | | |
| a. Abide by the terms of the statement; and | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. | | | |

| | Yes | No | N/A |
|---|--------------------------|--------------------------|--------------------------|
| 5. The FAA will be notified in writing within ten calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of the employee, to the FAA. Notices shall include the project number of each affected grant. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. One of the following actions will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted: | | | |
| a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. | | | |
| 7. A good faith effort will be made to continue to maintain a drug-free workplace through implementation of items 1 through 6 above. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

I have prepared documentation attached hereto with site(s) for performance of work (street address, city, county, state, zip code). There are no such workplaces that are not identified in the attachment. I have prepared additional documentation for any above items marked "no" and attached it hereto. I certify that, for the project identified herein, responses to the forgoing items are accurate as marked and attachments are correct and complete.

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

(Typed Name of Sponsor's Designated Official Representative)

(Typed Title of Sponsor's Designated Official Representative)

(Date)

FAA Advisory Circulars

The FAA, through their many years of experience and expertise, has created a series of documents that provide guidance in most aspects of airport development. These documents are known as “Advisory Circulars” and can provide valuable information about the development of your airport, from administrative matters to planning to engineering and design standards. These documents are constantly reviewed, improved, and updated as new information is gathered and included. Here you will find a link to the FAA Advisory Circular Index, from which you can search for more information on the topic in question:

http://www.faa.gov/airports/resources/advisory_circulars/

Here is a list of a few of the more common, relevant FAA Advisory Circulars pertaining to your airport:

- AC 150/5300-13A – Airport Design
- AC 150/5100-17 – Airport Property Acquisition
- AC 150/5100-14D – Consultant/Engineer Selection
- AC 150/5340-30H – Airport Lighting
- AC 150/5340-18F – Airport Signage
- AC 150/5340-1L – Airport Markings
- AC 150/5370-2F – Airport Safety During Construction

Please note that these Advisory Circulars are constantly updated. Please be sure that you are using the most up-to-date Advisory Circular. If you have any questions regarding the information in the Advisory Circular or the version you are viewing, please contact your FAA Program Manager in the FAA-Memphis District Office.

FAA Forms and Documents

Included here are several of the most common FAA forms used during the course of an FAA-funded project. These forms are:

- Standard Form 424 – FAA Project Application
- Standard Form 425 – FAA Federal Financial Report
- Standard Form 271 – FAA Outlay Report and Request for Reimbursement
- FAA Quarterly Reporting Form
- FAA Airport Capital Improvement Plan (ACIP) Summary Page
- FAA Airport Capital Improvement Plan (ACIP) Example Data Sheet

If you or your Airport Board has any questions regarding these documents or how to complete them for submittal, please contact your FAA Program Manager in the FAA-Memphis Airports District Office or your airport consultant.

APPLICATION FOR FEDERAL ASSISTANCE

| | | | |
|--|--|---|------------------------------|
| 1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction | | 2. DATE SUBMITTED | Applicant Identifier |
| Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction | | 3. DATE RECEIVED BY STATE | State Application Identifier |
| | | 4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier |

5. APPLICANT INFORMATION

| | | | |
|----------------------|-----------|--|-------------|
| Legal Name: | | Organizational Unit: | |
| | | Department: | |
| Organizational DUNS: | | Division: | |
| Address: Street: | | Name and telephone number of person to be contacted on matters involving this application (give area code) | |
| | | Prefix: | First Name: |
| City: | | Middle Name: | |
| County: | | Last Name: | |
| State: | Zip Code: | Suffix: | |
| Country : | | Email: | |

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

| | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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|--|--|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

8. TYPE OF APPLICATION:

New Continuation Revision

If Revision, enter appropriate letter(s) in box(es):
(See back of form for description of letters)

| | |
|--|--|
| | |
|--|--|

Other (specify)

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER

| | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | - | | | | | | | | | | | | | | | | | | |
|--|--|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

TITLE:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT

| | |
|------------|-------------|
| Start Date | Ending Date |
|------------|-------------|

15. ESTIMATED FUNDING

| | | |
|-------------------|----|-----|
| a. Federal | \$ | .00 |
| b. Applicant | \$ | .00 |
| c. State | \$ | .00 |
| d. Local | \$ | .00 |
| e. Other | \$ | .00 |
| f. Program income | \$ | .00 |
| g. TOTAL | \$ | .00 |

7. TYPE OF APPLICANT: (See back of form for Application Types)

| |
|--|
| |
|--|

Other (specify)

9. NAME OF FEDERAL AGENCY

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

:

14. CONGRESSIONAL DISTRICTS OF

| | |
|--------------|------------|
| a. Applicant | b. Project |
|--------------|------------|

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS

a. Yes. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE:

b. No. PROGRAM IS NOT COVERED BY E. O. 12372

OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

Yes If "Yes" attach an explanation No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

| | | |
|---|--------------------------------------|-------------|
| Prefix | First Name | Middle Name |
| Last Name | Suffix | |
| b. Title | c. Telephone number (give area code) | |
| d. Signature of Authorized Representative | e. Date Signed | |

INSTRUCTIONS FOR THE SF 424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|-----------|-----------------------|--------------|-----------------|-------------|---------------|---------------|------------------------|-------------------|--------------------|---------------------|--------------------------------|--------------------------------|--|-------------------|-------------------|----------------------|----------------------|---|
| <p>Item Entry:</p> <p>1. Select Type of Submission.</p> <p>2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).</p> <p>3. State use only (if applicable)</p> <p>4. Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.</p> <p>5. Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail, and fax of the person to contact on matters related to this application.</p> <p>6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.</p> <p>7. Enter the appropriate letter in the space provided.</p> <table border="0" style="width: 100%; margin-left: 20px;"> <tr> <td style="width: 50%;">A. State</td> <td style="width: 50%;">I. State Controlled Institution of Higher Learning</td> </tr> <tr> <td>B. County</td> <td>J. Private University</td> </tr> <tr> <td>C. Municipal</td> <td>K. Indian Tribe</td> </tr> <tr> <td>D. Township</td> <td>L. Individual</td> </tr> <tr> <td>E. Interstate</td> <td>M. Profit Organization</td> </tr> <tr> <td>F. Intermunicipal</td> <td>N. Other (Specify)</td> </tr> <tr> <td>G. Special District</td> <td>O. Not for Profit Organization</td> </tr> <tr> <td>H. Independent School District</td> <td></td> </tr> </table> <p>8. Select type from the following list:</p> <ul style="list-style-type: none"> • "New" means a new assistance award. • "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. • "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter: <table border="0" style="width: 100%; margin-left: 20px;"> <tr> <td style="width: 50%;">A. Increase Award</td> <td style="width: 50%;">B. Decrease Award</td> </tr> <tr> <td>C. Increase Duration</td> <td>D. Decrease Duration</td> </tr> </table> <p>9. Name of Federal agency from which assistance is being requested with this application.</p> <p>10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.</p> | A. State | I. State Controlled Institution of Higher Learning | B. County | J. Private University | C. Municipal | K. Indian Tribe | D. Township | L. Individual | E. Interstate | M. Profit Organization | F. Intermunicipal | N. Other (Specify) | G. Special District | O. Not for Profit Organization | H. Independent School District | | A. Increase Award | B. Decrease Award | C. Increase Duration | D. Decrease Duration | <p>Item Entry:</p> <p>11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g. construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.</p> <p>12. List only the largest political entities affected (e.g., State, counties, cities).</p> <p>13. Enter the proposed start date and end date of the project.</p> <p>14. List the applicant's Congressional District and any District(s) affected by the program or project.</p> <p>15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.</p> <p>16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.</p> <p>17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.</p> <p>18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)</p> |
| A. State | I. State Controlled Institution of Higher Learning | | | | | | | | | | | | | | | | | | | | |
| B. County | J. Private University | | | | | | | | | | | | | | | | | | | | |
| C. Municipal | K. Indian Tribe | | | | | | | | | | | | | | | | | | | | |
| D. Township | L. Individual | | | | | | | | | | | | | | | | | | | | |
| E. Interstate | M. Profit Organization | | | | | | | | | | | | | | | | | | | | |
| F. Intermunicipal | N. Other (Specify) | | | | | | | | | | | | | | | | | | | | |
| G. Special District | O. Not for Profit Organization | | | | | | | | | | | | | | | | | | | | |
| H. Independent School District | | | | | | | | | | | | | | | | | | | | | |
| A. Increase Award | B. Decrease Award | | | | | | | | | | | | | | | | | | | | |
| C. Increase Duration | D. Decrease Duration | | | | | | | | | | | | | | | | | | | | |

FEDERAL FINANCIAL REPORT

(Follow form instructions)

| | | |
|---|---|---------------------------|
| 1. Federal Agency and Organizational Element to Which Report is Submitted Federal Aviation Administration | 2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment) . | Page of 1 1 pages |
|---|---|---------------------------|

3. Recipient Organization (Name and complete address including Zip code)
 KY Department of Aviation, 90 Airport Road, Frankfort, KY 40601

| | | | | |
|---|----------------------------------|--|--|--|
| 4a. DUNS Number 137 834 081 | 4b. EIN 61-0600439 | 5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment) | 6. Report Type <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annu <input type="checkbox"/> Annual <input type="checkbox"/> Final | 7. Basis of Accounting <input type="checkbox"/> Cash <input type="checkbox"/> Accrual |
|---|----------------------------------|--|--|--|

| | |
|--|--|
| 8. Project/Grant Period (Month, Day, Year) From: 07/19/2007 To: 02/02/2011 | 9. Reporting Period End Date (Month, Day, Year) 02/02/2011 |
|--|--|

10. Transactions Cumulative

(Use lines a-c for single or multiple grant reporting)

Federal Cash (To report multiple grants, also use FFR Attachment):

| | |
|----------------------------------|--|
| a. Cash Receipts | |
| b. Cash Disbursements | |
| c. Cash on Hand (line a minus b) | |

(Use lines d-o for single grant reporting)

Federal Expenditures and Unobligated Balance:

| | |
|--|--|
| d. Total Federal funds authorized | |
| e. Federal share of expenditures | |
| f. Federal share of unliquidated obligations | |
| g. Total Federal share (sum of lines e and f) | |
| h. Unobligated balance of Federal funds (line d minus g) | |

Recipient Share:

| | |
|--|--|
| i. Total recipient share required | |
| j. Recipient share of expenditures | |
| k. Remaining recipient share to be provided (line i minus j) | |

Program Income:

| | |
|---|--|
| l. Total Federal program income earned | |
| m. Program income expended in accordance with the deduction alternative | |
| n. Program income expended in accordance with the addition alternative | |
| o. Unexpended program income (line l minus line m or line n) | |

| 11. | a. Type | b. Rate | c. Period From | Period To | d. Base | e. Amount Charged | f. Federal Share |
|------------------|---------|---------|----------------|-----------|-------------------|-------------------|------------------|
| Indirect Expense | | | | | | | |
| | | | | | g. Totals: | 0 | 0 |

12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation:

13. Certification: By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and intent set forth in the award documents. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)

| | |
|--|--|
| a. Typed or Printed Name and Title of Authorized Certifying Official Craig Farmer, Transportation Engineer Branch Manager, KY Department of Aviation | c. Telephone (Area code, number, and extension) (502) 564-4480 d. Email Address craig.farmer@ky.gov |
| b. Signature of Authorized Certifying Official | e. Date Report Submitted (Month, Day, Year) |

14. Agency use only:

Standard Form 425 - Revised 6/28/2010
 OMB Approval Number: 0348-0061
 Expiration Date: 10/31/2011

Paperwork Burden Statement
 According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is 0348-0061. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0061), Washington, DC 20503.

Quarterly Performance Report

Date Submitted:

Grant Number:

Airport:

Location:

Reporting Period (Check One):

Fiscal Year: _____

| | |
|--------------------------|---|
| <input type="checkbox"/> | 1 st Quarter (Oct, Nov, Dec) |
| <input type="checkbox"/> | 2 nd Quarter (Jan, Feb, Mar) |
| <input type="checkbox"/> | 3 rd Quarter (Apr, May, Jun) |
| <input type="checkbox"/> | 4 th Quarter (Jul, Aug, Sep) |

Actual Accomplishments vs. Baseline goals

| Task Item | Baseline Schedule | Revised Schedule | Actual Completion |
|-----------|-------------------|------------------|-------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Explanation for slippage of goals: *(Provide impact of slippage for all subsequent task items)*

Impact to other AIP funded Projects:

- No Impact** *(Check only if there is no impact to other AIP funded projects)*
- Potential Impact** *(Identify below an impacts to other AIP funded projects)*

Impacts to PFC, F&E or Owner funded projects:

- No Impact** *(Check only if there is no impact to PFC, F&E or Owner funded projects)*
- Potential Impact** *(Identify below any impacts to PFC, F&E or Owner funded projects)*

Summary of Cost Overruns:

NONE

Performance Reporting Requirement

Federal Regulation 49 CFR Part 18 establishes uniform administrative requirements for grants to State and Local Governments. Sub-part 18.40 addresses monitoring and reporting requirements for Grantees. Grantees are responsible for managing the day-to-day operations of grant activities to ensure compliance with applicable Federal requirements. A grantee is required to submit a performance report for each fiscal quarter. This report must be submitted within 30 days of the end of the reporting period. The collection of this information is addressed under OMB control number 2105-0520.

The performance report shall as a minimum include the following:

1. Comparison of actual accomplishments to the objectives established for the period
2. Identify reasons for slippage
3. Identify impacts to other projects
4. Identify and explain any anticipated cost overruns

This form is a suggested format for submitting the required quarterly performance information. Other formats may be used provided the above information is properly addressed.

The tracked accomplishments will vary per the type of project. The following examples list recommended tasks for specific project types.

Design Only Projects

| Task Item |
|---|
| Establish Grant Agreement |
| Notice To Proceed to A/E firm |
| Submittal of Final Plans and Specifications |
| Submit Design Grant Closeout (SF-271, Invoices) |

Construction/Equipment Projects

| Task Item |
|-------------------------------------|
| Establish Grant Agreement |
| Notice-To-Proceed |
| Substantial Completion |
| Final Acceptance |
| Submit Grant Closeout Documentation |

Land Projects

| Task Item |
|-------------------------------------|
| Establish Grant Agreement |
| Complete Property Closure |
| Submit Grant Closeout Documentation |

Planning Projects

| Task Item |
|---|
| Establish Grant Agreement |
| Approval of Critical Design Aircraft/Forecast |
| Review Documents Completed |
| Final Signed Documents |
| Submit Grant Closeout Documentation |

ACIP DATA SHEET

| | | | | | |
|------------------|--|-----------------------|--|--|--|
| AIRPORT | | LOCAL PRIORITY | | UPDATED | |
| WORK ITEM | | | | Identify FY that you desire to construct | |

SKETCH:

 JUSTIFICATION:

SPONSOR SIGNATURE: _____ DATE: _____

PRINTED NAME: _____ TITLE: _____

 COST ESTIMATE:
FAA USE ONLY

| GRANT NUMBER | NPIAS CODE | WORK CODE | FAA PRIORITY | FEDERAL \$ |
|--------------|------------|-----------|--------------|------------|
| | | | | |

**TC 56-16A – Request for State Funds for Airport Development
(KDA Project Preapplication)**

- This is the first step for any project that requires state-only funding.
- For a project with all (or mostly) state funding, this form is crucial to ensure your project is considered for funding. Although we try to consider projects that are discussed in meetings with Airport Boards or mentioned in Airport Board minutes, the “Request for State Funds” is the only way to make sure your project is discussed during state project funding meetings.
- The estimated cost included on the “Request for State Funds” is not a maximum amount allowed to be funded. This amount is to help the KDA with our budgeting and give the funding committee some rough idea of how much a project is going to cost. Until the actual Project Application is submitted and approved, the cost of your project is not “set in stone”.
- That being said, it is important that your estimate be at least realistically close to the actual amount the project will be. When the bids are opened and the Project Application is submitted, it is okay to be a little over (around $\pm 10\%$), but if the project cost is significantly higher than the estimated cost from the “Request for State Funds”, it may be necessary to re-evaluate the project (decrease the scope, re-bid, etc.)
- This form must be signed by the Airport Board Chairman (or duly designated authority) in order to be accepted. The Airport Board Attorney does not need to sign this form.
- Except under special circumstances (such as a greater than 7.5% state share, a project that requires special instructions, etc.) you will not receive a project selection letter for federally funded projects. It is assumed that the state will contribute either 7.5% or 5% on any federally funded project (assuming a 90% federal share).
- Although this letter is a commitment to the Airport Board from the KDA to assist with funding of the project, there are **no guarantees** of funding until a contract is in place between the Airport Board and the KY Transportation Cabinet (KYTC).



TRANSPORTATION CABINET

COMMONWEALTH OF KENTUCKY

DEPARTMENT OF AVIATION

TC 56-15AE

Rev. 5/05

Request for State Funds for Airport Development

Request is hereby made for State Funds in planning a project under the Kentucky Airport Development Program in accordance with the provisions of KRS 183.764, and the regulations prescribed thereunder by the Secretary of the Kentucky Transportation Cabinet.

Name & Address of Public Agency Sponsoring Project

Name of Airport

LOCATION OF AIRPORT OR AIRPORT SITE

No. of Miles

Direction

From City of:

County

Latitude

" N

Longitude

" W

DESCRIPTION OF WORK PROPOSED

STATUS OF SPONSOR'S FUNDS

| | | Amount | Availability |
|-------------------------------|--|-------------------------|--------------|
| State Funds Requested | | <input type="text"/> \$ | |
| <u>Source of Other Funds:</u> | | | |
| Federal | | <input type="text"/> \$ | |
| Local | | <input type="text"/> \$ | |
| Other | | <input type="text"/> \$ | |
| Total | | <input type="text"/> \$ | |

AUTHORITY FOR REQUEST

In accordance with the provisions of KRS 183.764

Date of Request

Sponsor

Chairman

Project Fees and Plan Review

- Once a consultant has been selected (utilizing the process outlined in FAA AC 150/5100-14D), but before a contract has been signed with that consultant for design services, a fee review may be required. No work should be done by the consultant on your project before a contract between the Airport Board and the consultant has been signed, and no contract should be signed before a consultant's fee has been submitted and approved.
- For 90% federally-funded projects, the fee review requirement is at the discretion of the FAA Program Manager for your airport. Please note that the FAA requires a fee review for proposed design/planning fees greater than \$100,000. For 100% KDA funded projects, a scope of work and fee review/approval is required through the Engineering Branch of KDA.
- If a fee review is required by the FAA, a third party consulting engineer will be responsible for reviewing and approving the design fees. The cost of this fee review is eligible for federal and state funding reimbursement.
- The KDA cannot stress enough the importance of having plans and specifications for your project submitted to the KDA and FAA for review and acceptance at least a couple of weeks before the project is advertised for bids.
- This gives our office enough time to make suggestions, discover errors, and make sure all state and federal requirements are being met before the plans are released. Failure to submit plans to the KDA in a timely manner before advertisement could result in the KDA not participating in the funding of your project (i.e. no KDA matching share).
- By involving the KDA in the planning and design process, a consultant can minimize the time required for plan review, as well as catch mistakes and miscommunications before it is too late.
- Although the professional staff of the Engineering Branch of the KDA have the experience and expertise to make the best design suggestions during plan review, it is important for the Airport Board and their consultant to note that we provide suggestions only, except in the case of a major error or design flaw. Except in those cases, it is ultimately the decision of the Airport Board and the consultant to implement the suggestions made during the plan review process.

**TC 56-15C – Project Application for State Aid for Development of Public Airports
(KDA Project/Grant Application)**

- All projects, including 90% federally funded and 100% state funded projects, require that a “Project Application” be filled out and submitted to this office. Without this form correctly filled out and submitted, no funding can be provided from the KDA for your project.
- The KDA can only accept an original signed copy of the TC 56-15C. This form may be submitted via mail or in person, but it cannot be accepted via fax or scan/email.
- The costs and funding shares shown on Page 2 of the “Project Application” should be double checked for accuracy. The funding figures should match the federal shares (as shown on the corresponding FAA Grant Agreement) exactly, and the math on the different parties shares’ percentages should be checked carefully.
- The local share of funding shown on Page 2 should also be shown on Page 3. These numbers should match. Also note that by signing and submitting this form, the Airport Board is assuring the KDA that the “local” share shown on Page 2 and Page 3 of the Grant Application will be available.
- If this is a multi-year grant, the state Project Application numbers should match the federal commitment for the first year only. When more money is available (from later years) for the project, the State Grant will be amended to include the matching share on the additional money being provided by the FAA.
- If there are any questions about what amounts to put on Page 2, it is better to call the Engineering Branch (Craig Farmer, Branch Manager) before the “Project Application” is submitted. If there are any discrepancies or mathematical errors on the application, it will be returned and required to be filled out and signed by all parties again.
- The FAA and KDA only provide funding to the whole dollar (no cents). Please make sure that all money amounts on Page 2 of the “Project Application” are rounded to the whole dollar.
- If the Airport Board does not have an attorney, some legal representative for the Airport Board must still sign the “Project Application”. Usually a city or county attorney is sufficient if the Airport Board does not have their own attorney.
- Once the TC 56-15C has been submitted, reviewed, and approved, our office will begin the process of issuing a KYTC Grant Agreement to the Airport Board. This process can take as long as 4-6 weeks, depending on responsiveness of the Airport Board, mailing time, and review/approval by the authorized parties within the KY Transportation Cabinet, including the KYTC Legal Department and the Secretary’s Office.

- In order to ensure that the grant issuance process moves as quickly and smoothly as possible, it is necessary for the Airport Board to be watching for documents from our office that require signature and return. Failure to return signed documents in a timely manner, or losing documents to be returned to our office, can delay the issuance of a KYTC Grant Agreement or cause the process to have to start over from the beginning.
- Although every effort is made to keep an up-to-date address for mailing correspondence and documents, it is ultimately the responsibility of the Airport Board to ensure that the address records at the KDA are accurate. If there are any questions regarding what address documents should be mailed to, you should contact the KDA Engineering Branch.
- Documents/correspondence submitted to the KDA Engineering Branch should be mailed to:
 - KY Department of Aviation**
 - Attn: Mr. Craig Farmer**
 - 90 Airport Road**
 - Frankfort, Kentucky 40601**
- Technically, no construction work should begin on your project until after the Airport Board has received a Notice to Proceed with Construction notification from the KDA (state funded projects only). This is because there is no guarantee of funding until after a KY Transportation Cabinet Grant Agreement has been issued. Therefore, any work authorized to begin before this State Contract has been executed has no guarantee of funding.
- More importantly, the KDA will not (and cannot) process any pay requests from consultants, contractors, etc. until after a Contract is in place.
- For 95% federally funded projects, a Notice to Proceed from the KDA is not required before construction can begin. However, a State Contract must still be in place before any state share payments can be made.



PROJECT APPLICATION FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS

PART I—PROJECT INFORMATION

The _____, hereinafter referred to as Sponsor, hereby makes application to the Kentucky Transportation Cabinet for a grant of state funds, pursuant to Kentucky Revised Statutes, Chapter 183, and regulations issued thereunder, for the purpose of aiding in financing a project for development of the _____, referred to as Airport, located at latitude ($^{\circ}$ ' " N) _____, longitude ($^{\circ}$ ' " W) _____, in the county of _____, city of _____, Commonwealth of Kentucky.

It is proposed that the project consist of the following described development, hereinafter referred to as Project:



DEPARTMENT OF AVIATION

PROJECT APPLICATION FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS

The following summary is of estimated costs of the project.

| ITEM | TOTAL COSTS | LOCAL SHARE COST | STATE SHARE COST | FEDERAL SHARE COST |
|---|-------------|------------------|------------------|--------------------|
| 1. LAND COSTS* | | | | |
| 2. CONSTRUCTION COSTS | | | | |
| a. Cost of preparation of site | | | | |
| b. Cost of paving runways, taxiways & aprons | | | | |
| c. Lighting costs | | | | |
| d. Building costs | | | | |
| e. Other miscellaneous construction costs | | | | |
| 3. PLANNING, ENGINEERING, & SUPERVISION COSTS | | | | |
| 4. ADMINISTRATIVE COSTS | | | | |
| 5. TOTAL OF ABOVE (2, 3, & 4) | | | | |
| 6. CONTINGENCIES | | | | |
| 7. OTHER | | | | |
| 8. TOTAL (of all estimated project costs) | | | | |

* Include cost incidental to acquiring land & administration.



PROJECT APPLICATION FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS

PART II—CERTIFICATION

In requesting the Transportation Cabinet, Commonwealth of Kentucky, to enter into a grant agreement, the Sponsor hereby represents and certifies as follows:

1. LEGAL AUTHORITY—The Sponsor has the legal power and authority:

- (A) to do all things necessary in order to undertake and carry out the Project in conformity with state and federal statutes, acts, and regulations; and
- (B) to carry out all the provisions of this application.

2. FUNDS—The Sponsor now has on deposit, or is in a position to secure, _____, which represents all monies necessary to complete the Sponsor's share of the project as presented in this Project Application.

3. LAND—The Sponsor holds the fee simple title to all necessary tracts of land that are to be developed or used as part of, or in connection with, the airport. Said interests are compatible with state and federal planning and zoning standards.

4. POSSIBLE DISABILITIES—There are no facts or circumstances (*including the existence of effective or proposed leases, use agreements, or other legal proceedings*), which:

- (A) are known or by due diligence might be known;
- (B) in reasonable probability might make it impossible for the sponsor to carry out and complete the project or carry out the provisions of the project application, either by limiting its legal or financial ability or otherwise; and
- (C) Have not been brought to the attention of an authorized representative of the Kentucky Transportation Cabinet



PROJECT APPLICATION FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS

PART III—SPONSOR'S ASSURANCES

1. In order to secure financial assistance from the Kentucky Transportation Cabinet for the development of the airport, the Sponsor warrants to the Secretary and assures that the said airport and all the facilities thereon, or connected therewith, necessary for airport purposes, subject to ordinary wear and tear, without favor to or discrimination against any person or class of persons by reason of race, color, creed, or national origin, will be kept open and operated as such for the use of said airport for aeronautical purposes will be granted; that it will prevent the use of any land, either within or outside the boundaries of said airport, in any manner which would create a hazard to the landing, taking off, or maneuvering of aircraft at the airport or otherwise that would limit the usefulness of the said airport.
2. That in any agreement, contract, lease, or other arrangement for aeronautical services or activities, the contractor shall be required to charge fair, reasonable, and not unjustly discriminatory prices for each unit of service subject to review by the Sponsor and the Kentucky Transportation Cabinet.
3. Nothing contained herein shall be construed to prohibit the granting or exercise of an exclusive right for the furnishing of non-aviation products or supplies, or any service of a non-aeronautical nature.
4. The Sponsor will operate and maintain in a safe and serviceable condition the airport and all facilities thereon and connected therewith that are necessary to serve the aeronautical users. Nothing contained herein, however, shall be construed to require that the airport be operated for aeronautical uses during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance.
5. The Sponsor will replace or repair all buildings, structures, and facilities developed under the project, that are destroyed or damaged.
6. Insofar as it is within its power and is reasonable, the Sponsor will, either by the acquisition and retention of the easements or other interests in or rights for the use of land or airspace or by adoption and enforcement of zoning
 - (A) prevent the construction, erection, alteration, or growth of any structure, tree, or other object in the approach areas of the runways of the airport, that would constitute an obstruction to air navigation according to the criteria or standards prescribed by Federal Aviation Regulations or Kentucky Airport Zoning Regulations, and;
 - (B) Take action to restrict the use of land adjacent to or in the immediate vicinity of the airport, to activities and purposes compatible with normal airport operations including landing and takeoff of aircraft.

**PROJECT APPLICATION FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS****PART III—SPONSOR'S ASSURANCES** *(continued)*

7. The Sponsor will keep up to date at all times an airport layout plan of the airport showing:

- (A) the boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned and controlled by the Sponsor for airport purposes, and proposed additions thereto;
- (B) the location and nature of all existing and proposed airport facilities and structures (*such as runways, taxiways, aprons, terminal buildings, hangars, and roads, including all proposed extensions and reductions of existing airport facilities*); and
- (C) the location of all existing and proposed non-aviation areas and of all existing improvements thereon.

Such airport layout plan, and each amendment, revision, or modification thereof, shall be subject to the approval of the Federal Aviation Administration, hereinafter referred to as FAA, and/or the Kentucky Transportation Cabinet, which approval shall be evidenced by the signature of a duly authorized representative of the FAA and/or the Kentucky Transportation Cabinet on the face of the airport layout plan. The Sponsor will not make or permit the making of any changes or alterations in the airport or any of its facilities other than in conformity with the airport layout plan as approved by the FAA and/or the Kentucky Transportation Cabinet if such changes or alterations might adversely affect the safety, utility, or efficiency of the airport.

8. The Sponsor shall be responsible to attach a color-coded drawing, when applicable, which accurately depicts the location of the project in reference to the entire airport.
9. On all projects whereby the FAA is not participating, the Sponsor will ensure open competition by using request for proposal (RFP) and/or sealed bid advertisements in statewide publications and the World Wide Web.
- (A) The Sponsor will solicit three (3) written quotes for a project/purchase less than \$20,000.
 - (B) The Sponsor will solicit sealed bids for a project/purchase greater than \$20,000, in accord with KRS 45A, the Model Procurement Code.



DEPARTMENT OF AVIATION

PROJECT APPLICATION FOR STATE AID FOR DEVELOPMENT OF PUBLIC AIRPORTS

If the project, or any portion thereof, is approved by the Secretary of the Kentucky Transportation Cabinet and financial assistance is accepted by the Sponsor from the said department; it is understood and agreed that all airport development included in such project will be accomplished in accordance with the Kentucky Revised Statutes and the regulations, plans, and specifications for such development, as approved by the Secretary. This agreement and the covenants made herein-a-part shall become effective on the date below stated and shall remain in full force and effect throughout the useful life of the facilities developed under this project; but in any event for a minimum of twenty (20) years from said date. Closure, disposal, sale, release, or transfer of all or a portion of the property, structures, or facilities affected or resulting from this agreement may be subject to reimbursement of State funds and shall not be made without prior approval of the Kentucky Transportation Cabinet.

In witness whereof, the Sponsor has caused this project application to be duly executed in its name, this date:
_____ day of _____, _____.

Opinion of Sponsor's Attorney

I hereby certify that the Chair or other duly authorized representative has the legal authority to sign this project application on behalf of the sponsor and all statements of law made in this project application and all legal conclusions upon which the representations and covenants contained herein are based, are in my opinion true and correct.

SIGNATURE (chair/ representative)

X

NAME (chair/representative)

TITLE

DATE

NAME (official airport board)

SIGNATURE (legal counsel)

X

NAME (legal counsel)

TITLE

DATE

NAME (firm)

ADDRESS (street)

CITY

STATE

ZIP

TC 31-519 – KY Transportation Cabinet Standard Invoice

- The TC 31-519 (KYTC Standard Invoice) is the KDA equivalent of the Federal Outlay. It is the form used by the Airport Board to request payment from a KYTC Grant to reimburse the Airport Board for costs associated with the project (administrative fees, consultant fees, contractor fees, etc.)
- The KYTC Standard Invoice must be signed and dated by an authorized member of the Airport Board.
- The KDA can only accept an original signed copy of the TC 31-519. This form may be submitted via mail or in person unless authorized by our office. In some special, approved cases, it may be submitted via fax or scan/email.
- In general, the form number should match the corresponding FAA Federal Outlay (Federal Outlay #X = Standard Invoice #X).
- Detailed information about the pay request should be included with the Standard Invoice.
 - o For pay requests involving contractor invoices, the contractor's invoice should be attached and signed by the project observer and a representative of the contractor to ensure that the listed quantities are correct.
 - o For pay requests involving consultant invoices, the consultant's invoice should be attached.
 - o For all other applicable project expenses, a detailed invoice from the vendor to the Airport Board must be submitted.
 - o All vendor invoices **MUST MATCH** the amounts shown on the KYTC Standard Invoice.
- This "back-up" documentation must be submitted with the corresponding KY Standard Invoice in order for the information on the form to be reviewed and approved. If this information is not included, or the invoice numbers do not match, the KY Standard Invoice will not be approved and processed for payment. Please note that, unless otherwise discussed, any additional KY Standard Invoices for the same project submitted after the incomplete one will also not be processed until all issues are resolved.
- The "*Name and Address of Vendor*", as listed on the KYTC Standard Invoice must match the vendor's address as entered in the KYTC accounting system. If these addresses do not match, the KYTC Standard Invoice will be rejected and must be re-done, re-signed, and re-submitted. If you or your consultant is unsure of the address recorded in the KYTC accounting system, please contact KDA Engineering Branch. It is the responsibility of the Airport Board (and not KDA) to keep this information up-to-date within the KYTC accounting system.
- The "*Invoice Date*", as listed on the KYTC Standard Invoice, must fall within the current biennium, as listed on the Purchase Order (PO2) form. If the date listed does not fall

within this two year period, the KYTC Standard Invoice will be rejected and must be re-done, re-signed, and re-submitted. If you or your consultant is unsure of what dates are eligible on the form, please either contact KDA Engineering Branch or leave this field BLANK.

- When a project is complete and the last KYTC Standard Invoice is being submitted, please indicate that it is the final KYTC Standard Invoice by including the word **FINAL** in the "Invoice No." field (i.e. *Invoice No. 9, FINAL*) This let's our office know that it is the last KY Standard Invoice to be expected for this project and we can begin the process of closing the KYTC Grant. However, before submitting a KYTC Standard Invoice as "FINAL", please ensure that it is, in fact, the final invoice. Once a KYTC Grant has been closed/liquidated, it is very difficult to make additional payments without issuing a new KYTC Grant Agreement.

**KENTUCKY TRANSPORTATION CABINET
DEPARTMENT OF AVIATION
STANDARD INVOICE**

DELIVERED TO: Transportation Cabinet

Invoice No. _____

DIVISION OR DISTRICT: DEPARTMENT OF AVIATION

Invoice Date _____

Contract No. PO2 615

ADDRESS TO WHICH DELIVERED: 90 AIRPORT ROAD, BUILDING 400
FRANKFORT, KY 40601

State Project No. _____

FAA Prog. Code _____

NAME AND ADDRESS OF VENDOR _____

Terms DUE UPON RECEIPT

| ITEM NO. | DESCRIPTION | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|----------|-------------|----------|------|------------|----------------------------------|
| 1 | | | | | |
| | TOTAL | | | | |
| | | | | | <i>*rounded to whole dollars</i> |

For office use only

Total Amount \$.00*

I hereby certify that the commodities or services specified above have been furnished to the Commonwealth of Kentucky; that the quality and prices conform to the proposal and purchase order or contract; and that payment, in whole or in part, has not been received.

1. Partial payments are authorized on Purchase Contract if indicated there on.
2. Use a separate invoice for each order or contract. Partial payments will not be made unless separate shipments and/or payments are authorized in the contract.
3. Be certain to insert the purchase order or contract number and the account number in spaces provided.
4. Vendor's certification must be signed on all copies.
5. FAILURE TO COMPLY WILL RESULT IN RETURN OF INVOICE FOR CORRECTION.

FIRM _____

SIGNED BY _____

NAME AND TITLE _____

Type or Print

Project Final Walkthrough and Project Closeout

- Under most circumstances, a final walkthrough will be required before final payment is authorized.
- Preferably, this final walkthrough should take place **after** the punch list has been prepared and the punch list items completed. The final walkthrough is not meant to generate a punch list of items to complete. The project should be **substantially complete** BEFORE a final walkthrough meeting is scheduled.
- Attendees of the final walkthrough should include a representative of the Airport Board, a representative of the contractor, a representative of the consulting engineer (either the project manager or construction administrator), the state Aviation Engineer and the project observer (usually an employee of the consulting engineer).
- If the Airport Board or the consulting engineer wants the KDA engineer to come to an inspection prior to the final inspection, it can be arranged. However, in general, it is part of the consulting engineers' job to handle any issues and make sure that the project is substantially complete before the final inspection.
- Upon completion of the final walkthrough by the KDA, and with the approval of the Airport Board that the project is substantially complete, a FINAL KYTC Standard Invoice can be submitted and will be approved (see section on TC 31-519).
- If the KDA Engineering Branch or the Airport Board representative do not agree that the project is substantially complete, the final payment will not be made until all parties are satisfied that the project has been completed. If necessary, another final walkthrough will be scheduled with the KDA.
- Once a project has been completed, the KDA requires an electronic set of "as-built" plans be submitted to our office, either by the Airport Board or their consultant. Our office tries to keep a permanent record of all completed projects, including field deviations from the design plans, so that this information can be used to assist in the development of future projects and future design plans. Submittal of these "as-built" drawings via CD/DVD may be required before final KDA payment will be made.

Airport Board Information

The KY Department of Aviation takes communication and correspondence with the Airport Boards very seriously. To that end, we strive to keep the most up-to-date records of the contact information for your Airport Board. This includes member information for all of your members, as well as information regarding your Fixed Business Operators (FBO's), Airport Managers, and local officials. However, this database of contact information can only be kept up-to-date and relevant with your assistance.

Furthermore, it is critical to our KYTC Grant issuing process that mailing information provided to us is accurate. Serious delays and lost documents are only some of the problems associated with incorrect or outdated information.

Please help yourselves by helping us keep our records as current as possible. Whenever there is a change in Airport Board Member or person associated with your Airport, please complete the form included here and submit it to:

**KY Department of Aviation
Attn: Ms. Melissa Scott
90 Airport Road
Frankfort, Kentucky 40601**



**KENTUCKY SALES AND USE TAX
 MONTHLY AVIATION FUEL TAX CREDIT SCHEDULE
 OF QUALIFIED CERTIFICATED AIR CARRIERS**

Carrier _____ Sales Tax Account No. _____

Address _____ Report for:
 _____ Period Beginning _____
 _____ Period Ending _____

Instructions: Only carriers that have qualified with the Department of Revenue may claim the aviation fuel tax credit. Complete this schedule for each month of each fiscal year period (July 1–June 30). The information provided will document the company’s aviation fuel tax credit claimed, and it will ensure that the tax remitted on the purchase of aviation fuel, including jet fuel, is properly credited to the Kentucky Aviation Economic Development Fund. Mail the completed form to the address below by the return due date for the reporting period indicated above.

Sales and Use Tax Division
 P. O. Box 181, Station 53
 Frankfort, Kentucky 40602-0181

1. Gallons of aviation fuel reported as purchased on line 23 of this month’s sales and use tax return..... _____
2. Purchase price of aviation fuel included on line 23 of this month’s sales and use tax return \$ _____
3. Gross Kentucky sales and use tax applicable to this month’s aviation fuel purchases (line 2 x .06) \$ _____
4. Compensation (line 3 x .01) (shall not exceed \$50) \$ _____
5. Net Kentucky sales and use tax on aviation fuel purchases (line 3 minus line 4)..... \$ _____
6. Current fiscal year tax on aviation fuel purchases through this month (line 6 from last monthly Form 51A130 plus line 5 above)..... \$ _____
7. Tax Credit Threshold \$ 1,000,000
8. Total fiscal year tax credit through this month (Line 6 minus line 7. If line 6 is less than \$1,000,000, then enter 0) \$ _____
9. Aviation Fuel Tax Credit applicable this month (line 8 above minus Line 8 of Form 51A130 for preceding month)..... \$ _____

I declare, under penalties of perjury, that this schedule has been examined by me and, to the best of my knowledge and belief, it is true, correct and complete.

 Signature Title Date



KENTUCKY SALES AND USE TAX AVIATION FUEL DEALERS SUPPLEMENTARY SCHEDULE

Dealer:

E-Mail:

Address:

Sales Tax Account
Number:

City:

Period Beginning
(mm/dd/yyyy):

State: KY

Period Ending
(mm/dd/yyyy):

ZIP:

Name of
Airport:

If you wish to print this form and mail it in click here



INSTRUCTIONS: *To ensure that the tax collected from sales of aviation fuel, including jet fuel, is properly credited to the Kentucky Aviation Economic Development Fund, provide the following information as requested below. Complete the information for each period for which the business files a sales and use tax return within 20 days following the Period Ending indicated above. Mail the completed schedule to the address below.*

**Kentucky Department of Revenue
Division of Sales and Use Tax
PO Box 181, Station 67
Frankfort, KY 40602-0181**

Amount of taxable receipts included on line 22 of the sales tax return from sales of aviation fuel, including jet fuel \$

Gross Kentucky sales and use tax applicable to taxable aviation fuel receipts (line 1 x .06) \$

Compensation (Deduct 1.75% of the first \$1,000 and 1.5% of the amount in excess of \$1,000 with a \$50 cap. Total compensation \$

may not exceed \$50.)

Net Kentucky sales and use tax for aviation fuel receipts (line 2 minus line 3) \$

I declare, under penalties of perjury, that this schedule has been examined by me and, to the best of my knowledge and belief, it is true, correct and complete.

Signature

Title

**Date
(mm/dd/yyyy)**

**Phone (5025551234)no
hyphens**

NOTE: Entering your name will act as your "electronic signature"

This document is a supplementary schedule to be filed separately from and in addition to the company's regular Kentucky sales and use tax return.

The Kentucky Transportation Cabinet, Division of Aviation, has advised that failure to complete the supplementary schedule may result in loss of current and future airport funding.

Do Not Send Payment With This Form

Submit

Reset

Please print this form for your records before submitting

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All rights reserved.

Airport Board Consultants
Design Engineering, Aviation Planning, Environmental Analysis, and Construction
Observation

Almost any project for airport improvement or planning will require the Airport Board to enter into an agreement (contract) with a consulting firm. The decision on which firm to select for professional services is one of the most important decisions the Airport Board will make. The process for the procurement of professional services is covered under **FAA AC 150/5100-14D** and should be reviewed carefully to ensure that the Airport Board is adhering to all applicable FAA requirements.

Typically, most Airport Boards complete the selection process as outlined in FAA AC 150/5100-14D and select an engineer using qualifications-based selection for a 3-5 year “continuing services agreement”. This means that, within the designated 3-5 year period, an Airport Board may enter into a contract for a specific project at an approved fee with the selected consultant without having to re-do the selection process for each individual project. However, it is important to note that a continuing services agreement does not require that an Airport Board continue in a relationship with a specific consultant for the full 3-5 year period. At any time during the agreed upon time period, an Airport Board may “re-select” a consulting firm, as long as the qualifications-based selection process described in FAA AC 150/5100-14D is implemented.

The KY Transportation Cabinet, Division of Professional Services is tasked with maintaining and administering a list of consultants who have been determined to be “pre-qualified” in various aviation-related fields. Although the KYTC Division of Professional Services administers this list, the KY Department of Aviation, Engineering Branch determines which firms have the minimum necessary requirements for prequalification status.

A consulting firm MUST be prequalified by KYTC Division of Professional Services in order to do the associated work on a project with KYTC/KDA funds in the project. If an Airport Board chooses to employ a consultant who is not on the prequalified list, those consulting services are not eligible for reimbursement with KYTC/KDA funding.

The KYTC Division of Professional Services maintains an up-to-date list of prequalified aviation consultants. The link to this list is:

<http://transportation.ky.gov/Professional-Services/Prequalified%20Firms/Aviation.pdf>

Attached you will find a copy of the most recent prequalified consultants list, as of December 2014. It is highly recommended that this list be referenced when selecting a consultant for professional services at your airport.

If your Airport Board would like the contact information for any of these firms, please contact the Engineering Branch of the KY Department of Aviation.

Aviation

| DBE | Name | Aviation Systems Planning | Airport Master Planning | Airport Design | Airport Project Inspection | Airport Noise Analysis | Renewal Date |
|-------------------------------------|---|---------------------------|-------------------------|----------------|----------------------------|------------------------|--------------|
| <input type="checkbox"/> | AMEC Environment & Infrastructure, Inc. | | | | X | | 2016-01-01 |
| <input type="checkbox"/> | American Engineers, Inc. | X | X | X | X | | 2015-03-01 |
| <input type="checkbox"/> | Applied Pavement Technology, Inc. | X | X | X | X | | 2015-05-01 |
| <input type="checkbox"/> | Arnold Consulting Engineering & Surveying, In | X | X | X | X | | 2015-07-01 |
| <input type="checkbox"/> | Atkins North America, Inc. | X | X | X | X | | 2015-10-01 |
| <input type="checkbox"/> | AVCON, Inc. | X | X | X | X | | 2015-02-28 |
| <input type="checkbox"/> | Baker Michael, Jr., Inc. | X | X | X | X | X | 2014-09-30 |
| <input type="checkbox"/> | Barge, Waggoner, Sumner and Cannon, Inc. | X | X | X | X | | 2014-12-31 |
| <input type="checkbox"/> | Brandstetter Carroll, Inc. | | X | X | X | | 2014-10-31 |
| <input type="checkbox"/> | Burgess & Niple, Inc. | X | X | X | X | | 2014-11-30 |
| <input type="checkbox"/> | Butler, Fairman & Seufert, Inc. | X | X | X | X | | 2015-07-01 |
| <input type="checkbox"/> | CHA Consulting | X | X | X | X | X | 2014-09-30 |
| <input checked="" type="checkbox"/> | Connico, Inc.* | | | | X | | 2015-04-01 |
| <input type="checkbox"/> | Corradino Group, Inc. | X | X | X | X | X | 2015-04-01 |
| <input checked="" type="checkbox"/> | Cotter Consulting, Inc.* | | | | X | | 2014-10-31 |
| <input type="checkbox"/> | Crawford, Murphy & Tilly, Inc. | | X | X | X | X | 2014-11-30 |
| <input type="checkbox"/> | DDS Engineering, PLLC | | | | X | | 2015-03-01 |
| <input type="checkbox"/> | EA Partners, PLC | | | X | X | | 2014-12-31 |
| <input type="checkbox"/> | Garver, LLC | X | X | X | X | | 2015-04-01 |
| <input type="checkbox"/> | GRW Engineers, Inc. | X | X | X | X | | 2015-08-01 |
| <input checked="" type="checkbox"/> | Hall-Harmon Engineers, Inc.* | | X | X | | | 2014-10-31 |
| <input type="checkbox"/> | Hanson Professional Services, Inc. | X | X | X | X | X | 2015-07-01 |
| <input type="checkbox"/> | Hatch, Mott MacDonald T&T, Inc. | X | X | X | X | | 2014-10-31 |
| <input type="checkbox"/> | HDR Engineering, Inc. | X | X | X | X | | 2015-02-01 |
| <input type="checkbox"/> | HMB Professional Engineers, Inc. | | | X | X | | 2014-05-31 |
| <input type="checkbox"/> | HNTB Corporation | X | X | X | X | X | 2015-10-01 |
| <input type="checkbox"/> | ICA Engineering, Inc. | | | X | X | | 2015-07-01 |
| <input checked="" type="checkbox"/> | Integrated Engineering, PLLC* | | | | X | | 2015-09-01 |
| <input type="checkbox"/> | Jacobs Engineering Group, Inc. | | | | X | | 2015-10-01 |

| DBE | Name | Aviation Systems Planning | Airport Master Planning | Airport Design | Airport Project Inspection | Airport Noise Analysis | Renewal Date |
|-------------------------------------|--|---------------------------------|-------------------------------|-------------------|----------------------------------|------------------------------|--------------|
| <input type="checkbox"/> | Johnson, Ronald & Associates, PSC | | | X | X | | 2014-09-30 |
| <input checked="" type="checkbox"/> | Khafra Engineering Consultants, Inc.* | | | | X | | 2014-11-30 |
| <input type="checkbox"/> | Kimley-Horn and Associates, Inc. | X | X | X | X | | 2015-04-01 |
| <input type="checkbox"/> | M.L. Arnold and Associates, LLC | X | X | X | X | | 2014-11-30 |
| <input type="checkbox"/> | McGhee Engineering, Inc. | | | X | X | | 2015-07-01 |
| <input type="checkbox"/> | MSE of Kentucky, Inc. | | X | X | X | | 2015-03-01 |
| <input type="checkbox"/> | Neel-Schaffer, Inc. | X | X | X | X | | 2015-06-01 |
| <input type="checkbox"/> | Palmer Engineering | | | X | X | | 2014-07-31 |
| <input type="checkbox"/> | Parsons Brinckerhoff, Inc. (form. PB Americas) | X | X | X | X | X | 2015-07-01 |
| <input type="checkbox"/> | PDC Consultants, LLC | C | C | C | C | C | 2015-07-01 |
| <input checked="" type="checkbox"/> | Shrewsberry & Associates* | X | X | X | X | X | 2015-03-01 |
| <input type="checkbox"/> | Simmons Engineering, Inc. | | | X | X | | 2015-08-01 |
| <input type="checkbox"/> | Stantec Consulting Services, Inc. | X | X | X | X | | 2015-07-01 |
| <input type="checkbox"/> | TERRACON Consultants | | | | X | | 2015-01-01 |
| <input type="checkbox"/> | Tetra Tech, Inc. (form. PDR) | | | X | X | | 2015-10-01 |
| <input type="checkbox"/> | URS Corporation | X | X | X | X | X | 2015-07-01 |
| <input type="checkbox"/> | Vaughn & Melton Consulting Engineers Inc. | | | | X | | 2015-09-01 |
| <input type="checkbox"/> | Woolpert, Inc. | X | X | X | X | | 2015-04-01 |

DAILY INSPECTION CHECKLIST MONTH: _____

DAY OF THE MONTH / *Unsatisfactory Items Require Inspectors Initials.*

| INSPECTORS INITIALS | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---------------------|----------------------------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|
| Pavement Areas | Pavement Lip Over 3" | | | | | | | | | | | | | | | | |
| | Hole 5" Diam. 3" Deep | | | | | | | | | | | | | | | | |
| | Cracks/Spalling/Bumps | | | | | | | | | | | | | | | | |
| | FOD: Gravel/Debris/Etc. | | | | | | | | | | | | | | | | |
| | Rubber Deposits | | | | | | | | | | | | | | | | |
| | Ponding/edge Dams | | | | | | | | | | | | | | | | |
| Safety Areas | Ruts/Humps/Erosion | | | | | | | | | | | | | | | | |
| | Drainage/Construction | | | | | | | | | | | | | | | | |
| | Objects/Frangible Bases | | | | | | | | | | | | | | | | |
| Markings and signs | Visible/Standards | | | | | | | | | | | | | | | | |
| | Hold Lines/Signs | | | | | | | | | | | | | | | | |
| | Frangible Signs | | | | | | | | | | | | | | | | |
| Lighting | Obscured/Dirty/Faded | | | | | | | | | | | | | | | | |
| | Damaged/Missing | | | | | | | | | | | | | | | | |
| | Inoperative | | | | | | | | | | | | | | | | |
| | Faulty Aim/Adjustment | | | | | | | | | | | | | | | | |
| Navigational Aids | Rotating Beacon | | | | | | | | | | | | | | | | |
| | Wind Indicators | | | | | | | | | | | | | | | | |
| | MALSR's/VASI's/PAPI's | | | | | | | | | | | | | | | | |
| Obstructions | Obstruction Lights | | | | | | | | | | | | | | | | |
| | Cranes/trees | | | | | | | | | | | | | | | | |
| Fueling Operations | Fencing/Gates/Signs | | | | | | | | | | | | | | | | |
| | Fuel Marking/Labeling | | | | | | | | | | | | | | | | |
| | Fire Extinguishers | | | | | | | | | | | | | | | | |
| | Grounding Clips | | | | | | | | | | | | | | | | |
| | Fuel Leaks/Vegetation | | | | | | | | | | | | | | | | |
| Snow & Ice | Surface Conditions | | | | | | | | | | | | | | | | |
| | Snowbank Clearances | | | | | | | | | | | | | | | | |
| | Lights & Signs Obscured | | | | | | | | | | | | | | | | |
| | NAVAIDS/ Fire Access | | | | | | | | | | | | | | | | |
| Construction | Barricades/Lights | | | | | | | | | | | | | | | | |
| | Equipment Parking | | | | | | | | | | | | | | | | |
| ARFF | Equipment/Crew Avail. | | | | | | | | | | | | | | | | |
| Public Protection | Fencing/Gates | | | | | | | | | | | | | | | | |
| | Signs | | | | | | | | | | | | | | | | |
| Wildlife Hazards | Dead Birds/Flocks of Birds | | | | | | | | | | | | | | | | |
| | Deer or other Animals | | | | | | | | | | | | | | | | |

NOTES: _____

DAILY INSPECTION CHECKLIST MONTH: _____

DAY OF THE MONTH / *Unsatisfactory Items Require Inspectors Initials.*

| INSPECTORS INITIALS | | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
|---------------------|----------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Pavement Areas | Pavement Lip Over 3" | | | | | | | | | | | | | | | |
| | Hole 5" Diam. 3" Deep | | | | | | | | | | | | | | | |
| | Cracks/Spalling/Bumps | | | | | | | | | | | | | | | |
| | FOD: Gravel/Debris/Etc. | | | | | | | | | | | | | | | |
| | Rubber Deposits | | | | | | | | | | | | | | | |
| | Ponding/edge Dams | | | | | | | | | | | | | | | |
| Safety Areas | Ruts/Humps/Erosion | | | | | | | | | | | | | | | |
| | Drainage/Construction | | | | | | | | | | | | | | | |
| | Objects/Frangible Bases | | | | | | | | | | | | | | | |
| Markings and signs | Visible/Standards | | | | | | | | | | | | | | | |
| | Hold Lines/Signs | | | | | | | | | | | | | | | |
| | Frangible Signs | | | | | | | | | | | | | | | |
| Lighting | Obscured/Dirty/Faded | | | | | | | | | | | | | | | |
| | Damaged/Missing | | | | | | | | | | | | | | | |
| | Inoperative | | | | | | | | | | | | | | | |
| | Faulty Aim/Adjustment | | | | | | | | | | | | | | | |
| Navigational Aids | Rotating Beacon | | | | | | | | | | | | | | | |
| | Wind Indicators | | | | | | | | | | | | | | | |
| | MALSR's/VASI's/PAPI's | | | | | | | | | | | | | | | |
| Obstructions | Obstruction Lights | | | | | | | | | | | | | | | |
| | Cranes/trees | | | | | | | | | | | | | | | |
| Fueling Operations | Fencing/Gates/Signs | | | | | | | | | | | | | | | |
| | Fuel Marking/Labeling | | | | | | | | | | | | | | | |
| | Fire Extinguishers | | | | | | | | | | | | | | | |
| | Grounding Clips | | | | | | | | | | | | | | | |
| | Fuel Leaks/Vegetation | | | | | | | | | | | | | | | |
| Snow & Ice | Surface Conditions | | | | | | | | | | | | | | | |
| | Snowbank Clearances | | | | | | | | | | | | | | | |
| | Lights & Signs Obscured | | | | | | | | | | | | | | | |
| | NAVAIDS/ Fire Access | | | | | | | | | | | | | | | |
| Construction | Barricades/Lights | | | | | | | | | | | | | | | |
| | Equipment Parking | | | | | | | | | | | | | | | |
| ARFF | Equipment/Crew Avail. | | | | | | | | | | | | | | | |
| Public Protection | Fencing/Gates | | | | | | | | | | | | | | | |
| | Signs | | | | | | | | | | | | | | | |
| Wildlife Hazards | Dead Birds/Flocks of Birds | | | | | | | | | | | | | | | |
| | Deer or other Animals | | | | | | | | | | | | | | | |

NOTES: _____

5010 Information

The FAA maintains an Airport Master Record for every airport in the National Plan of Integrated Airport System (NPIAS), containing important information about your airport, including airside geometry data, approach aid information, facilities and services, based aircraft and operations numbers, and obstruction data.

The FAA has tasked the KY Department of Aviation to complete a "5010 Survey" at each airport at least once every three years. This is accomplished via a comprehensive site visit at some point in this three year period, at which the Airport Safety Inspector will gather the information needed to keep the 5010 form up-to-date and accurate. During this inspection, a great deal of information is collected to be included on the Airport Master Record. Because of this, it is extremely important that some representative of the Airport Board assist in scheduling this inspection with the KDA Safety Inspector and attend the inspection at the scheduled time.

More importantly, the FAA uses the information recorded on the Form 5010 when discussing the current state of your airport. Especially important to the FAA are the number of based aircraft, annual operations, and the obstruction data. The obstruction clearance slope (57 OBSTN CLNC SLOPE) must be at 20:1 or better, and all obstructions to the FAA Part 77 Surfaces are recorded. The FAA pays special attention to obstructions to these surfaces and requires them to be clear for safety purposes. On more than one occasion, the FAA has limited grant issuance to projects that will mitigate these surface obstructions before grants can be spent on any other projects.

For all these reasons, it is imperative that the information collected and submitted on the Form 5010 be as accurate as possible. It is only through a partnership with KDA and the Airport Board that this form can be completed accurately and the issues identified can be mitigated in a timely manner.

If you have any questions regarding the Part 77 Surfaces, including projects to mitigate obstructions to these surfaces, we strongly recommend you discuss the issues with your engineering consultant or your Program Manager at the FAA-Memphis Airports District Office.

For specific questions regarding the FAA Form 5010, you may contact the Airport Safety Inspector for the KY Department of Aviation.

Steve Marcozzi
Steve.marcozzi@ky.gov
502.564.4480

Also included here for your reference is the most recent FAA Form 5010 for the Capital City Airport (Frankfort, KY), dated 01/08/15.

Economic Development Considerations

Airport Value

- The FAA estimates that a typical GA airport with 100 based aircraft and no commercial service generates over \$1M annually in transportation benefits.
- A recent Virginia study (with an Aviation infrastructure similar to Kentucky's) found the following conclusions:

Due to the multiplier effect of airport construction spending, each \$1 spent on airport construction generated \$2 in economic activity. In addition, airport construction projects are highly leveraged by federal funds. These two factors mean that airport development projects impact the State's economy **more than 25 times** the amount contributed by State and local funds.

Each dollar spent by aviation and/or aviation-dependent businesses generates an additional \$1.52 in economic activity.

Airport jobs are desirable, and the average airport wage was 40 percent higher than the average Virginia salary.

For every job at the airport, nearly three are created in the visitor-related economy.

Aviation-related businesses and their employees annually contribute \$105 million in local taxes.

Aviation facilities attract new industry to the commonwealth (of Virginia); and many visitors arriving by air spend about \$70 per day in this geographical area.

Virginia's average general aviation airport has only 23 based aircraft but contributes \$1.6 million per year in economic activity, most of which is spent locally.

Protect the Airport

- One of the most incompatible land uses near airports is residential encroachment.
- Good zoning decisions and advance planning documents must be put in place before a problem arises.
- Land use and development plans are among the most potent ways to protect an airport while still allowing development near an airport.
- Keep in mind your AIP grant assurances.
- Proper zoning of land on and around the airport can prevent the need to acquire land in fee or easement to protect the airport.

Community relations

- Involve the airport with local civic organizations.
- Get involved with the local schools. Support an Aviation education program.
- Keep track of businesses, tourism, etc., using airport services.
- Prepare a presentation on the value of the airport for civic leaders that can be given on short notice.
- Sponsor special events such as airport anniversary celebrations, military reserve days, air races, static displays, fly-in breakfasts, dedication of new buildings, youth group activities, career days, student art showings, antique shows, and warbird displays.
- Get familiar with the local media. Know their contacts, style, politics and audience.