



Boire Field (ASH), Nashua, New Hampshire
January 15, 2019

AIP and ABGP Training

Agenda

- Roles Within Airport Block Grant Program
- Project Progression
- Oversight
- NH Airport Improvement and Maintenance Program
- Other Expectations
- Resources



August 31, 2012 Ribbon Cutting for New Runway 14-32



AIP and ABGP Training

Housekeeping Items

- Exits
- Restrooms
- Breaks
- Take questions along the way and at end
- Participation is encouraged!

AIP and ABGP Training

Organizational Chart



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AIP and ABGP Training

Role - FAA

Title 49 US Code Chapter 401

The U.S. Department of Transportation through their Federal Aviation Administration (FAA) is tasked with the development of civil aeronautics and safety of air commerce in and outside of the United States.

Title 49 US Code Chapter 471

The FAA's Airport Improvement Program (AIP) details can be found here.

Title 49 US Code §47128

The FAA's State Block Grant Program is described here. Per Public Law 115-254, Section 139 expands the maximum number of qualified states from 10 to 20 in this program.



FAA Goals:

1. **Safety:** Reduce transportation-related fatalities and serious injuries across the transportation system;
2. **Infrastructure:** Invest in infrastructure to ensure mobility and accessibility and to stimulate economic growth, productivity, and competitiveness for American workers and businesses;
3. **Innovation:** Lead in the development and deployment of innovative practices and technologies that improve the safety and performance of the Nation's transportation system; and
4. **Accountability:** Serve the Nation with reduced regulatory burden and greater efficiency, effectiveness, and accountability.

One Hundred Fifteenth Congress
of the
United States of America

AT THE SECOND SESSION
*Began and held at the City of Washington on Wednesday,
the third day of January, two thousand and eighteen*

An Act

To provide protections for certain sports medicine professionals, to reauthorize Federal aviation programs, to improve aircraft safety certification processes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FAA Reauthorization Act of 2018".

AIP and ABGP Training

Role - NHDOT

Early History

NH's first aeronautics' laws were passed in 1929 establishing the Public Service Commission to regulate aviation in the state and to allow municipalities to acquire land by eminent domain to establish operating landing fields.

NH RSA 422 – NH Aeronautics Act

422:4 Duties of Commissioner

422:5 Enforcement of Laws

422:7 Investigations

422:9 State Airways System

422:14 Acceptance of Federal Aid

422:15 Federal Aid for Airport and Airway Development

State Airport Block Grant Program

NHDOT joined this Program in 2008.



STATE OF NEW HAMPSHIRE: STATE BLOCK GRANT PROGRAM MEMORANDUM OF AGREEMENT Final Version

AN AGREEMENT by and between the Bureau of Aeronautics, representing the New Hampshire Department of Transportation, and the New England Region Airports Division, representing the Federal Aviation Administration.

WHEREAS, the New Hampshire Department of Transportation has been selected by the Federal Aviation Administration (FAA) on the basis of an application dated July 17, 2007 to administer federal aid funds under the Block Grant Program,

NOW THEREFORE, the New Hampshire Department of Transportation and FAA do hereby agree to the following understandings and commitments with respect to the Block Grant Program.

ABBREVIATIONS AND DEFINITIONS

Unless otherwise stipulated, the term "State" in this Agreement shall mean the Bureau of Aeronautics of the New Hampshire Department of Transportation. The term "FAA/RO" shall mean the New England Region Airports Division of the Federal Aviation Administration and the term "FAA" shall apply generally to the Federal Aviation Administration. The term "Agreement" shall mean this Memorandum of Agreement. "SBGP" means state block grant program. "Discretionary Funds" means amounts apportioned to airports in the State pursuant to 49 United States Code §47115. "SBGP Funds" means all Funds administered by the State under its State Block Grant Program.

ARTICLE ONE –TERMAND SCOPE OF THIS AGREEMENT

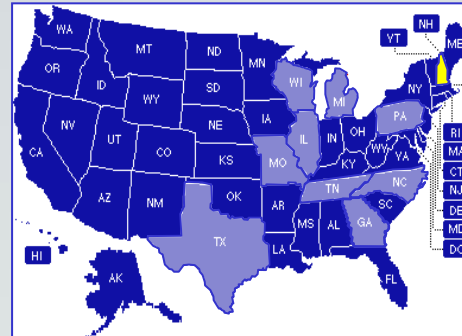
- 1.1 Unless otherwise stipulated, the responsibility of State in carrying out the terms of this Agreement and the Block Grant Program shall begin on the date of the latest signature of this Agreement and will be revisited when a new Airport Improvement Program (AIP) legislation is signed into Public Law. Revisions will be made in accordance with program changes under said revised legislation. In addition, this Agreement may be amended, replaced by a superseding Agreement, or terminated at any time by mutual agreement of both parties.
- 1.2 Exception to this period is that the State agrees that it will continue to administer under the Block Grant Program, projects approved by it before the ending date of this Agreement, even though the final phases of administration and close out of such projects may continue beyond the ending date of this Agreement.
- 1.3 The FAA shall administer all projects approved after the ending date of this Agreement, and shall assume compliance responsibilities for Block Grant projects after the end date of this Agreement, except those then in progress which shall transfer to the FAA upon closure by the State.

AIP and ABGP Training

Role – NHDOT - continued

State Airport Block Grant Program

- Applies to non-primary airports in NH.
- NHDOT must follow federal laws, regulations, rules, and other federal requirements in the implementation of AIP at these airports.
- NHDOT must employ FAA grant assurances at these airports.
- NHDOT is required to recover grant funds spent fraudulently, wastefully, or misused in any other manner at these airports.
- NHDOT is responsible for monitoring project accomplishments.
- NHDOT is responsible for assuring that all agreements and assurances with airport sponsors are met.
- FAA will refer airport sponsors and their consultants to NHDOT for all active and proposed Block Grant projects.
- FAA retains has some involvement with projects in which AIP discretionary funds are requested.



Federal Aviation
Administration

Advisory Circular

Subject: State Block Grant Program

Date: 10/31/2016

AC No: 150/5100-21

Initiated By: APP-520

1. Purpose.

This advisory circular (AC) provides guidance for application to and implementation of the State Block Grant Program (SBGP).

2. Application.

The information contained in this AC is intended for states and airport sponsors who participate, or plan to participate, in the SBGP. For states already in the SBGP, the use of this AC is mandatory.

States contemplating application to the SBGP must be familiar with this AC. See Aviation Block Grant Program Grant Assurance No. 4 and standard Airport Improvement Program (AIP) Assurance No. 34, "Policies, Standards, and Specifications."

3. Implementation.

All states currently in the SBGP must submit an implementation plan for the requirements contained in this AC no later than January 2, 2017. The State Block Grant States (SBGS) must evaluate their program internally using the requirements of this AC to determine program gaps and the resources and time needed to meet those requirements. It is highly recommended for SBGS to develop an implementation plan in coordination with the Region/ADO. The FAA's goal is to have updated Memorandum of Agreement's (MOAs) executed between the current SBGS and the FAA no later than September 30, 2017 for the FY-2018 AIP grant program.

4. Feedback on this AC.

If you have suggestions for improving this AC, you may use the Advisory Circular Feedback form at the end of this AC.

A handwritten signature in blue ink, appearing to read "Elliott Black".

Elliott Black
Director of Airport Planning and Programming

AIP and ABGP Training

Role – NHDOT - continued



NHDOT is Responsible for the following at Block Grant Airports (list is not all encompassing):

- Programming AIP funds
- Administering AIP grants
- Enforcing Grant Assurances
- Approving or providing input into OE/AAA cases
- CATEx and EA approvals if no discretionary funding is involved
- ALP approvals
- Labor compliance with US Department of Labor
- Reviewing and processing all grant reimbursements
- Project reviews including on-site inspections
- CSPP review and comments incorporated into FAA determinations
- Informal and FAR Part 13 complaints
- Concurrence with record of negotiations
- Concurrence with bid award concurrence
- Concurrence with Single Audit Reports
- Acceptance of project closeout documentation



AIP and ABGP Training

Role – City of Nashua/Nashua Airport Authority



Overview

- Non-Primary Airport
- Reliever to BOS
- National Category General Aviation Airport

Vision Statement

To be the first choice airport in the region for General Aviation pilots, attracting businesses and fostering a culture of education and enthusiasm for aviation.

Role as an FAA-Obligated Airport

To facilitate access to the National Airspace System in a safe, efficient manner in accordance with its grant assurances.

Summary of Development at Boire Field (ASH)

Year Project	FAA Grant Number	Project Description	Total Project Cost	FAA Share
1951	9-27-017-4901	Land acquisition; clearing; construct and pave runway extension; install segmented circle and wind cone; air and runway marking; repair and resealing of the existing runway and taxiway.	\$55,718	
1955	9-27-017-0506	Surface runway extension 100 feet x 300 feet; runway and taxiway marking; grading and turfing runway shoulders.	\$0,622	
1960	9-27-017-5903	Land acquisition, consisting of a perpetual easement and right of way for the installation, operation and maintenance of a hazard beacon on Panel 5, as shown on Exhibit "A-1" to the Project Application; taxiway construction; installation of runway and obstruction marking.	\$30,188	
1960	9-27-017-0004	Construct taxiway 3,550' x 40'; install taxiway signs.	\$60,000	
1964	9-27-017-6305	Extend runway 455' x 100' NW; including lighting; reconstruct runway pavement 2,000' x 100'; overlay runway pavement 1,545' x 100'; construct Taxiway "B" 850' x 40'; construct Taxiway "C" 350' x 40'; construct Taxiway "E" 580' x 40'; clearing in clear zones; relocate airport road in SE clear zone; drainage; runway and taxiway marking.	\$233,934	
1967	9-27-017-C606	Drain swamp area; install medium intensity approach lighting system with sequenced flashing condenser discharge lights.	\$54,058	
1969	9-27-017-C807	Land acquisition for NW clear zone (25 acres); extend, mark and light Runway 14-32 (1,000' x 100'); relocate MALS, REILS and VASI; obstruction removal; extend taxiway (2,140' x 40'); overlay and mark Runway 14-32 (550').	\$291,482	
1975	7-33-0012-02-76	Aviation easements under approach and clear zone to Runway 14 (79 acres).	\$240,000	
1982	3-33-0012-01	Acquire land for development.	\$88,528	90%
1983	3-33-0012-02	Remove and light obstructions; construct taxiways; expand apron; install taxiway signs; acquire land for approaches; improve drainage and install fencing.	\$604,900	90%
1984	3-33-0012-03	Expand snow removal equipment storage building; acquire snow removal equipment.	\$525,000	90%
1985	3-33-0012-04	Construct apron.	\$497,504	90%
1986	3-33-0012-05	Install security fencing; construct runway safety area.	\$196,813	90%
1987	3-33-0012-06	Rehabilitate and mark Runway 14 - 32.	\$796,884	90%
1987	3-33-0012-07	Airport Master Plan Update study.	\$85,778	90%
1988	3-33-0012-08	Land acquisition - clear zone, Runway 32.	\$185,058	90%
1988	3-33-0012-09	Construct noise compatibility plan study.	\$121,646	90%
1990	3-33-0012-10	Extend taxiway (40' x 1332') and parking apron (400' x 250'); demolish hangar; install security fencing (2250 LF).	\$584,371	90%
1991	3-33-0012-11	Land acquisition (approx. 5 acres) in the Runway 12 runway protection zone.	\$94,280	90%
1991	3-33-0012-12	Reconstruct parallel taxiway, diagonal taxiways and stub taxiways (approx. 39,400 SY); construct bypass taxiway (approx. 1,845 SY).	\$466,044	90%
1992	3-33-0012-13	Construct access road (2600 LF); install security fencing (2400 LF).	\$432,167	90%
1992	3-33-0012-14	EA of Holten property acquisition.	\$34,750	90%

AIP and ABGP Training

Role – City of Nashua/Nashua Airport Authority (continued)

City of Nashua/Nashua Airport Authority is responsible for the following (list is not all encompassing):

- Planning studies reviews
- Construction plans and specifications reviews
- CSPP reviews
- Coordinate IFEs
- Prepare Record of Negotiations
- Understand and enforce grant assurances
- DBE contractor approvals
- ALP review and approvals
- Construction change orders review and approval
- Engineering supplemental agreements review and approval
- Address contractor, tenant, and neighborhood complaints
- Responsible and must enforce safety documents and grant conditions



AIP and ABGP Training

Project Progression

Overview

1. Capital Improvement Programming
2. Project Scoping
3. Project Grant Applications and Grant Offers
 - a) NH's Governor & Council Review and Approval Process
 - b) FAA's Approval Process for Funding
 - c) NHDOT's Funding Process
4. Project Reviews and Oversight
5. Project Grant Reimbursements
 - a) NH is a Channeling Act State
6. Project Closeouts

AIP Project Types

Planning (not eligible for grant amendments):

- Planning studies
- Environmental studies

Development (eligible for grant amendments up to 15% of original grant if funding is available):


- Design/Construction
- Equipment acquisition
- Land/easement acquisition
- Noise program
- Security program

AIP is a “reimbursement” program.

Development Projects Tips:

- Design Only project (if a usable unit of work can be obtained) must be followed by a Construct Only project(s) that implement the design within 2 years of closing out the design only project.
- Design-Construct project must wait until the grant offer is approved following bid opening before requesting any grant reimbursement requests.

Project Progression – Capital Improvement Programming

State of New Hampshire Department of Transportation, Bureau of Aeronautics Request for Airport Improvement Program Funds			3rd Draft - FY 2020-2029 - For CIP Meeting with FAA DRAFT - For Discussion Purposes Only																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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“If it’s not on the CIP and not on the ALP, then AIP funding cannot be used.”

Airport Master Plans provide the written justification for the eligible capital projects.

CIP meetings are NHDOT's opportunity to look at an airport's capital needs comprehensively in concert with other funding needs in the state, region, and/or nation.

CIP vs STYP

New Hampshire Department of Transportation
Bureau of Aeronautics
CIP Process for ABGP Airports



- | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1. | Each airport in the Program prepares a draft Capital Improvement Plan (CIP) for the upcoming 10 years. The current fiscal year's projects can be changed if there are extenuating circumstances. | July-September |
| 2. | NHDOT meets with non-primary airports individually to scope upcoming projects and review airports' CIPs. | July-September |
| 3. | NHDOT compiles all draft CIPs into a draft statewide CIP and reviews project priorities and needs. | September-October |
| 4. | NHDOT and FAA meet to review airports' CIPs. | October |
| 5. | NHDOT revises statewide CIP to reflect modifications from CIP meetings and submits the statewide CIP to FAA for review and comment. | December |
| 6. | NHDOT provides a draft copy of each airport's revised CIP, including FAA comments, for airport review and comment. | January |
| 7. | Each airport confirms or provides modifications to their CIPs to NHDOT. | January |
| 8. | NHDOT incorporates CIP modifications as appropriate into the draft statewide CIP. | January |
| 9. | FAA issues current year fiscal funding guidance (may require shifting future project priorities). Lock in following FY project(s). | March-May |
| 10. | NHDOT incorporates this federal funding guidance into the draft statewide CIP and issues the final draft statewide CIP to FAA and final draft CIPs to each airport. At this time, the upcoming fiscal year's projects (and their funding sources) are "locked in" but can change if there are extenuating circumstances. | May |

Revised: October 4, 2016

AIP and ABGP Training

Project Progression – Project Scoping

- Airport sponsor and their consultant should come prepared.
- NHDOT's role is to determine eligibility and fundability of the project or individual project elements.
- May need to include an Independent Fee Estimator.
- May want to include other stakeholders.
- NHDOT prepares PERADA so airport sponsor doesn't have to.
- Airport sponsor must make sure airport consultant selection is up-to-date.

Holding a scoping meeting does not guarantee funding.

NEW HAMPSHIRE AIRPORT BUILD GRANT PROGRAM		NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION BUREAU OF AERONAUTICS SCOPING/PREDESIGN MEETING WORKSHEET (Planning or Development Projects)	
A. General:			
1. Airport:	Proposed SBG - - -		
2. Date of Meeting:			
3. Proposed Project Description (describe project deliverables):			
B. Engineer's Contract			
<i>Item</i>	<i>Address</i>	<i>Notes</i>	
1. AC 150/5100-14:	<input type="checkbox"/>	Consultant selection was carried out in accordance with this AC.	
2. Record of Negotiations:	<input type="checkbox"/>	A record of negotiations will be submitted for concurrence.	
3. Sponsor Certification for Selection of Consultants:	<input type="checkbox"/>	This certification will be included with the grant application.	
4. Independent Fee Estimate:	<input type="checkbox"/>	If consulting fees are expected to exceed \$100,000, then an IFE is required. If less than \$100,000, an IFE is optional and AIF-eligible.	
C. Planning Considerations			

[illegible]

AIP-Eligible
Justified
Necessary
Reasonable
Allowable

AIP and ABGP Training

Project Progression – Grant Applications

Expectations for grant applications:

- FAA and NHDOT shares need to be to even dollar
- NHDOT uses FAA's latest forms
- Program Narrative is used to justify project to G&C
- Use sponsor administration line for rounding
- Complete the Record of Negotiations
- Have FAA's approval of DBE goals
- CSPP approvals in hand
- Attach bid tabulation w/ engineer's estimate
- If CATEX, submit early for NHDOT approval
- Start date of project (after G&C meeting)
- If SRE acquisition, get SRE calculations accepted early
- Watch bid expiration date vs. G&C meeting date
- Look for latest Sponsor Certifications on FAA website
- ABGP = 4 signed applications; non-ABGP = 1
- Contents of Program Narrative is on NHDOT website
- Exhibit A on file or attached to application if revised
- Unless justified, sponsor admin has a threshold
- Signatures and dates in all appropriate places

Application for Federal Assistance SF-424

OMB Number: 0407-0044
Expiration Date: 06/30/2010

* 1. Type of Submission		* 2. Type of Application		* 3. Revision, select appropriate letter(s):	
<input type="checkbox"/> Preapplication		<input type="checkbox"/> New			
<input type="checkbox"/> Application		<input type="checkbox"/> Continuation		* Other (Specify):	
<input type="checkbox"/> Changed/Corrected Application		<input type="checkbox"/> Revision			
* 3. Date Received:		4. Application Identifier:			
5a. Federal Entity Identifier:		* 5b. Federal Award Identifier:			
State Use Only:					
6. Date Received by State:		7. State Application Identifier:			
8. APPLICANT INFORMATION:					
* a. Legal Name:					
* b. Employer/Taxpayer Identification Number (EIN/TIN):				* c. Organizational DUNS:	
d. Address:					
* Street 1:					
* Street 2:					
* City:					
* County:					
* State:					
* Province:					
* Country:					
* Zip/ Postal Code:					
e. Organizational Unit:					
Department Name:			Division Name:		
f. Name and contact information of person to be contacted on matters involving this application:					
* Title:					
* First Name:					
* Middle Name:					
* Last Name:					
* Suffix:					
* Title:					
Organizational Affiliation:					
* Telephone Number:					
* Fax Number:					
* Email:					

**FAA AC Checklist:
Feb. 20, 2018**

AIP and ABGP Training

Project Progression – NHDOT Funding Process

Before NHDOT can issue a grant offer to an airport sponsor, we must:

- Ensure that all pre-grant offer work has been completed satisfactorily (permits in hand, SAM.gov registration is current, CSPP is approved, SRE calculations approved, bid expiration date, etc.).
- Identify any special grant offer conditions that apply to each project.
- Confirm federal and state funding availability for each project including any Non-Primary Entitlement transfers.
- Prepare grant offer to airport sponsor in triplicate and transmit it.

During continuing resolutions, where AIP funding is distributed in parts, NHDOT collects 100% of the funding available for each part so the airport sponsors don't risk their funds.

CHECKLIST FOR GRANT OFFER READINESS			
Airport Name: _____			
Project Name/Number: _____			
	Yes, No, N/A	NHDOT Initials	Date
Grant Application is Complete (According to website)			
Airport Sponsor has current SAM.gov registration			
Record of Negotiations Approved			
E.O. 12372 Summary Received	DEF		
	USPS		
DBE Plan Approved by FAA (If over \$250,000)			
Consistent with ALP			
Construction Safety and Phasing Plan Approved			
Bid Tabulation Received with Engineer's Construction Cost Estimate			
Construction Award Recommendation Approved			
Permits Received			
Fair Market Value Approved (Land or easement acquisition)			
Title Opinion Received (Land acquisition only)			
CATEX or FONSI for NEPA Compliance Received (In Program Narrative)			
SRE Calculations Approved			
Percent Engineering (Design or Construction Projects only (Consult Cost/Contractor Cost))			
Project Org Chart			
Date Bids Expire (In Bid Book)			

Checklist for Grant Offer Special Conditions (Subgrant Agreement Checklist)			
Date Checklist is Completed: _____			
Sponsor Name (as recorded): _____			
Airport Name/Planning Area: _____			
Project #: _____			
SBG Project Title: _____			
Airport's DURS #: _____		Date of Project Grant Application: _____	
FAA State Amount: \$ _____		Percentage: % _____	
Exhibit "W" Plan Date: _____		Period of Performance End Date: _____	
		Multi-Year Grant NO YES FY to FY	
		Planning Grant YES NO	
		Airport Development Grant YES NO	
Special Grant Conditions - per June Letter to Congress 10/17/2011 - mail (APP-528 is the keeper of these)			
Multi-Year Grants - Letter of Agreement		Land committed through FY _____	
ARFF and SRE, Equipment Acquisition			
ARFF and SRE, Equipment Replacement			
ARFF, Off-Airport Storage of Vehicles			
ANOS			
ALP: Update for Air-Built			
Lighting, Operation and Maintenance			
Temporary NAVAIDS		Type of equipment: _____	
Construction on Land Not Yet Acquired: Notice to Proceed		Fence: _____	
Construction on Land Not Yet Acquired: Title Evidence		DBE Plan _____	
Environmental Approval/Permitting		Final Report _____	
EHAS: Pre-Purchase		Wishes/Issues Box _____	
Equipment Acquisition - Use for Airport Purpose			
Equipment: Friction Measuring Device			
NAVAIDS: ILS Installation			
Fence: Wildlife			
Update Exhibit "W" for Land Project			
Land Acquisition/Reacquisition/Grant Agreement			
Land Acquisition - Title Evidence			
Future Development of Land Acquired with AIP Under		Year until development occurs: _____	
Master Plan: Coordination with Local Planning Agency			
New Runway, New Airport, or Major Extension Construction		NO Term of use and large sub-airports only	
NAVAIDS: Operation and Maintenance of Airport-Owned Hardside			
New or Replacement Airport - Site Selection			
AGIS Survey Requirements			
Non-AIP Utility Erection		Utility Name: _____	
Utility Relocation		Affordable Cost: _____	
Obstruction Removal		Fence/Storage: _____	
Pavement Maintenance Management Program		Not distributed to users	
Construction Management Plan (pavement exceeding \$500,000)			
Preliminary Engineering - Design Only Projects		Justification: _____	
Use of State Highway Specifications for Pavement			
Pavement Maintenance: 5-Year Project Life			
Land Acquisition: RFP/Procurement on Airport Property			
Equipment Acquisition: RFP/Procurement			
Land Acquisition: RFP/Procurement in the Future			
Discretionary Funds - Small Airport Fund			

AIP and ABGP Training

Project Progression – FAA Funding Process

Federal Funding for NH Block Grant Airport Projects:

- Based on CIP information.
- “Pop-up” projects require special justification from NHDOT.
- FAA must have current year (or partial year) appropriations in place.
- FAA must have Office of the Secretary of Transportation (OST) approval before FAA can issue current year funding to NHDOT.
- US Congressional Delegation is makes funding announcement.
- FAA issues State Block Grant Program grant offer to NHDOT.
- NHDOT executes grant offer.
- NHDOT issues grant offers to NH Block Grant airports, if funding is sufficiently available.

Possible NEW step may be to bring the NH Block Grant application to G&C for “pre-approval” OR the FAA Block Grant offer may need to go before G&C before grant offers can be issued to NH Block Grant airports. This is a work in progress with the intent of minimizing impact to NH’s airports.

AIP and ABGP Training

Project Progression – Grant Offer (aka Grant Agreement)

Expectations for grant offers:

- NHDOT must wait until it has sufficient AIP funding before issuing a grant offer.
- NHDOT will include special grant conditions, if needed.
- NHDOT will include a 30-day timeframe to execute the grant offer, but extensions may be requested in writing.
- The grant offer and grant application must fit into blue G&C binders – double side printing where possible.
- NHDOT may change the requested grant description (e.g., grant title) to fit FAA's requirements and to allow flexibility in the project.
- NHDOT requires general liability insurance certificates from airport sponsor and airport consultant.
- NHDOT requires a Certificate of Vote from airport sponsor
- Airport sponsor signatures on grant offers must be in correct order: (1) airport sponsor, (2) airport sponsor's attorney, (3) Certificate of Vote, and (4) Notary Statement on Certificate of Vote.
- All 3 copies of grant offer must be signed and returned to NHDOT.

The airport sponsor cannot alter the grant offer. The grant offer can only be changed by a grant amendment from the NHDOT.



180 12-19-2018

GRANT AGREEMENT Part I - Offer

Date of Offer	September 19, 2018
Airport/Planning Area	Boire Field
State Block Grant Number	180 12-19-2018
DUNS Number	14-605-5731
TO:	City of Nashua, New Hampshire/Nashua Airport Authority (herein called the "Sponsor")
FROM:	The State of New Hampshire (acting through the New Hampshire Department of Transportation, herein called the "State")

WHEREAS, the Sponsor has submitted to the State a Project Application dated March 30, 2018, for a grant of Federal and State funds for a project at or associated with the Boire Field, which as approved by the State, is included as part of this Grant Agreement; and

WHEREAS, the State has approved a project for the Boire Field (herein called the "Project") consisting of the following:

Acquire Snow-Removal Equipment (grader w/ attachments)

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 March 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States, State of New Hampshire, and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,


AIP and ABGP Training

Project Progression – Governor & Council Process

NH's G&C Review/Approval Process

- Airport sponsor executed grant offer is returned to NHDOT with insurances and Certificate of Vote
- NHDOT prepares G&C request letter and attaches grant offers.
- There are 6 NHDOT reviews and approvals needed before project package is sent to NH Attorney General's office for review.
- Assuming no changes are required, once the NH AG has completed their review, the project package is brought to NH Department of Administrative Services to have the project added to the G&C agenda for the next available meeting.
- NHDOT's Commissioner attends the G&C meeting to address any questions on behalf of airport sponsors.
- G&C votes to approve, table, or deny a project.
- NHDOT will contact airport sponsor and consultant to pass along the vote status.
- G&C must approve a project in order for the FAA and NHDOT funds to flow to the airport.
- All projects will have a funding lapse date.

G & C Meeting Date	Submit to NHDOT Office by COB for All Block Grant Airport Projects	Submit to NHDOT Office by COB for All Non-Block Grant Airport Projects
01/09/2019	11/20/2018	12/06/2018
01/23/2019	12/16/2018	12/30/2018
02/06/2019	12/30/2018	01/11/2019
02/20/2019	01/11/2019	01/25/2019
03/13/2019	01/25/2019	02/08/2019
03/27/2019	02/15/2019	03/01/2019
04/17/2019	03/08/2019	03/22/2019
05/01/2019	03/22/2019	04/05/2019
05/15/2019	04/05/2019	04/19/2019
06/05/2019	04/25/2019	05/08/2019
06/19/2019	05/10/2019	05/24/2019



NEW HAMPSHIRE
William M. Gardner | Secretary of State

Administration
Airports & Airports Management
Corporation Division
Elections Division
Secretary's Organization
Transportation & Commerce Code (DOT)
Vital Records

[Home](#) > Governor and Executive Council

Governor and Executive Council

Appointments made to **Boards and Commissions** by the Governor and Executive Council (**Red Book**)
Updated December 19, 2018

[Headings Filed by the Governor and Executive Council](#)

[Schedule of Governor and Council Meetings](#)
[Information on the Executive Council](#)

Audio Disclaimer: Governor and Council Policy No. 2010-1
The written minutes remain the official minutes and become public after approval by the Governor and Executive Council.

Meeting Date	Agenda	Late Item Agenda	Minutes	Breakfast Minutes	Quick Results (Available upon request)	Audio (Click to download or explore to learn more)
January 3, 2019	View (Print: PDF)	-	View	-	View	Listen
January 9, 2019	View (Print: PDF)	-	View	-	View	Listen

Archived Minutes for
1987 - 1989 | 1990 - 1992 | 1993 - 1995 | 1996 - 1998 | 1999 - 2001
2002 - 2003 | 2004 - 2005 | 2006 - 2007 | 2008 - 2009 | 2010 | 2011 | 2012 | 2013 - 2014 | 2015 - 2016 | 2017 - 2018

engineering \$ < 15% to 20%
construction \$

AIP and ABGP Training

Project Reviews and Oversight

During each project, NHDOT must:

- Ensure that grant conditions are being followed.
- Ensure that a usable unit of work, as scoped, is produced.
- Review and approval all construction change orders.
- Review and approval engineering supplemental agreements.
- Ensure the project is adequately documented.
- Participate in all scoping, pre-construction, and final inspection meetings.
- Review and approve all aviation forecast changes.
- Review and approve all Airport Layout Plan revisions.

NHDOT Bureau of Aeronautics AIP Grant Oversight Risk Assessment Spencer Certification Checklist		Add and Details of Below Financing Temperature 10 Testing This Period (how testing test and any related summarize and/or source of any reduction)
Assign Sponsor: Below is a list of agencies designed to assist the NHDOT with assessing current policies, procedures, and responsibilities to place within your current environment. Please take a few minutes to complete the checklist by selecting all that apply to your environment. Once the checklist is completed, please sign and return a copy to NHDOT/Bureau of Aeronautics.		
A. Assign Sponsor Name and Assigner Owned or Operated by the Sponsor Introduction: The purpose of this document is to ensure whether the assign sponsor has policies, procedures, and responsibilities in place and following the proper best practices and standards that will be included all that apply to the Sponsor. Upon completion of this form, please return it to the Federal Aviation Administration.		
Section 1 - Sponsor Policies and Procedures: Please select all that apply to the Sponsor listed in Item A.		
<input type="checkbox"/> Sponsor has a documented Procurement Process. Procurement process document outlines the roles and responsibilities of each individual involved in procuring procurement transactions. This section should also include specific descriptions of duties of individuals' responsibilities and necessary documentation and approvals.		
<input type="checkbox"/> Procurement process document includes specific individuals have been authorized to approve procurement transactions. Procurement process document outlines dual selection requirements.		
<input type="checkbox"/> Procurement process document outlines purchase and usage and authorizations (if applicable). Procurement process document outlines procedures for goods and services receipt and acceptance/usage.		
<input type="checkbox"/> Procurement process document outlines process for service non-compliance and acceptance handling. Procurement process document has been reviewed and updated within the last 3 years.		
<input type="checkbox"/>		
<input type="checkbox"/>		
Sponsor has a documented Grant Oversight Process Grant Oversight process document outlines specific steps for gathering documentation required for grant applications. This includes the copy of project, cost estimates, proposed timeline of completion, and necessary internal approvals. Process document also includes steps for validating the accuracy of requested documentation and process for submission to the grantee.		
<input type="checkbox"/> Grant Oversight process document outlines role and responsibilities for managing grant funds. This includes coordination and communications of progress reports and completion checklists with the grantee in accordance with grant specifications. Process document also includes details on monitoring the expenditure management, and proper usage of funds toward the awarded project.		
<input type="checkbox"/> Grant Oversight process document outlines specific steps for grant closure. This includes the preparation and submission of required FAA forms, program reports, and other documents required by grant award. Process document also includes steps that validate the accuracy of received forms sent to submission to the grantee.		
<input type="checkbox"/> Grant Oversight process document outlines specific steps for grant record management. This includes review and receipt creation, maintenance of all program reports, issue checklists, and any additional documentation in accordance with grant specifications.		
<input type="checkbox"/> Grant Oversight process document has been reviewed and updated within the last 3 years.		

NHDOT project oversight is a requirement of the State Airport Block Grant Program MOA.

Project Progression – Grant Reimbursements

- Invoice Summary is cumulative
 - from the beginning of the project
- Recheck the amount previously reimbursed
- Instructions are available

[illegible][illegible][illegible]

- Recipient = sponsor
- Payee = NHDOT
- If using only AIP, then column A = Total column
- Recheck the math
- Instructions are available

AIP and ABGP Training

Project Progression – Grant Reimbursements (continued)

- Submit when there is a state funding share
- Columns A+B+C=D
- Column D needs to match SF 270/271
- Recheck the amount previously reimbursed
- Recheck the math
- Instructions are available online
- Be sure airport sponsor signs and dates Box 13.

New Hampshire
Department of Transportation
Bureau of Aeronautics

Application for AIP/SBG Grant Payment



Must be used for all AIP and SBG grant reimbursement payments for which there is a NHDOT share.

1. Airport Name:	2. Period Covered by this Application:	3. Sponsor Name:
CONCORD MUNICIPAL AIRPORT	Thru 3/27/16	CITY OF CONCORD
4. Airport Address:	5. Progress Payment Application Number:	6. Project Grant No.
41 GREEN ST., CONCORD, NH 03301	Two (2) FINAL	SBG-04-11-2014

	Status of Funds			
	a. FAA	b. NHDOT	c. Local	d. Total
7. Amount of Original Grant Offer	\$283,850.00	\$16,325.00	\$16,325.00	\$326,500.00
8. Total Spent to Date	\$281,975.98	\$16,220.89	\$16,220.89	\$324,417.75
9. Total Previously Reimbursed	\$7,446.95	\$413.72	\$413.72	\$8,274.39
10. Amount Spent This Period	\$284,529.03	\$15,807.17	\$15,807.17	\$316,143.38
11. Amount of Payment Request	\$284,529.03	\$15,807.17		
12. Percent Project Completed to Date				99.4%

13. Certification of Sponsor		
I certify that the statements contained in this grant payment are true and correct and that the work referred to in this application has been performed in accordance with the approved scope of work, plans, and specifications for this project.		
4/22/15 Date	Martha Drukker Printed Name	Associate City Engineer Title
		Martha Drukker Signature

14. Certification of NHDOT Representative			
I certify that the foregoing statements contained in the Sponsor's Application for grant payment are true and correct to the best of my knowledge and belief. The application has been reviewed and payment is approved.			
Date	Printed Name	Title	Signature

NHDOT Aero Form 5555
Revised July 2013

AIP and ABGP Training

Project Progression – Grant Reimbursements (continued)

- NHDOT will pay the airport sponsor for the FAA and NHDOT shares.
- NHDOT will access DELPHI to collect the reimbursement of the FAA share.
- Paper or PDF copies of the grant reimbursement documents are acceptable.
- All supporting documentation for grant reimbursements (invoices, Periodic Cost Estimates, monthly construction reports, etc.) must be included in the grant reimbursement package.
- NHDOT payments to airport sponsors may be limited near the end of the state fiscal year and/or calendar year to allow for financial audits.
- NHDOT issues an e-mail notification to airport sponsors that the FAA and NHDOT shares are being sent to the airport sponsor in the next 30 days.

Grant Reimbursement Requests (Planning Studies and Environmental Reports):

[NHDOT 5555](#) (revised 7/2013)

[SF 270](#)

[eInvoice Summary Worksheet](#)

[eInvoice Summary Worksheet Instructions](#)

Provide supporting documentation (e.g., invoices, sponsor administration receipts ...)

Note: For those nonprimary airports within the Block Grant program, NHDOT requires one (1) grant reimbursement request package and FAA will no longer receive any grant reimbursement requests. NHDOT will accept hardcopies or PDF copies of these packages e-mailed to the Bureau of Aeronautics.

Note: For those primary airports outside of the Block Grant program, FAA requires submissions of grant reimbursement requests to be done electronically in the Delphi e-Invoicing System. NHDOT still requires one (1) hardcopy or PDF of the SF 270 and eInvoice Summary Worksheet for each grant reimbursement request e-mailed to the Bureau of Aeronautics along with the NHDOT Form 5555 (if a state share is requested). NHDOT mimics the documentation requirements of the FAA, so if FAA doesn't require additional documentation, neither does NHDOT.

Note: FAA policy in April 2013 now allows the inclusion of pennies in all grant reimbursement requests! For airports in the Airport Block Grant Program, you may carry the federal (and state) pennies all the way out through project closeout. For airports not in the Airport Block Grant Program, you may carry the federal (and state) pennies only in the grant reimbursements/drawdowns but must truncate the federal pennies in your project closeout documentation.

Note: Planning and Environmental projects are not eligible for grant amendments under FAA's Airport Improvement Program (AIP). If unexpected (unscoped) project costs are incurred during one of these projects, immediately communicate this to the airport sponsor and NHDOT/Bureau of Aeronautics (for Block Grant airports) or FAA (for non-Block Grant airports). Options can then be discussed.

Grant Reimbursement Requests (Design Only, Design/Construct, Construct Only, Property Acquisition, Equipment Acquisition):

[NHDOT 5555](#) (revised 7/2013)

[SF 271](#)

[eInvoice Summary Worksheet](#)

[eInvoice Summary Worksheet Instructions](#)

Provide supporting documentation (e.g., invoices, periodic cost estimate of construction costs, sponsor administration receipts ...).

Note: For those nonprimary airports within the Block Grant program, NHDOT requires one (1) grant reimbursement request package and FAA will no longer receive any grant reimbursement requests. NHDOT will accept hardcopies or PDF copies of these packages e-mailed to the Bureau of Aeronautics.

Note: For those primary airports outside of the Block Grant program, FAA requires submissions of grant reimbursement requests to be done electronically in the Delphi e-Invoicing System. NHDOT still requires one (1) hardcopy or PDF of the SF 271 and eInvoice Summary Worksheet for each grant reimbursement request e-mailed to the Bureau of Aeronautics along with the NHDOT Form 5555 (if a state share is requested). NHDOT mimics the documentation requirements of the FAA, so if FAA doesn't require additional documentation, neither does NHDOT.

Note: FAA policy in April 2013 now allows the inclusion of pennies in all grant reimbursement requests! For airports in the Airport Block Grant Program, you may carry the federal (and state) pennies all the way out through project closeout. For airports not in the Airport Block Grant Program, you may carry the federal (and state) pennies only in the grant reimbursements/drawdowns but must truncate the federal pennies in your project closeout documentation.

Note: Development projects are eligible for grant amendments under FAA's Airport Improvement Program (AIP) but only if the additional costs are eligible, reasonable, appropriate and necessary AND if funding is available. The maximum grant amendment allowed under AIP is 15% of the original grant amount, again, only if funding is available. If unexpected (unscoped) project costs are incurred during one of these projects, immediately communicate this to the airport sponsor and NHDOT/Bureau of Aeronautics (for Block Grant airports) or FAA (for non-Block Grant airports). Supplemental Engineering Agreements and/or Change Orders may be necessary.

<https://www.nh.gov/dot/org/aerorailtransit/aeronautics/programs/blockgrants.htm>

AIP and ABGP Training

Project Progression – Project Closeout

Components of Project Closeouts:

- NHDOT website lists contents of project closeout submission.
- Project costs must match final grant reimbursement request.
- Include summaries of project information (change orders, testing results, construction photos, ALP revision, etc.).
- Include hardcopy and electronic record drawings.
- Provide 2 copies of closeout submission...NHDOT keeps one and gives the other to FAA for their records.
- Check to be sure that all required project documentation has been submitted to NHDOT.
- If a grant amendment is needed, this is the time to submit the request and associated justification.

Project documentation is important for answering audit questions by state and FAA auditor.

NEW HAMPSHIRE DOT

CHECKLIST FOR ABGP PROJECT DOCUMENTATION

Item	Sent to NHDOT? Yes, No, N/A	Date
Current Exhibit A on file at NHDOT		
Current ALP and contains current project on file at NHDOT		
Scoping meeting minutes		
Anticipated project schedule		
Transfer of Non-Primary Entitlement Funds Agreement		
E.O. 12372 Intergovernmental Review (Complete items A through D below)		
A. Section 106		
B. USFWS		
Alzone		
view by		
HOEP		
proval		
fee		
conduct by firm		
work scope of		
ants		
fee		
Pratim, As-Built, Contract, As-Built		
Pratim, As-Built, Contract, As-Built		
urce		

page 1 of 3

PROJECT CLOSURE SUMMARY

I. GENERAL INFORMATION

Airport Name: _____ Location: _____
AIP Project No.: _____ Contract No.: FA-NE-_____
Project description: _____

II. FISCAL SUMMARY (ELIGIBLE costs only)

	Amount Claimed	Amount Approved
Sponsor Administration:	_____	_____
Sponsor Force Account	_____	_____
Eng. Costs:	_____	_____
Consultant Engineering:	_____	_____
Construction:	_____	_____
Change Order(s):	_____	_____
Equipment:	_____	_____
Total:	_____	_____
Federal Share:	_____	_____

III. MISCELLANEOUS

Grant Amendment Request: Letter attached ☐ Request Amount \$ _____
Special Conditions, if applicable, met? ☐ Yes ☐ No (if no, explain) _____
ALP revisions showing project As-Built conditions: _____ (date) _____
Airport Master Record (FAA Form 5010-1) update submitted to FAA: _____ (date) _____

IV. ENGINEERING

Consultant Engineer: _____
Contract: _____ Eligible: _____ FAA Approval Date: _____
Engineering Amendment(s) Amount: _____ (eligible only)

AIP and ABGP Training

Project Progression – Project Closeout (continued)

Components of Grant Amendment:

- Letter from airport sponsor requesting grant amendment listing:
 - Additional funding amount needed
 - Purpose for which the funding will be used
 - Justification for the added costs
- Only Development Projects are eligible for grant amendments
- Maximum grant amendment request is 15% of original grant amount
- No guarantee of grant amendment funding...pending funding availability.

Tip: Because G&C approved the original grant, request 100% of original grant AND submit a second grant reimbursement request for the amendment amount. This will keep approved payments flowing to the airport sponsor.

Grant Amendment Process:

- Receipt of grant amendment request letter, supporting documentation, and associated project closeout package.
- NHDOT reviews grant amendment request and identifies available funding if eligible and justified.
- NHDOT submits 3 copies of grant amendment to airport sponsor for execution, add certificates of insurance, and certificate of vote.
- NHDOT submits grant amendment into the G&C process.
- NHDOT, AG, and G&C must all approve the grant amendment before NHDOT can process the final grant reimbursement request and close out the project.

AIP and ABGP Training

Airport Sponsor Oversight – Grant Assurances

Regulations...words to live by



- Regulators live in literal-land...literally
- Shall, must, will versus could, should, would
- Regulations are permissive...won't tell you what you can't do
- Read regulations carefully, know your obligations
- If you didn't document, then you didn't do it

Grant assurances are the strings FAA and NHDOT use to protect their airport investments. Airports use grant assurances to protect their ability to receive future FAA funding.



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

ORDER
5190.6B

Effective Date:
September 30, 2009

SUBJ: FAA Airport Compliance Manual

The Airport Compliance Program ensures airport sponsors' compliance with their federal obligations in the form of grant assurances, surplus and non-surplus obligations, or other applicable federal law. The Airport Compliance Program is administered by the FAA headquarters Airport Compliance Division (ACO-100) based in Washington, DC.

This handbook provides guidance to FAA personnel on interpreting and administering the various continuing commitments airport sponsors make to the U.S. Government when they accept grants of federal funds or federal property for airport purposes. The handbook (i) analyzes the various federal obligations set forth in legislatively mandated airport sponsor assurances, (ii) addresses the nature of the assurances and the application of the assurances in the operation of public use airports, and (iii) facilitates interpretation of the assurances by FAA personnel. This manual was designed to provide guidance to FAA personnel pertaining to the Federal Aviation Administration (FAA) Airport Compliance Program.

Randall S. Fierz

Randall S. Fierz
Director
Airport Compliance and Field Operations Division (ACO-1)

Distribution: A-W(RP)-1

Initiated By: ACO-1

AIP and ABGP Training

Airport Sponsor Oversight – Grant Assurances (continued)

Part A: General

Part B: Duration and Applicability

Part C: Sponsor Certifications

Part C: Sponsor Certifications

C.1: Includes, but not limited to, 26 federal laws, 6 Executive Orders, and 23 federal regulations.

C.2 – C.39: Specific assurances and certifications the airport sponsor will comply.

While all are important, it's worth looking at a few grant assurances in Part C which are summarized in part on the next few slides.



ASSURANCES Airport Sponsors

A. General.

1. 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.
2. 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.
3. 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.

AIP and ABGP Training

Airport Sponsor Oversight – Grant Assurances (continued)

C.4. Good Title. Airport sponsor holds good title to the landing area of the airport or site thereof.

C.5. Preserving Rights and Powers. Airport sponsor will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any of all of the terms, conditions, and assurances.

C.11. Pavement Preventative Maintenance. Airport sponsor will implement an effective airport pavement maintenance-management program for the useful life of its pavements.

C.13. Accounting System, Audit, and Record Keeping Requirements. Airport sponsor will keep records of the disposition of the proceeds of the grant in accordance with the Single Audit Act of 1984 and shall make available said records to the FAA and NHDOT for purposes of audit and examination.

AIP and ABGP Training

Airport Sponsor Oversight – Grant Assurances (continued)

C.16. Conformity to Plans and Specifications. Airport sponsor will execute project in accordance with approved plans and specifications. Any changes must be approved by the NHDOT and/or FAA.

C.17. Construction Inspection and Approval. Airport sponsor will provide and maintain competent technical supervision at the construction site throughout the project to assurance conformance to the approved plans, specifications, and schedules.

C.18. Planning Projects. Airport sponsor will execute the study in accordance with the approved scope of work, make all published materials available for public examination.

C.19. Operation and Maintenance. Airport sponsor will operate the airport and all facilities necessary to serve the aeronautical users of the airport in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable federal, state, or local agencies.

AIP and ABGP Training

Airport Sponsor Oversight – Grant Assurances (continued)

C.21. Compatible Land Use. Airport sponsor will take appropriate action, to the extent reasonable, 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.

C.22. Economic Non-Discrimination. Airport sponsor 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.

C.23. Exclusive Rights. Airport sponsor will permit no exclusive right for use of the airport by any person providing, or intending to provide, aeronautical services to the public.

C.24. Fee and Rental Structure. Airport sponsor 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 existing circumstances.

AIP and ABGP Training

Airport Sponsor Oversight – Grant Assurances (continued)

C.25. Airport Revenues. Airport sponsor will expend all revenues generated by the airport and any local aviation fuel taxes on capital or operating costs of the airport.

C.29. Airport Layout Plan. Airport sponsor will always keep up to date an airport layout plan of the airport.

C.30. Civil Rights. Airport sponsor will promptly take any measures necessary to ensure that no person in the U.S. 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 otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

C.34. Policies, Standards, and Specifications. Airport sponsor will carry out the project in accordance with policies, standards, and specifications approved by the FAA.

AIP and ABGP Training

Airport Sponsor Oversight – Complaint Resolution

Complaint Resolution Options

- Resolved internally at airport
- Employee/labor complaints resolved by USDOL
- Civil rights and disability complaints resolved by FAA/Office of Civil Rights
- Complaints about federal aviation laws, regulations, and rules resolved by FAR Part 13 process (investigated by NHDOT, FAA provides subject matter expertise)
- Formal complaints against airport operators within FAA's jurisdiction (investigated by FAA/HQ)

09/30/2009

5190.6B

Chapter 5. Complaint Resolution

5.1. Introduction. This chapter discusses both informal and formal resolution of complaints involving federally assisted airports. It discusses the process under 14 Code of Federal Regulations (CFR) Part 13 for informal complaints and the process under 14 CFR Part 16 for formal complaints. More space is devoted to informal resolution since Part 16 procedures are described in detail in that regulation and because regional personnel will primarily be involved in informal resolution. Title 14 CFR Part 13, section 13.1, provides the public the means of reporting compliance violations of federal laws affecting air transportation, including any regulations, rules, policies, or orders issued under those laws. When appropriate, the FAA airports district office (ADO) and regional airports divisions will investigate complaints to ensure that each reported violation is properly evaluated and that sponsors are in compliance with their federal obligations.



The Department of Transportation (DOT) handles complaints from air carriers regarding the reasonableness of airport fees filed under 14 CFR Part 302. (Photo: FAA)

5.2. Background. Under 14 CFR § 13.1, any person who knows of a violation of federal aviation laws, regulations, rules, policies, or orders may report the violation to the FAA informally as a "report of violation." Section 13.5 provides for formal complaints to the FAA for matters not covered by 14 CFR Part 16. For example, Part 13.5 would be used to file a formal complaint against an airport operator for a violation of safety regulations, including Part 139, but not a violation of obligations under grant assurances or deeds. Section 13.1, however, applies to reports of violations and informal complaints relating to matters covered under either Part 13 or Part 16. A person reporting a violation under § 13.1 does not need to be affected by the violation alleged in the complaint. A § 13.1 informal complaint simply represents a report to the FAA of an alleged violation; the violation is not necessarily against or affecting the complainant.

5.3. Complaints Handled by Other FAA Offices or Other Federal Agencies. Although the ADO and regional airports divisions resolve most compliance complaints, there are a few exceptions where other FAA offices have primary responsibility. These exceptions are for issues involving civil rights and disability, certain fee disputes, and employee complaints.

a. Civil Rights and Disability. The FAA Office of Civil Rights handles alleged violations of laws relating to disadvantaged business enterprises (DBE), persons with disabilities at airports, and civil rights.

Page 5-1

AIP and ABGP Training

Airport Sponsor Oversight – Complaint Resolution (continued)

FAR Part 13 Complaints

- Frequently, complaints arise when one or more parties have a misunderstanding of the airport sponsor's federal obligations.
- Considered informal complaints of alleged violations of the Federal Aviation Act of 1958 as amended and other related laws because participation by all parties is voluntary.
- Reporting party can file complaint verbally or in writing.
- In NH, NHDOT investigates FAR Part 13 complaints.
- NHDOT coordination may involve FAA Regional Office, FAA/HQ, FAA regional counsel, NH Attorney General, and others as necessary.

FAR Part 13 Resolution Process

1. Evaluate the facts surrounding the filing and identify possible airport sponsor violations.
2. Clarify the rights and responsibilities of the airport sponsor and the complaining party.
3. Offer assistance to resolve the dispute in a manner consistent with the airport sponsor's federal obligations.
4. Provide the airport sponsor the opportunity to comply with its federal obligations voluntarily when a violation is identified.

AIP and ABGP Training

Airport Sponsor Oversight – Airport Leases

Types of Airport Agreements

1. Ground/Land Leases
2. Building/Hangar Leases
3. Tiedown Leases
4. Commercial Use/Operations
5. Operator/Manager Agreements

Highlights of Agreement Content

1. Ensure no granting/deny of rights contrary to federal statute, airport sponsor grant obligations, or FAA policy.
2. Ensure agreement does not surrender airport sponsor's ability to control the airport.
3. Ensure there are no terms or conditions that could prevent the airport sponsor from realizing the full benefits of the airport.
4. Ensure there are no terms or conditions that could prevent the airport sponsor from meeting its federal grant obligations.
5. Ensure term does not exceed 50 years.
6. Ensure periodic adjustment of rent.
7. Explain who has a vested interest in the facilities at the end of the agreement.
8. Subordinate the agreement to the airport sponsor's federal obligations.
9. Ensure that the airport sponsor has the right to approve in advance of the assignment or sublease agreement.

09/30/2009

5190.6B

Chapter 12. Review of Aeronautical Lease Agreements

12.1. Introduction. This chapter discusses procedures for reviewing lease agreements between the sponsor and aeronautical users. As part of the compliance program, the FAA airports district office (ADO) or regional airports division may review such agreements, advising sponsors of their federal obligations, and ensuring that the terms of the lease do not violate a sponsor's federal obligations.

12.2. Background. The operation of a federally obligated airport involves complex relationships between the sponsor and its aeronautical tenants. In most instances, the sponsor will turn to private enterprise to provide the aeronautical services that make the airport attractive and self-sustaining.

a. Rights Granted by Contract. Airport lease agreements usually reflect a grant of three basic rights or privileges:

(1). The right for the licensee or tenant to use the airfield and public airport facilities in common with others so authorized.

(2). The right to occupy as a tenant and to use certain designated premises exclusively.

(3). The commercial privilege to offer goods and services to airport users.

b. Consideration for Rights Granted. The basic federal obligation of the sponsor is to make public landing and aircraft parking areas available to the public. However, the sponsor may impose a fee to recover the costs of providing these facilities. (Refer to chapter 18 of this Order, *Airport Rates and Charges*, for a further discussion on rates and charges.) Frequently, the sponsor recovers its airfield costs indirectly from rents or fuel flowage fees that it charges its commercial tenants. The sponsor's substantial capital investment and operating expense necessitates assessing airport fees to recover these costs.

c. Operator/Manager Agreements. Sometimes a sponsor may, for various reasons, rely on commercial tenants to carry out certain sponsor federal obligations. For instance, a sponsor may (i) contract with a commercial tenant to perform all or part of its airfield maintenance, or (ii) delegate to the tenant responsibility for collecting landing fees, publishing notices to airmen, or (iii) contract for airport management. When this occurs, the FAA highly recommends that the sponsor and tenant enter into separate agreements: one agreement for the right to operate an aeronautical business on the airport, and a separate management agreement if the tenant provides management services on behalf of the sponsor.

AIP and ABGP Training

Airport Sponsor Oversight – Airport Leases (continued)

Non-aeronautical uses at airport are allowed under specific, approved circumstances.

Request for Non-Aeronautical Uses

- Submit a request using the outline found on NHDOT/Bureau of Aeronautics' website as a guide (see also FAA Order 5100.38D, Chapters 17 and 22).
- Request must come from airport sponsor to NHDOT.
- NHDOT will review, request additional details if needed, and issue a determination subject to additional comments from FAA (required per FAA AC 150/5100-21).
- These requests are for short term or interim (no more than 5 years) non-aeronautical uses.
- Additional requests, if needed after 5 years, may be resubmitted for review.
- In no case will a non-aeronautical use be allowed for the long term.
- Exceptions to the fair-market value requirement are possible for community acceptance of the airport, non-profit aviation organizations, transit, and military aeronautical units.
- No airport revenues may be used to support the non-aeronautical activities.

09/30/2009

5190.6B

Chapter 17. Self-sustainability

17.1 Introduction. This chapter provides guidance on the requirement that the airport remain as self-sustaining as possible under the circumstances. It is the responsibility of the FAA airports district offices (ADOs) and regional airports divisions to provide guidance to airport sponsors regarding the sponsor's requirement to be as self-sustaining as possible and to ensure that the airport maintains a rate and fee schedule that conforms to the grant assurances and is consistent with the FAA's Policy Regarding Airport Rates and Charges, 61 Fed. Reg. 31994, June 21, 1996, and as amended at 73 Fed. Reg. 40430, July 14, 2008) (Rates and Charges Policy).

17.2 Legislative History. Congress set forth the requirement for airports to be as self-sustaining as possible in two acts:

a. Section 511(a)(9) of the Airport and Airway Improvement Act of 1982 (AIAA) requires airports to be as self-sustaining as possible under the circumstances at that airport. (See 49 United States Code (U.S.C.) § 47107(a)(13) and Grant Assurance 24, Fee and Rental Structure.)

b. Section 112(a) of the Federal Aviation Administration Authorization Act of 1994 (1994 Authorization Act) amended 49 U.S.C. § 47107(l)⁶² to require FAA's Policy and Procedures Concerning the Use of Airport Revenue, 64 Fed. Reg. 7696, February 16, 1999, (Revenue Use Policy) to take into account whether sponsors — when



Airports must maintain a fee and rental structure that makes the airport as financially self-sustaining as possible under airport-specific circumstances. Absent an agreement with aeronautical users, the federal obligation to make the airport as self-sustaining as possible does not permit the airport to establish fees for the use of the airfield that exceed the airport's airfield costs. Aeronautical users include general aviation from single-engine operators to corporate flight departments and commercial air carriers. (Photos: FAA)



⁶² The referenced section is the small letter "L," (not the number "1").

<https://www.nh.gov/dot/org/aerorailtransit/aeronautics/programs/blockgrants.htm#NoAero>

AIP and ABGP Training

Airport Sponsor Oversight – Airport Documents

Airport Sponsor must maintain as current the following documents:

- Capital Improvement Plan (CIP)
- Airport Layout Plan (ALP)
- Disadvantaged Business Enterprise (DBE) Plan
- Exhibit A – Airport Property Map
- Wildlife Occurrence Log
- Pavement Maintenance Management Plan
- Inventory of Snow-Removal Equipment
- Listing of All Airport Leases/Agreements/Contacts
- Project Documents (for 3 years following closeout)
- AIP Grant Oversight Risk Assessment Checklist
- Based Aircraft Log



CHECKLIST FOR ABGP PROJECT DOCUMENTATION

Sent to NHDOT? Yes, No, N/A		Date
Current Exhibit A on file at NHDOT		
Current ALP and contains current project on file at NHDOT		
Scoping meeting minutes		
Anticipated project schedule		
Transfer of Non-Primary Entitlement Funds Agreement		
E.O. 12372 Intergovernmental Review (Complete items A through D below)		
A. Section 106		
B. USFWS		
C. Coastal zone		
D. Intergovernmental review by NHOEP		
Force account justification and approval (e.g., need "proof" that these activities: 1. are beyond the responsibilities that the city personnel also hired for, 2. can be performed by qualified city personnel (assuming the qualifications weren't part of the original job description, see (a) above) and, 3. are more cost effective for city personnel to conduct these activities rather than hiring a consulting firm, and 4. if (a) through (c) are met, NHDOT needs exact costs anticipated to be incurred, not a percentage of project.		
Record of negotiations of consultant's fees		
Final consultant's work scope and fee (e.g., contract)		
Project specifications and plans	Project: As Bid: Contract: As-Built:	Project: As Bid: Contract: As-Built:
Justification for specifying sole source or proprietary items/services		

page 1 of 3

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Other Expectations

Airport sponsors are responsible for much more than just grant obligations and completing capital improvements. Some examples include:

- Marketing airport facilities and services
- Marketing non-aeronautical space at the airport
- Creating and managing budgets
- Managing airport staff
- Outreach to the community
- Developing media relationships
- Negotiations with airport tenants
- Negotiations with off-airport service providers (e.g., Uber, Lyft)
- Managing emergencies
- Dispute resolution



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Resources

- FAA Order 5100.38D, *Airport Improvement Program Handbook*
- FAA Order 5190.6B, *Airport Compliance Handbook*
- FAA Order 5100.39A, *Airports Capital Improvement Plan*
- *National Plan of Integrated Airport Systems*
- FAA AC 150/5100.14E, *Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects*
- FAA: www.faa.gov
- FAA Laws: <https://www.govinfo.gov/content/pkg/USCODE-2011-title49/html/USCODE-2011-title49.htm>
- FAA Regulations: <https://www.ecfr.gov/cgi-bin/text-idx?SID=8acf80378644b4266782b38e9e49c089&mc=true&tpl=/ecfrbrowse/Title14/14chapterl.tpl>
- Federal Buy American Preference: <https://www.govinfo.gov/content/pkg/USCODE-2009-title49/html/USCODE-2009-title49-subtitleVII-partE-chap501-sec50101.htm>
- Federal Register Notices: <https://www.regulations.gov/>
- NHDOT: <https://www.nh.gov/dot/org/aerorailtransit/aeronautics/index.htm>
- NH RSAs: <http://www.gencourt.state.nh.us/ras/html/nhtoc/nhtoc-xxxix.htm>
- NH G&C Agendas: <http://sos.nh.gov/GC2.aspx>

AIP and ABGP Training

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