

The proposed amendment does not have any effect on the estimated costs and/or economic benefit of affected persons or non-governmental groups. The proposed amendment reflects current practices.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated or foreseen impact on competition and employment.

Karen St.Germain  
Commissioner  
2304#067

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Transportation and Development Office of Multimodal Commerce

#### Intermodal Transportation (LAC 70:IX.Chapters 1-7)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in Title 2 of the Revised Statutes, that the Department of Transportation and Development, Office of Multimodal Commerce, Aviation Section, proposes to amend Title 70, Part IX, Chapter 1. "Aeronautics in Louisiana", and Chapter 3. "Airport Construction and Development Priority Program Process" and proposes to adopt Title 70, Part IX, Chapter 5. "Airport Project and Grant Management Procedures", and Chapter 7. "Unmanned Aircraft Systems (UAS) Program", to update technical wording, applications, procedures, and processes for compliance with the Federal Aviation Administration, to allow airports to update their project applications in the state Airport Construction and Development Priority Program, and to manage the Unmanned Aerial Systems (UAS) Program for the Department of Transportation and Development, to foster UAS operational safety, protect the citizens of Louisiana, and those engaged in UAS operations.

#### Title 70

#### TRANSPORTATION

#### Part IX. Intermodal Transportation

#### Subpart A. Intermodal

#### Chapter 1. Aeronautics in Louisiana

#### §101. General

A. Pursuant to Title 2 of the Revised Statutes, the Louisiana Department of Transportation and Development regulates aeronautics in Louisiana.

1. R.S. 2:6 provides, in part, that the department may prescribe such reasonable rules and regulations as it deems necessary and advisable for the public safety and for the promotion of aeronautics governing the designing, laying out, location, building, equipping, operation, and use of all airports, landing fields, or landing strips, and for the safety of those engaged in aeronautics. It is for that purpose this rule is promulgated.

2. Definitions. As used in this chapter or subsequent chapters pertaining to the DOTD Aviation Program, unless the context clearly indicates otherwise, the following definitions shall apply.

*Air Carrier Airport*—airports that are required by the Federal Aviation Administration to meet all standards as set forth in Part 139 of the Federal Aviation Regulations (FAR) and have scheduled air passenger service.

*AIP*—Airport Improvement Program: provides Federal Aviation Administration grants to public agencies for the planning and development of public-use airports for safety and efficiency.

*Airport Sponsor*—any state agency, city, town, parish, airport authority, airport commission, airport district, or other political subdivision, which owns, operates, leases, or controls any public-use airport or landing area.

*Basic (Airport) Maintenance*—the responsibility of each airport sponsor to maintain the airport in an efficient and safe manner. Maintenance includes any regular or recurring work necessary to preserve existing airport facilities in good operating condition. Basic maintenance items for runway, taxiway, apron, lighting, and navigational aid include: routine cleaning, filling, and/or sealing of longitudinal and traverse cracks; grading pavement edges; maintaining drainage systems; patching pavement; remarking pavement areas; replacing airfield lights or fixtures; replacing sensors or equipment; sweeping airfield pavement; operability of backup emergency generators for airfield equipment; and re-topping/removing trees for approach protection (if this work was previously completed in an AIP or DOTD funded project).

*DOTD*—Aviation Division of the Louisiana Department of Transportation and Development.

*FAA*—Federal Aviation Administration

*FAR*—Federal Aviation Regulations: rules prescribed by the Federal Aviation Administration, governing all aviation activities in the United States.

*LAS*—Louisiana Airport System

*LASP*—Louisiana Aviation System Plan

*NPAIS*—National Plan of Integrated Airport Systems

*Public and/or Public-Use Airport*—an airport that is publicly owned, which is open for use by the public.

*Rural Airport*—any airport categorized as a Non-NPIAS in the LASP or a NPIAS airport that is unclassified.

B. Landing Area Registration Procedures. Pursuant to statutory provisions, all landing area proponents shall provide DOTD with the following information for the Louisiana Aviation Program, prior to operational use of the area for aircraft operations. The registration application shall be submitted electronically through DOTD's website, and the information submitted shall adhere to federal airport master records, aeronautical data and airspace determinations for consideration in the Louisiana Aviation Program.

C. At a minimum, the following are required to be submitted to DOTD.

1. Completed Landing Area Information Application. The applicant shall include their first and last name; email address; telephone number; landing area name; notification of local/building permitting authority; date and time of requested inspection; and notification of FAA landing area proposal.

2. Completed Landing Area Location Map. This reflects the relationship of the proposed site to other prominent centers of activity within an area of five miles.

3. Completed Landing Area Immediate Vicinity Map. This reflects the relationship of the proposed site to structures within the immediate vicinity. This shall also include the distance of the proposed landing area as it relates to the nearest active airport or heliport. Proponent will

include safety considerations for joint use airspace, if applicable.

4. A location drawing of the proposed landing area on the United States Geological Survey topographic quadrangle series map covering landing area proponent's location, or a Geographic Information System (GIS) map with Global Positioning System (GPS) coordinates. These can be obtained at blueprint supply companies, or one can be sent by DOTD, upon request, if none are available from commercial sources.

5. Confirmation that the landing area proposal notification was submitted to the FAA.

6. Confirmation of the FAA's airspace determination findings.

7. The drive time of the proposed landing area as it relates to the nearest public-use airport.

8. Proponents requesting new private landing area registrations shall follow the landing area design standards from the FAA Advisory Circulars, pertaining to airports and heliport design standards.

9. Airports or heliports that are designated as public-owned/public-use or private-owned/public-use shall adhere to airport state design standards.

D. Applications for a registration certificate shall not be accepted unless accompanied by all documentation showing that the applicant has met all the requirements as determined by the Louisiana Aviation Program, airspace determinations, land-use compatibility, FAA advisory circulars, and engineering briefs.

E. A renewal registration certificate is required for all hospital heliports, emergency service heliports, and any frequently used registered heliport, regardless of changes to the heliport every five years. DOTD may initiate the renewal registration process with the heliport owner. Renewal dates shall be included on the registration operating certificate.

1. Airport data shall be collected every three years through onsite inspections at all emergency service, hospital, and special use heliports.

2. Airport data shall be collected once every five years through onsite inspections at all private-use airports.

F. Classifications of Louisiana Airports, Seaplane Bases and Heliports.

1. Airports. The airports in the LASP are classified according to a simplified version of the FAA's NPIAS classification system. This involves identifying the airport with the type of aircraft it will principally serve. Although the LASP classification is less complicated than that of the FAA's NPIAS, there is no conflict between the NPIAS classification of an airport and the LASP classification. The state classification of each publicly owned airport is in LASP.

2. Seaplane Bases. These facilities can be either natural waterways, or man-made seaways used on a regular basis for take-off and landing of amphibious aircraft.

3. Heliport. Any area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters, which has been specifically prepared for use by helicopters; any area for use by helicopters which is open to the public; or any area—other than those used for agricultural operations—which may have three or more takeoffs or landings in a thirty-day period. All heliports must be registered with the state in accordance with this chapter.

G. Aviation Safety Program. The following standards will be utilized by DOTD when reviewing airport safety data and airport inspection information. The Aviation Safety Program promotes and encourages airport operational safety through direct contact with airport sponsors and airport management through the application of methods, techniques, and standards to improve and enhance safety conditions at general aviation public airports. Inspections are to assess and report conditions within the system of general aviation public airports; to inform and provide guidance to airport sponsors on correcting safety; and other operational related deficiencies. It ensures the data is promulgated with a degree of accuracy and consistent with the exercise of FAA responsibilities. It will also provide for the production of recurring and one-time special inspection reports for management guidance, sponsor programming, and statistical analysis.

1. Inspections-Generally.

a. LAP provides that the inspections detailed in this Chapter be completed by DOTD, and details the facilities required to be inspected by the state. The purpose of an annual airport inspection is to work closely with airport sponsors and airport management to ensure that they are conducting daily inspections of their airports, and ensuring proper documentation to maintain a safe and secure facility for aviation operations.

b. Day and/or night inspections shall be conducted annually by DOTD. Supplemental or special airport inspections may also be conducted by DOTD to ensure the airport sponsor is correcting any discrepancies or deficiencies within the airport operating environment.

c. Airport data shall be annually collected through onsite inspections at all nonprimary, general aviation, and public-use airports/heliports.

2. Inspection Scheduling. DOTD shall establish control procedures to ensure ultimate accuracy of all reported data and adherence to schedules for inspections and reporting. Inspections will be scheduled by DOTD and written notice provided to the airport sponsor and airport management a minimum of ten working days prior to the actual onsite inspection. For those inspections performed under the Airport Certification Program, written notice from DOTD shall be provided to the airport sponsor and airport management a minimum of thirty working days prior to the actual onsite inspection.

3. Public-Use Airport Inspections (State Non-Certificated General Aviation Airports)

a. This section pertains only to those general aviation airports that are state non-certificated.

b. DOTD shall conduct all airport inspections. DOTD inspectors will assess and report all items that may be hazardous or be defined as a deficiency, pursuant to FAA or state standards. A representative of the airport sponsor and airport management familiar with the operations of the airport should be available to discuss inspection criteria. Inspectors will notate non-standard airport conditions relative to airport pavements, obstructions, hazardous materials, wildlife hazards, navigational aids, lighting, signage, fuel system deficiencies, navigable airspace issues, and any other issues related to the FAA requirements.

c. The most recent Airport Master Record shall be used by the airport inspector in conducting the inspection of

an airport. During the inspector's visit to the airport, the inspector shall verify or correct each data element for the DOTD inspection criteria, except those assigned to a specific office. DOTD inspectors may use any official documents available, i.e., Airport Master Plan, Airport Layout Plan, airport specific operations manuals, and other airport public documents to ensure the airport master record information is accurate as possible.

d. The measurements and computations shall be in accordance with sound engineering practices. Engineering instruments such as hand levels, altimeters, inclinometers, distance measuring wheels/tapes, rangefinders, and similar tools shall be used to obtain the necessary data. Measurements obtained by "pacing" distances, "eyeballing" heights of structures, using a vehicle's odometer, and other similar estimating practices are not acceptable. The use of more sophisticated engineering equipment such as a transit, rods, chains, and surveyor's stakes may be appropriate if, in the judgment of the inspector, such equipment is necessary to obtain the required data. Airport data will be collected at:

1. public-use general aviation airports every year;
2. emergency service, hospital, and special use heliports every three years;
3. private-use airport landing areas other than emergency service facilities every five years; and
4. supplemental inspections to ensure airport sponsor compliance with correcting any safety discrepancies within the aeronautical operating area for the Louisiana Aviation Program.

e. DOTD shall assess and report all items that may be hazardous or defined as a deficiency by the FAA or the state. The airport manager shall be available to discuss inspection criteria. The latest airport master record shall be used by the airport inspector for conducting the inspection of an airport. Each data element on the master record shall be verified during the inspection.

f. The inspection criteria that shall be used to assess general aviation non-certificated airports shall include: all items that may be hazardous or be defined as a deficiency pursuant to FAA or state standards; non-standard airport conditions; airport pavements; obstructions; hazardous materials; wildlife hazards; navigational aids; airfield lighting; airfield signage; fuel systems; perimeter/security fencing & access gates; backup generators; navigable airspace issues; notice to airman; airport self-inspections; and any noteworthy issues pertaining to aeronautical safety.

g. The inspection criteria used to assess general aviation *certificated* airports shall include the above referenced criteria and the following: the Airport Pavement Management Program; airport specific operation procedures; airport emergency documented procedures; airport minimum standards; airport rates and charges; and documented airport maintenance program.

#### 4. Public-Use Airport Inspections.

a. This section pertains only to those general aviation airports participating in the General Aviation Airport Certification Pilot Program (GAAC).

b. DOTD will conduct all airport inspections professionally and accurately utilizing a predetermined airport environment checklist of items to ensure a complete and thorough inspection. DOTD inspectors will assess and

report all items that may be hazardous or defined as a deficiency from FAA or state standards. A representative of the airport sponsor and airport management familiar with the operations of the airport should be available to discuss inspection criteria.

c. Inspectors will notate unsafe airport conditions with airport pavements, obstructions, hazardous materials, wildlife hazards, navigational aids, lighting, signage, fuel system deficiencies, navigable airspace issues, and any other noteworthy issues in accordance with the FAA 5010 Master Record and the inspection criteria listed on DOTD's website.

d. The latest airport master record shall be used by the inspector for conducting the inspection. During the inspector's visit to the airport, the inspector shall verify or correct each element for the DOTD inspection criteria, except those assigned to a specific office. DOTD inspectors may use any official documents available, i.e., the Airport Master Plan, the Airport Layout Plan, airport specific operations manuals, and other airport public documents, to ensure the airport master record information is as accurate as possible.

5. Post Inspection Procedures. Once the inspection is complete, the DOTD Inspector may review any discrepancies or safety issues with the airport sponsor and airport management before departing the airport. Additionally, the DOTD Inspector may discuss airport management's responsibility in promptly notifying airmen through the local Flight Service Station (FSS) of any condition affecting future aeronautical use of the airport by the issuance of a Notice to Airmen (NOTAM). Where feasible, airport inspection results shall be uploaded to the Aeronautical Data Information Portal within five business days of the inspection. Additionally, the report shall be transmitted to the airport sponsor and airport management within ten business days of the inspection. The inspection reports shall include, at a minimum, the identification of the airport inspected; any discrepancies or safety related issues noted during the inspection; notable airport master record revisions needed; basic maintenance items noted; and a suspense date for basic maintenance items to be corrected by the airport sponsor. Deficiencies needing correction shall be noted by DOTD and provided to the airport sponsor in writing, following the inspection, within ten business days. Airports shall be given a time period of not less than 30 days, but not more than 90 days, to correct any basic maintenance or safety deficiencies. A follow up supplemental inspection of the correctable deficiencies may be scheduled by the DOTD inspector to confirm the noted deficiencies have been addressed.

6. Airport Compliance. The maintenance and repair of discrepancies after an annual safety inspection shall be completed within a period specified by DOTD. If the airport sponsor fails to correct the discrepancies, this will be annotated on the inspection report log at DOTD. DOTD may schedule and conduct any supplemental or special airport inspections as needed to ensure the safety of aircraft and aeronautical operations at any public-use airport in the LAS without notice.

7. DOTD Inspectors. DOTD inspectors shall have training on airport, aerodrome, and aviation operational environments to ensure safety of aeronautical operations

with the Louisiana Aviation Program. Training may be completed through an FAA training program or certified aviation stakeholder industry training programs.

H. Review of Landing Area Proposals. Upon receipt of the FAA determination, and following a reasonable period for review, DOTD will provide the proponents with a statement of its findings and issue a notice of no objection to the establishment and use of the proposed landing area, if such is appropriate. The review may include the following.

1. Review of site in comparison with FAA and/or state minimum safety standards, as appropriate.

2. The solicitation of comments by the local governing bodies and local residents.

3. Review of the application submitted to ensure accuracy of information submitted.

4. Site inspections.

5. Potential impacts to the LAS, including current landing areas that are within a thirty-minute drive time of the proposed landing area.

6. The solicitation of any approval documentation from local municipality zoning boards or commissions, construction approval agencies, or public laws/ordinances.

7. Any other lawful means of gathering needed information.

I. Administrative Remedy for Rejection of Application. R.S. 2:13 provides, in pertinent part, that where the department rejects an application for permission to operate or establish an airport, landing field, air school, flying club, air beacon, air navigation facility, or in any case where the department shall issue any order requiring certain things to be done, it shall set forth its reasons and shall state the requirements to be met before such approval will be given or the order modified or changed. In any case where the department may deem it necessary, it may order the closing of the items detailed above until it complies with the requirements of the department. The secretary of DOTD and/or any person designated by him and any officers, state, parish, or municipal, charged with the duty of enforcing this Chapter, may inspect and examine at reasonable hours any premises, buildings and other structures thereon, where the items detailed above are operated. Any order made by the department shall be served upon the interested person by registered mail or in person before such order shall become effective.

J. Failure to Comply. Failure to comply with appropriate directives of DOTD may result in penalties. R.S. 2:12 provides that the department, its members and employees, and every state, parish, and municipal officer charged with the enforcement of state and municipal laws, shall enforce and assist in the enforcement. The department is also authorized to enforce the provisions by injunction in the district courts of this state.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 2:5 through R.S. 2:17.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Highways, LR 6:163 (May 1980), amended LR 6:559 (September 1980), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:510 (March 2007), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:757 (May 2016), amended by the Department of Transportation and Development, Division of Aviation, LR 49:

### **Chapter 3. Airport Construction and Development Priority Program Process**

#### **§301. Introduction**

A. DOTD is responsible for developing public aviation facilities in the state, fostering air commerce, promoting aeronautics statewide, and protecting the health and safety of those engaged in aeronautics. Assistance with the planning, design, construction, and inspection of facilities is provided to local governments whom own the public airports. In addition, state funding is used in many cases to provide all or a portion of the local match requirement, as requested by the airport sponsor, when the improvement is federally funded, received 90 percent or more of project funds from sources other than state funds, or if most or all of the total funding is previously approved by the Legislature.

**AUTHORITY NOTE:** Promulgated in accordance with SCR No. 67 (1997), R.S. 2:6, R.S. 2:7, and R.S. 2:803(B).

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1504 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007), amended by the Department of Transportation and Development, Aviation Section, LR 39:104 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:757 (May 2016), amended by the Department of Transportation and Development, Division of Aviation, LR 49:

#### **§303. Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grants**

A. Federal funding for projects is received through grants from the FAA directly to the recipient airport sponsor. Under the Airport Improvement Program (AIP) a minimum of 90 percent of project funds are federal. Occasionally, the FAA may offer a grant requiring a local match of more than 10 percent. When the airport sponsor requests state funding assistance for the local share, the project is evaluated through the priority system because of the use of state dollars. The airport sponsor must coordinate the development of the project with DOTD and the FAA, in order to receive the matching funds through the priority system. When the required match to the federal grant is greater than 10 percent, the state will participate in no more than 10 percent of the project cost, while the local sponsor must provide the remaining amount necessary to match the federal grant. The FAA provides the AIP grants directly to the airport sponsor who is responsible for administering the grant. DOTD may participate in additional funding contributions toward the FAA funded project through the Airport Construction and Development Program.

**AUTHORITY NOTE:** Promulgated in accordance with USC 49:47101 through 49:47112, SCR No. 67 (1997), R.S. 2:6, and R.S. 2:803(B).

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1504 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:104 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:758 (May 2016), amended by the Department of Transportation and Development, Division of Aviation, LR 49:

### §305. Project Identification and Development

A. The primary objective of the priority system is to prioritize airport improvement projects. Nonprioritized projects are not included in the priority system as individual projects, but are funded through approved amounts for each category of project. Differences in the criteria for assessing these types of projects and the relatively small amount of state funding available make them impractical to include in the same process with airport improvement projects.

B. Potential projects for inclusion in the priority system are initiated by the airport sponsor or by DOTD. The need for the project may be identified in a master plan, airport action plan, airport layout plan, system planning document, or as a result of a change in conditions or facilities at the airport which is supported through appropriate and sufficient documentation and justification.

C. Only airport development projects are subject to prioritization. Airport administration and operations are not included since they are the responsibility of the airport owner and are not within the purview of the prioritization process.

D. An airport shall not receive state funding from DOTD if affirmed to be in noncompliance with federal and/or state laws, regulations, rules, policies by the FAA, the Louisiana Legislative Auditor, or DOTD. Written notification may be provided to the airport sponsor by DOTD.

**AUTHORITY NOTE:** Promulgated in accordance with USC 49:47101 through 49:47107, USC 49:48103, SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1505 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:105 (January 2013), amended by the Department of Transportation and Development, Division of Aviation, LR 49:

### §307. Project Prioritization Process

A. The prioritization of a project is a two-step process. The first step is to determine whether the project should be included in the priority process. The second step is to determine whether the information necessary for prioritization is available.

1. **Project Pre-Applications.** Pre-applications may be submitted annually to DOTD by close of business on September 1. DOTD may provide a cursory review of the airport sponsor's pre-application. Further, DOTD may discuss and provide comments relative to the project application, pertaining to any insufficient information or requirement for any additional documentation needed to ensure an efficient and successful prioritization of the requested project. Projects with insufficient information may be returned to the airport sponsor until required information is provided.

2. **Project Applications.** Project application documentation shall include the following.

a. Project resolution from the airport sponsor requesting state assistance for the project and documenting any commitment from the airport sponsor to participate in the cost of the project financially (if applicable).

b. Project scope, estimated cost, justification, and description of project area.

c. Environmental clearance documentation or viable commerce benefits (if applicable).

d. Any additional information from the airport sponsor necessary for prioritization of the project.

e. Verification/documentation that the airport sponsor has a consultant/engineer under a professional service agreement to conduct the applied for work.

3. The airport sponsor shall hold a current agreement with an engineer or consultant to perform the work for the project(s) identified in the project application. If the airport sponsor does not hold a professional service agreement with an engineer or consultant to perform the work by November 1 of the application year, the project will not be prioritized for funding. Additionally, if the airport sponsor does not hold a professional service agreement with an engineer or consultant to perform the work by November 1 of the application year, the project may not be prioritized in the subsequent unfunded year. If additional information is required, DOTD may provide written notification to the airport sponsor. Additional information and official project applications shall be submitted to DOTD no later than close of business on November 1. If all of the necessary documents are not received by DOTD on November 1, the proposed project shall not be prioritized for funding consideration within the Airport Construction and Development Priority Program. For any project or projects that are not allowed to compete for funding based on the above criteria, those projects will need to be reapplied for during the next fiscal year program.

B. Once it has been determined that the project is eligible for state funding and all documentation has been provided, the next step is the assignment of point values to determine their relative priority. When point values are finalized, the project is placed into the priority system where it is ranked in relation to all other projects in the system.

C. The project components are also reviewed to determine if the project can be prioritized as one project or requires restructuring into more than one project. The project will be restructured into usable units if necessary. An example would be a request to lengthen a runway and extend the corresponding taxiway. The runway can be lengthened and is usable without the extension of the taxiway, so these may be considered as two projects in the priority system. An alternate example would be the extension of the runway's lighting system. This would be included with the runway extension as one project because the additional runway length cannot be used at night without the extended lighting.

D. The structure of the priority rating system is based on an evaluation of four categories:

1. Category I—project type;
2. Category II—facility usage;
3. Category III—sponsor compliance;
4. Category IV—special considerations.

E. Points are awarded to a project based on evaluation criteria in each category. The total evaluation score for the project is the sum of points in each category. Based on priority ratings of projects, a prioritized program of projects is developed by DOTD and submitted to the Joint Legislative Committee for Transportation, Highways and Public Works. This committee approves the program of projects, which becomes the capital improvement projects

that will be implemented by DOTD in the next fiscal year. A project submitted after this approval, with a ranking high enough to place the project on the program of projects, cannot be added until a new program of projects is submitted to the committee the following year. A project submitted after this approval shall follow the project prioritization process for the following fiscal year. However, a project receiving "other than" state funds may receive a state match in accordance with R.S. 2:803(B), if funds are available as determined by DOTD. If DOTD determines that funds are not available, but all required documentation for this project are complete, the project can be placed on the following fiscal year priority program for funding.

F. Legislation requires a priority system to prioritize projects in a logical order for addressing documented needs in the state's public airport system. The priority system is a process that has been developed to allocate state aviation funding to address these needs. The system reflects the state's development policy for the airport system, assigning higher values to projects, which are consistent with the policy.

G. Prioritized projects which have been approved for state funding but due to lack of federal matching funds or other reasons, do not have an executed sponsor-state agreement within six months, beginning July 1 of the fiscal year in which the project was approved by the legislature, shall be canceled from the funded program. The project shall be resubmitted under the project prioritization application process to compete for funding in subsequent years. Funds which had been approved for a canceled project will be reallocated to any other prioritized project the legislature has approved as needed. Such funds may be used to cover project overruns. Project overrun funding eligibility shall not exceed fifteen percent of the total construction portion of the grant for construction related overages or exceed fifteen percent of the total engineering portion of the grant for engineering and consultant related overages. The airport sponsor does not have to obtain prior DOTD concurrence for contract changes, but if an airport sponsor proceeds with a contract change it will be at the airport sponsor's own risk. However, if the airport sponsor requests prior DOTD concurrence, this shall not indicate any commitment or guarantee of funding reimbursement, nor shall it delay or affect any contractual workday obligations during DOTD's review of the proposed contract changes. Further, a subsequent review by DOTD of the contract changes completed by the airport sponsor may be necessary and may lead to the determination that the costs in the contract change cannot be funded under a state grant. Airport sponsors have the option to request DOTD review and concurrence of any contract changes; however, any funding determinations and grant amendments may not be processed until the end of the state fiscal year.

H. Funds recovered may also be used to fund the next-in-line or appropriate project on the subsequent fiscal year prioritized unfunded list and the three-year unfunded portion of the priority list, if that project has received funding or for projects funded by other than state funds not covered by the future FAA obligations funds. As a general rule, funds originally allocated to commercial service airports will, whenever practical, be used to fund projects on the commercial service airport unfunded list. Funds allocated to

general aviation airports will likewise be used to fund projects on the general aviation airport unfunded list.

I. Airport sponsors shall carry insurance on all airport facilities and equipment for which the state provides funding assistance. The insurance coverage shall provide for replacement value, if applicable. If a sponsor is applying for funding to rebuild or repair airport facilities or equipment covered by insurance, insurance proceeds should be used against the costs first, and the state's participation may be no more than eighty percent of the remaining eligible project costs. For terminal buildings, the state's participation is based on the public-use space ratio. If only a portion of the terminal building is involved, the state's participation is based on the public-use ratio. When requesting funding related to an insured facility or equipment, airport sponsors shall provide DOTD with supporting documentation that shall include a written response from the airport sponsor detailing what work and/or equipment are covered, or if the insurer declines a sponsor's request, a copy of said declination.

J. State Fiscal Year Important Milestones. The following is a listing of important deadlines and milestones utilized by DOTD for program planning purposes.

1. July 1—Planning and Development Program Begins.
2. September 1—Project Pre-Application Deadline.
3. November 1—Project Application Deadline.
4. November to February—Program Development.
5. February to April—Program Submittal to Legislature.
6. June 30—Capital Improvement Plan (CIP) Submittal Deadline or as established by DOTD.

AUTHORITY NOTE: Promulgated in accordance with USC 49:47101 through 49:47107, USC 49:48103, SCR 67 (1997), R.S. 2:6 and R.S. 2:803(B).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1505 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:520 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:105 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:758 (May 2016), amended by the Department of Transportation and Development, Division of Aviation, LR 49:

### §309. Nonprioritized Programs

A. Through the legislative approval process for the Priority Program, DOTD may specify nonprioritized programs as needed on the Priority Program.

1. Such statewide programs may include, but are not limited to: planning, navigational aids, discretionary projects, maintenance reimbursement, obstruction removal safety programs, future FAA obligations, the Statewide Marking Program, the Statewide Pavement Surface Treatment Program, the General Aviation Enhancement Program, and the Rural Airport Program.

2. Projects cannot reach the facility improvement stage without going through the planning phase. The following programs are an integral element of the state's aviation program.

- a. Navigational aid projects enhance use of the overall state system by providing an increased level of safety.



b. Discretionary projects provide the Aviation Section with the latitude to fund emergency or safety related projects on a real-time basis and to undertake projects which are too small to be eligible for funding through the priority program. The state's airport system would be stagnated without these types of projects.

c. The Maintenance Reimbursement Program assists the general aviation and commercial service airports in the high cost of maintaining an airport, and allows the airport to maintain a safe and operational status.

d. The Obstruction Removal Safety Program is needed to keep the state's airports safe from obstructions that penetrate the airports approach slopes, runway protection zones, and FAR Part 77 surfaces.

e. The future FAA obligations are needed to meet the funding requirements for projects the FAA has funded after the priority program has been approved. This is caused by the state's fiscal year being out of synchronization with the federal fiscal year by approximately three months. This special program precludes the loss of federal funds and improves the state's timely response.

f. The Statewide Marking Program assists airports in maintaining a safe visual marking aid environment on the airfield.

g. The Statewide Pavement Surface Treatment Program and pavement condition index study assists airports in maintaining their pavement in good condition.

AUTHORITY NOTE; Promulgated in accordance with USC 49:47101 through 49:47107, USC 49:48103, SCR 67 (1997) and R.S. 2:6.

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### **§311. Air Carrier Airports versus General Aviation Airports**

A. One of the basic objectives of a priority process is to identify projects that benefit the highest number of aviation system users; however, it primarily identifies projects that have the greater need, even if the airport serves less users than another airport. When airports are compared based on persons served, airports offering scheduled or unscheduled passenger airline service to the public serve more persons than airports that support general aviation activity. Differences in the size, revenue generation capability, and usage of commercial service air carrier airports—those airports that enplane 2,500 or more passengers annually—as compared to general aviation airports make it difficult to compare the need for projects between the commercial service air carrier and general aviation airports.

B. Due to aircraft size, weight, speed, operational characteristics, and FAA design standards, facilities at air carrier airports have more demanding requirements, resulting in costlier engineering and construction. Because of the significant differences between air carrier and general aviation airports project standards, each group's projects are prioritized separately.

C. The air carrier airports priority projects must have an established funding level, just as the general aviation priority projects must have an established funding level. To accomplish this, the total funds available for airport improvement projects in a given year are allocated between air carrier and general aviation airport projects in a ratio of 65 percent for air carrier airports and 35 percent for general aviation airports. This balance is adjusted if there are insufficient projects in either category to fully utilize available funding. This 65 percent/35 percent allocation is based on past experiences in the state's aviation program and the levels of state funding allocated to each type of airport. It also reflects the fact that air carrier airports have a greater capability of generating revenue through means unavailable to general aviation airports such as: concessions, vendor leases, landing fees, airline contracts, passenger facility charges, rental car lease agreements, and consolidated rental car facility charges. Passenger facility charges (PFC) are charges passed on to a commercial service passenger, which can be collected by the airport to fund projects not otherwise funded. These projects are eligible to be approved by the FAA for 100 percent funding through the PFC collection. Therefore, those portions of projects using PFC funds are not eligible to receive matching funds from the state.

D. The division of projects by air carrier or general aviation airport categories results in two project priority lists, one for each of the two types of airports.

E. LAS has air carrier airports that are FAR Part 139 certificated. Due to this federal certification standard, these airports are required by the FAA to meet all standards set forth in FAR Part 139. Therefore, each of these airport's projects will be prioritized in accordance with the Air Carrier Enhancement Program. Programmed projects shall receive a calculated percentage of the Airport Construction and Development Priority Program for Air Carrier Airports each year based on the annual aviation appropriation approved by the Louisiana State Legislature. The percentage shall be reviewed and recalculated/revised every two years by DOTD in accordance with the Air Carrier Enhancement Program. The projects included in the Air Carrier Airport Construction Program may be prioritized and selected utilizing a process based system. That system includes, but may not be limited to, objective analysis and public data that considers, at a minimum, aviation factors relative to project eligibility for funding within the air carrier airport construction program, hub classification status, economic analysis, studies by DOTD, FAA data for enplanements, operations, historical funding, and financial/grant management practices.

1. Air Carrier Enhancement Pilot Program (ACE Program). The ACE Program is designed to allow maximum flexibility in construction and development project requests while retaining the need and integrity of continuing the process to compile and develop a prioritized list of projects to be complete at air carrier airports. The program shall foster operational safety and provide for the optimal use and efficiency of existing transportation facilities and funding strategies. Further, it may support resiliency in the transportation system and promote diverse economic development, job growth, commerce, and tourism. It shall encourage innovation, support environmental practices, and improve the quality of life for Louisiana citizens. The primary objective of the ACE Program is to prioritize airport

improvement and development projects in accordance with the air carrier airport sponsor capital improvement plans (CIP), and the desired necessity to adapt to air carrier airport operational requirements. Percentage formulas derived through the program process shall include, but may not be limited to, FAA hub classification, enplanements, and operations in accordance with the air carrier entitlement program. Projects shall be included in the priority system evaluation as individual projects, but shall be funded through the total approved percentage amounts for each airport the category of projects requested. Differences in the criteria for assessing these types of projects, the costly amount of these projects, and the complex nature of the project timelines require state funding to be available to ensure practicality and inclusion in the same process with FAA and other federally funded airport improvement projects and processes. State statutes require a priority system to document and prioritize projects in logical order for addressing documented needs at the state's air carrier public airport system. The priority system is a process that has been developed to allocate planned consistent and reliable funding to air carrier airports to ensure they are able to address their critical needs and the needs of the LAS. The system reflects the state's development policy for the airport system, assigning higher values to projects which are consistent with the policy and the LASP.

a. From the estimated percentage of allocation amount, air carrier airports shall first provide funding for all match requirements to FAA grants received during each fiscal year the ACE is allocated.

b. Any remaining funds may be used for the next highest priority or appropriate project as identified by the airport sponsor through project support documentation submitted to DOTD.

c. Air Carrier airports may state their intent in writing to enhance their larger project requests by merging the previous year funded allocation amount and/or any remaining funds from previously approved projects for a legislatively approved project with their planned allocated amount and the request on file for the next fiscal year program to ensure and have the ability to fund a larger multi-year project.

d. If the air carrier airport elects to change a project that was previously prioritized or submitted as a merger project, the air carrier airport shall submit their intent to do so to DOTD in writing. The current project shall be canceled, and the new project shall be submitted in accordance with the prioritization process in the Airport Construction and Development Program. Funds, which had been approved for the canceled project will be reallocated to any other prioritized project the legislature has approved as needed in accordance with reallocation compliance procedures statutorily or by DOTD.

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### **§313. Preliminary Evaluation**

A. The preliminary evaluation is used to screen potential projects and determine those that can realistically be implemented, assuming funding is available.

1. The first step is to determine whether the project should be included in the priority process. There are three basic criteria:

- a. project type;
- b. project size; and
- c. eligibility for federal matching funds.

2. The second step is to determine whether the information necessary for prioritization is available.

B. A DOTD review committee will make an initial determination of whether there is sufficient information to prioritize a project when a project request is received. Some of the information considered by the committee is required by either the Federal Regulations or Title 2 of the Louisiana Revised Statutes.

C. DOTD is responsible for assigning priority values to projects, and determining if they are consistent with development plans in the master plan, action plan, or airport layout plan for the airport. If insufficient data is sent to DOTD, correct prioritization of the project will not be possible. When insufficient data is provided, a request will be made for the additional information needed. Therefore, project pre-applications and necessary documentation should be sent to DOTD no later than September 1 to allow time for processing and possible return for additional information before the project application deadline is November 1. Any document package not meeting all requirements and/or not submitted to DOTD by November 1, shall not be prioritized or included in the upcoming fiscal year's program.

D. Project Type. Generally, only airport improvement or preservation projects are included in the priority program. Some exceptions are land acquisition for obstruction removal or airport expansion and aircraft rescue and firefighting (ARFF) vehicles and equipment.

E. Some projects may be of a type in which DOTD does not participate. For example, the construction of roads and utilities for an air industrial park development or other similar landside projects are not undertaken by the priority system and will not be funded by DOTD.

F. Project Cost. Some projects may be too costly for funding from a single year's budget without denying funding to other needed projects at other airports. Therefore, no more than \$1,000,000 in 100 percent state funding may be programmed to a single general aviation airport through the Airport Construction and Development Priority Program per fiscal year. Projects in excess of these amounts may be funded in phases of usable units over two or more fiscal years. For example, a project for a general aviation airport may have a total cost of \$3,000,000. A usable unit phase for the project may be prioritized in the upcoming budget cycle for no more than \$1,000,000, but the remaining \$2,000,000 may receive priority in the following yearly budgets to insure project completion. This does not include projects that are prioritized as an FAA AIP grant unless it is known that the FAA will use a multi-year funding approach. Regardless of the project size, if the FAA uses multi-year funding, the



state will also use a multi-year approach. Projects for general aviation airport requiring a match will be prioritized in addition to any 100 percent state funding request.

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### **§315. Project Support Documentation**

A. Once it has been determined that a project is of the type and cost to be considered in the priority system, an evaluation of required supporting documentation will be made. The project application support documentation is a combination of documents and information necessary for DOTD to determine if the project is developed sufficiently for inclusion in the priority listing. Documentation shall include the following items:

1. **Project Resolution.** The initial document DOTD needs for consideration of any project is a resolution from the public body operating the airport requesting assistance in the development of the project. Generally, the assistance requested would be for both funding and technical assistance. Any commitment from the airport sponsor to participate in the cost of the project is also documented in the resolution. The resolution from the airport sponsor of the airport initiates an agreement between the two parties for joint sponsorship of the project and authorizes state participation in a local project pursuant to applicable provisions of state law. It is also considered a written commitment of support for the project by the airport sponsor. DOTD requires a resolution from the airport sponsor or owner before a project can receive state funds.

2. **Funding Sources.** Since available state funding historically falls far short of the requested airport needs, it is especially important to use every opportunity to take advantage of the FAA/AIP program, which provides funding grants for eligible projects at eligible airports. A request for 100 percent state funding may be processed for a project that is eligible for AIP funding. Those projects that are requested as FAA/state matching funds will remain on the program as FAA/state matching funds until the airport sponsor requests the project be converted or the airport sponsor submits a new project request with resolution prior to November 1 of each year to have the project prioritized as a 100 percent state funded project. An airport sponsor may request in writing to DOTD to have the project converted from an FAA matching funds project to a 100 percent state funded project.

B. **Project Components.** In the priority system, projects are prioritized on a generic basis. For example, projects that affect the primary runway are all considered under the heading "primary runway." This could include lengthening, widening, lighting, grooving, resurfacing, rehabilitating, or reconstruction of the primary runway. Projects are defined on a usable basis or unit. This means that if a runway is widened, the relocation of runway lighting and striping are

all included in the project. Another example is a request to lengthen a runway and to extend the corresponding taxiway. The runway can be lengthened and usable without the extension of the taxiway, so these may be considered as two projects in the priority system. Development of projects as a usable unit prevents projects of a lower priority being tagged onto a high priority project and resulting in a higher rank. This focuses the priority system on those projects with the highest priority ranking, maximizing the effectiveness of aviation program funds. However, it is sometimes advantageous in terms of safety, operational effectiveness, and fiscal responsibility to include lower ranking projects and otherwise unrelated higher projects. For instance, if there is a high priority project to overlay a runway, it may be appropriate to include a stub taxiway leading from the runway to a parking apron, or the apron itself, if it is in poor condition. This can prevent damage to aircrafts, provide a safe operational area for the necessary movement of aircrafts, and provide significant cost reductions for the lesser priority projects. This blending of otherwise nonrelated projects, is an exception which will be authorized only in exceptional cases. The aviation director is responsible for the organization of projects into usable units when projects are developed, and for determining if special circumstances exist which would warrant combining unrelated projects.

C. **Planning Data.** The priority process depends heavily on planning data to evaluate the relative merits of a project. Usually the justification for a project is in the master plan or airport layout plan for the airport but there are exceptions. Engineering inspections may identify the need for reconstruction of a runway or a 5010 inspection may reveal a safety problem. Regardless of the means by which a project is identified, written documentation describing the need for the project and the justification for the action to be taken must be provided. The justification for the project should be brief and to the point. An airport shall have an approved airport layout plan on file with DOTD in order for projects to be eligible for funding using state aviation appropriations funding.

1. Submitting a master plan or airport layout plan document as sole justification is unacceptable. The pertinent section of the master plan or action plan should be submitted with a narrative to explain the project and demonstrate that it is consistent with the master plan or action plan recommendations.

2. The planning data for a project, at a minimum, must:

- a. document the need for the project;
- b. explain how the project meets the need;
- c. give the estimated cost; and
- d. identify the project on the airport's approved layout plan.

D. **Project Scope, Costs, and Justification.** The estimated cost and justification for the action to be taken is necessary for proper prioritization. The documentation for the justification need not be lengthy; but, it should focus on what has generated the need. For example, if an aircraft parking apron is to be expanded, the number of existing parking spaces versus the number of aircrafts that need to be parked on the apron would be adequate documentation. In this instance, a description of the size for the proposed apron

expansion, and how many additional parking spaces the expansion would create should be submitted. The expansion should also be shown on the airport's approved layout plan to illustrate how it fits in the overall master plan or airport layout plan recommended for the airport. If the expansion of the apron is not consistent with the master plan or action plan, an explanation for the proposed deviation is necessary.

E. **Environmental Requirements.** Because of their potential environmental impact, some proposed projects may require environmental clearance before they can be constructed. During the preliminary evaluation of a project, there should be a determination whether or not environmental clearance is required. If the FAA Airports District Office or DOTD indicates environmental clearance is required, documents that show environmental requirements have been met should be provided. If some type of environmental document needs to be developed for the project, this should be completed before the project is placed in the priority system unless the environmental delineation and/or mitigation is part of or included in the project to be funded. Environmental clearance of projects can be a lengthy process, and allowing a project to be dormant in the priority system while waiting for clearance could preclude other projects from being implemented.

F. Two of the evaluation criteria in the "sponsor compliance" category are whether the airport sponsor has height limitation zoning and land use zoning in effect around the airport. If DOTD does not have a copy of the airport's zoning ordinances on file, the airport sponsor is required to provide this. The lack of zoning around the airport will cause a lower ranking of the proposed project.

1. The presence of zoning ordinances, an implemented pavement maintenance plan, compliance with the current airport specific operations manual, airport minimum standards, and adequate airport maintenance are evaluated in the preliminary evaluation of a project. If they are not being done at an airport, the local sponsor should be given an opportunity to rectify the situation before the project is prioritized. The airport owner will be advised of the corrective actions that can be taken to improve the project score. If the owner does not initiate and document corrective action that clearly shows action being taken to address these items and correct deficiencies in these areas, the project will not receive points in this category.

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#### **§317. Project Priority Rating System**

A. There are four categories of evaluation. The categories are as follows:

1. Category I—project type;
2. Category II—facility usage;
3. Category III—sponsor compliance;

#### 4. Category IV—special considerations.

B. Points are awarded to a project based on evaluation criteria in each category, and the total evaluation score for the project is the sum of the points in each category. The point values are designed to award points in a weighted manner. Each area of evaluation receives points in proportion to the relative importance as determined by DOTD.

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#### **§319. Category I—Project Type (see Exhibit 1)**

A. This category is designed to segregate projects by type, defined by the primary purpose of the project. To accomplish this, four subcategories have been designated for project type. These subcategories are:

1. safety;
2. airside preservation;
3. airside improvements; and
4. landside improvements.

B. The subcategories are listed in order of descending importance and point values have been assigned accordingly.

1. Development of projects directly related to safety of aircraft operations is the highest priority because of the potential for loss of life/property should safety needs not be addressed.

2. Next is preserving the existing airport system since the existing facilities represent an investment of public dollars, and there is a commitment to maintain those facilities that are in use.

3. The airside improvements reflect a policy by DOTD to develop facilities to the design standards established by DOTD and the FAA to accommodate existing aviation activity at an airport.

4. Projects for landside improvements at an airport are last in the project type priority as safety, airside preservation, and airside improvements are all types of projects that need to be addressed in order to maintain a safe and operational airport.

C. Except for the "safety" subcategory, the general approach to assigning points to projects within these subcategories is to give highest priority to addressing needs of the primary runway first and then decreasing priorities the farther the project is removed from the primary airside facilities. For example, a project on a primary runway has a higher priority than an apron project, but the apron project has a higher priority than a vehicle parking lot project. Safety projects, because of their importance, are addressed equally, regardless of what area of the airport they impact. The program safety subcategory type for primary runways at rural airports, pertains only to runway pavement projects at airports classified within the rural airport program as defined

in this part. For a rural airport to receive points in this category, the airport shall apply for funding assistance for runway pavement work before the runway pavement deteriorates below the state standard specified level for safe aeronautical operations in the airport construction and priority program.

D. Project types listed are generic. For instance, any project dealing with the primary runway that is designed to preserve its integrity falls under the "preservation of existing system" subcategory. This means that overlaying of the primary runway receives the same number of points as reconstructing the primary runway because both are designed to preserve the integrity of the runway. The subcategories in the "project type" category are displayed in Exhibit 1, including the type of project within each subcategory and its corresponding point value.

E. DOTD may participate in revenue-generating projects such as fueling systems and hangars. Such projects are usually done after all other airside projects or issues have been completed. Certain areas of terminal buildings at general aviation airports may be eligible. Areas such as the airport manager's office, flight planning area, pilot's lounge, and a small conference room would be considered eligible for funding. Areas such as a location for rental car agencies, restaurants, and fixed base operators (FBO's) would not be considered eligible for funding. The size of the terminal building eligible for funding would also be limited to the needs for the size of the airport in which it would be located.

F. Safety (see Exhibit 1.A). Projects in this subcategory are limited to those that only affect aircraft operational safety. These are projects such as obstruction removal, runway grooving, aircraft rescue and firefighting (ARFF) equipment, and lighting. For example, lengthening of a runway improves safety, but its primary purpose is to allow utilization by larger or faster aircraft. In the case of ARFF vehicles, a request for a new ARFF vehicle must have adequate justification. For example: If an airport's ARFF index requires, as part of its certification, one 1,500 gallon ARFF vehicle, and this vehicle was purchased within the last two years, the ARFF vehicle's life cycle is expected to last approximately 10-12 years. Therefore, if the sponsor requests a newer ARFF vehicle within this 10-12 year time frame, the ARFF vehicle will not be scored in the 'safety' category. Rather, the ARFF vehicle will be scored in the 'airside improvement' category due to the age of the recently purchased vehicle, if it is justified by the airport's current ARFF index. If the airport sponsor requests to continue with an application for an ARFF vehicle that exceeds the airport's index requirements, the airport sponsor may elect either of the following options:

1. Application may be submitted for 100 percent reimbursement for refurbishment of an existing ARFF vehicle; or

2. Application may be submitted for 25 percent state funding, and the airport sponsor will provide the remaining 75 percent for a new ARFF vehicle. However, after completion of either option, this ARFF vehicle will be categorized as a new vehicle and must comply with the requirements specified in this section. If the ARFF vehicle that is currently allowing the airport to meet its ARFF index requirement is expected to exceed 10-12 years of age by the time of the request, the vehicle can be scored in the 'safety'

category. Projects in the "safety" category are those developed specifically to address an unsafe condition, and receive the highest evaluation points possible. Only airports that hold current FAR Part 139 Airport Operating Certificates (AOC) with the FAA are eligible for funding in the airport construction and priority program.

G. Airside Preservation (see Exhibit 1.B). Projects that are required to maintain the functional integrity of existing facilities are evaluated in this subcategory. Reconstruction of a runway or taxiway and rehabilitation of an existing lighting system are the types of projects included under this subcategory. The point values are assigned with the highest value to projects that maintain the integrity of the primary runway and decrease in value as the facility being maintained moves from preservation of existing facilities toward making improvements to airside facilities.

H. Airside Improvements (see Exhibit 1.C). Projects evaluated in this category upgrade a facility to a design standard, based on current needs. The required design standards for facilities are determined by the role the airport plays in the state airport system, and DOTD facility development standards. The airport role and standards are found in the LASP, appropriate FAA and state airport design advisories, and engineering briefs.

I. Landside Improvements (see Exhibit 1.D). Projects in this subcategory are designed to facilitate the handling of issues dealing strictly with landside improvements. These projects receive the least amount of points in the prioritization process due to the fact that emphasis must be put on airside to maintain safe and operational airports. Projects in this subcategory may be addressed once the airside issues have been addressed and resolved.

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### **§321. Category II—Facility Scoring (See Exhibit 2)**

A. This category weighs the use of an airport relative to the use of other airports in the system. The basic objective is to support projects that serve the most aviation users. This objective has to be balanced with DOTD's goals of maintaining a viable statewide system of public use airports, and maintaining aviation and public safety. For this reason, air carrier and general aviation airports are prioritized separately.

B. Points are awarded based on the number of aircraft based at the airport and/or the number of commercial enplanements. The point values have been developed to attempt to recognize higher use of an airport while not eliminating a low use airport from consideration for projects. Exhibit 2 shows the point rating structure for this category.

C. The number of based aircraft at an airport, as indicated in the latest 5010 inspection report, or the national

based aircraft inventory, is used to determine the relative level of use at an airport. However, the number of operations for each based aircraft is not accounted for by using only the based aircraft numbers. For instance, itinerant operations are not recognized, nor are other operations by aircrafts not based on the field, such as agricultural and military aircraft. All of these factors will affect the overall number of operations at an airport, which is a more accurate measure of airport use. General Aviation airports can confirm their airport's aircraft operations through the utilization of airport operation communication devices that will collect annual data to verify their operational capacity. The airport may incentivize their project scores within the facility usage category of the project scoring criteria through participation in this data collection program.

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### **§323. Category III—Sponsor Compliance (See Exhibit 3)**

A. The "sponsor compliance" category evaluates how effectively the airport owners are operating the airport with respect to established standards and good management practices. Several areas are evaluated in this category that are critical to providing safe and efficient public services. Exhibit 3 shows the evaluation criteria and point values for this category.

B. Airports are affected by the use of the land surrounding them. Certain land uses in the vicinity of an airport can result in restrictions on use of the airport and, in extreme cases, the total closure of the airport.

1. **Height Ordinances.** Restrictions to prevent the penetration of tall objects into the approach surfaces for aircraft at an airport are very important. Generally referred to as "height hazard zoning," this type of zoning prevents tall objects that affect the safety of aircraft operations from being built around the airport. Tall objects can cause the displacement of thresholds and the raising of "minimums" for instrument approaches at an airport, thus decreasing the utilization of the airport. The airport represents a substantial public investment and implementation of height hazard zoning by the appropriate local governing body protects the investment by allowing the airport to be used to its full capacity. Points are awarded in this category for having height hazard zoning ordinances in effect at an airport.

2. **Compatible Land-Use.** Compatible land use zoning is necessary to protect the airport from restrictions placed on it when aviation uses conflict with surrounding land uses. Certain land uses around an airport are incompatible with airport operations because of safety considerations or impacts on landside activities. Noncompatible uses can create conflicts between the community and the airport

which may create pressures to restrict use of the airport. Within this category, the implementation of land use zoning is evaluated, and points are awarded for having land-use compatibility zoning in effect around an airport.

C. The final evaluation area in the "sponsor compliance" category is maintenance. The sponsors of the airport are responsible for routine maintenance, such as cutting the grass, changing light bulbs, maintaining proper drainage, sealing/filling pavement cracks, and refurbishing, marking and painting stripes. If regular maintenance is not completed, the airport will not receive full points in this category. If maintenance is cited as a problem, the airport will be notified in writing of the problem and corrective actions recommended. Current open discrepancies shall affect the prioritization of future project requests from the airport sponsor as noted in Chapter 1 of this Part. DOTD may schedule and conduct supplemental or special airport inspections, as needed to ensure the safety of aircraft operations at any public-use airport in the LAS without notice. Point values shall be assigned in accordance with the airport construction and priority program regarding the airport discrepancy corrections.

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### **§325. Category IV—Special Considerations (see Exhibit 4)**

A. The first three evaluation categories cover those evaluation areas (project type, facility use, and sponsor compliance) for which all projects prioritized will receive an evaluation score. The "special considerations" category allows projects of special significance to receive additional evaluation points when being prioritized. The items evaluated in this category bear no relationship to one another and thus each project is evaluated to determine if it should receive bonus points in its prioritization score. Exhibit 4 shows the criteria and point values for bonus point evaluation.

B. **Special Programs.** At times, certain improvements at an airport may be mandated by federal or state law and thus require a higher prioritization. DOTD may determine that special emphasis should be placed on a certain type of project. All projects of the designated type will receive additional bonus points under these evaluation criteria. An example would be a phased project. Additional points will be awarded to ensure that a consecutive phase of a project receives a higher priority than a project that is not phased.

C. **Economic development potential** is another evaluation area under the "special considerations" category. Any construction project generates economic development; however, there some projects are designed to address a specific economic need at the airport or in the community. To receive points in this area, the economic development of the project must be well documented, and clearly

demonstrate the potential economic impact of the project. An example of an economic development type of project would be facilities developed to accommodate the aviation needs of a business moving to the community. The facilities would have to constitute a major factor in the decision of a business to be located in the community. To receive bonus, an economic impact study may be required the cost of which is the responsibility of the airport sponsor. Another example would be a taxiway to an open industrial airpark access. This would get bonus points, but a taxiway to a T-Hangar area would not. A runway project to accommodate corporate aircraft would need to be thoroughly documented that it was a major factor in the location of the business.

D. Airline service to a community is an important element in the community's overall economic development. Under the "special considerations" category, projects are evaluated to determine if their primary justification is to maintain or attract airline service to the airport. For a project to receive points under this category, it must be directly responsible for effecting airline service at the airport. Documentation of the project justification is essential for prioritization rating points to be awarded under this evaluation criteria.

E. Another "special considerations" category is the provision of local matching funds contributed to the project request by the local airport sponsor. This is designed to incentivize an airport sponsor to identify and provide local financial assistance for preference to projects that are supported and highly valued by the local airport sponsor. No matching funds from other state sources will qualify for bonus points. Commitment for airport sponsor funding support shall be included in the project requesting resolution submitted by the airport sponsor requesting assistance from DOTD for the project. Airport sponsor contributions to projects will be scored using a percentage-based system, in accordance with Exhibit 4 of this Chapter. Airport sponsors shall have all airfield safety discrepancies or conditions corrected in accordance with the airport construction and development program to be eligible to compete for points in this category.

**AUTHORITY NOTE;** Promulgated in accordance with USC 49:47103, SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE;** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1513 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:526 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:111 (January 2013), amended by the Department of Transportation and Development, Division of Aviation, LR 49:

### **§327. New Airports**

A. An airport that is constructed on a new site presents different prioritization issues than improvements to existing airports. Generally, a new airport will fall into either of two categories.

1. First, an airport that is proposed for an area of the state not served by a public airport.

2. Second, a new airport proposed to replace an existing public airport which, for any number of reasons, is not considered a suitable public airport.

B. Prioritization of projects for the development of a new airport requires a slightly different process than that for an

existing airport. There are some special considerations that must be made in each of the four prioritization categories.

C. Initially, it must be determined if the project under consideration is for a "new" airport. For purposes of the priority process, an airport will be considered "new" until land is purchased for the airport, a primary runway is constructed, and an apron for aircraft parking is constructed. This includes clearing of runway approaches. At some point during its development, a new airport becomes an existing airport. The completion of these elements allows aircrafts to operate at the airport and, at that point, the airport is no longer considered "new". As such, future projects would be prioritized using the standard prioritization process. The land acquisition, runway, and apron construction will be prioritized using the following special considerations in each category.

D. Under the "project type" category, new airport projects will be categorized in either of two project type categories. Those new airports that are replacing an existing airport are categorized as upgrades to standards type projects. This type of new airport allows construction of an airport that meets all DOTD design standards and allows for future expansion to continue to meet these standards. It should be noted that land purchased for a new airport is often funded with state funds, but when the FAA begins funding other improvements such as the primary runway, the state is reimbursed for land acquisition costs. If this is the case, land acquisition should be treated as a federally funded project and prioritized accordingly.

E. New airports constructed in areas of the state not being served by a public airport are prioritized under the project type "airside improvements" subcategory. These airports are primarily constructed to increase the capacity of the Louisiana public airports system, and after construction will be prioritized in the "airside preservation" subcategory similar to existing airport's projects. The FAA usually reimburses land acquisition costs; thus, these projects should be prioritized accordingly. Where land acquisition is a prerequisite to construction, the Sponsor shall provide DOTD with proof of ownership, prior to starting construction. The Sponsor Certification shall be submitted to DOTD after real property is acquired/leased or a contract has been executed. The Sponsor shall assume ownership of the improvements and assume all operations and maintenance costs of the facilities for a period of not less than 20 years. Non-aeronautical activities shall require written approval from DOTD.

F. For the "facility scoring" category, the based aircraft and enplanements numbers that determine the points awarded for the new airport project will be those cited in the supporting planning document for the first planning phase. This will usually be the numbers cited for the first year of operation.

G. Under the "airport sponsor compliance" category, there are two areas that can be included in the prioritization process. The presence of height limitation zoning/ordinances and land use zoning along with subsequent local enforcement policies and procedures should be documented and points assigned accordingly.

H. In the "special considerations" category, a new airport can be assigned points in the same manner as an existing

airport. If an airport is the first public airport in an area, the airport should receive bonus points for its economic development potential. The airport represents a totally new mode to the local transportation system and should have a significant long-term economic impact on the area served. Remaining bonus point areas can be assigned in the same manner they are assigned for existing airports.

**AUTHORITY NOTE:** Promulgated in accordance with USC 49:47103, SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1513 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:526 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:112 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:761 (May 2016), LR 49:

### **§329. Prioritization of Projects**

A. Once a determination has been made by DOTD that a project is eligible to be included in the prioritization system, the project will be prioritized using the rating system. The preliminary evaluation of the project should provide the information necessary to complete the process. If adequate information is not available, it will be requested before the project is prioritized. Prioritizing a project without sufficient information may cause a project to receive a higher or lower ranking than it deserves.

B. Point values are assigned in each category using an electronic entry of the worksheet that is included as Exhibit 5. The entry follows the priority rating system and provides the documentation of how the total score for a project was derived. The entry with any subsequent edits is maintained with the project file so that documentation of the value assigned in each category is available.

C. As part of the evaluation of the project, the eligibility of the project for federal funding is noted on the worksheet. If federal funds are already committed, this is also included on the worksheet. When the project is entered in the automated priority system, the eligibility or commitment of federal funding for the project is noted.

D. Some projects will have equal scores after they are evaluated. If these projects fall at a point in the ranking list where a tiebreak is necessary (funded program versus four-year unfunded program), projects with the same score will be ranked based on the highest score in Category I. The project with the higher score in Category I will be ranked higher. If the projects are tied in Category I, Category III is used to break the tie and, if still tied, Category II is used. Should the projects still be tied after examining all four categories, DOTD will review all information submitted, and all future projects on the sponsor's Capital Improvement Plan (CIP) to determine which project will provide the safest and best support to the State's Aviation System.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:527 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:112 (January 2013), amended by the Department of Transportation and Development, Division of Aviation, LR 49:

### **§331. Priority Ranking System**

A. After the total evaluation score for a project is determined, it is entered into a priority ranking system and its relative ranking is determined. This system ranks projects by descending score in the commercial service airport or general aviation airport priority program, as appropriate.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:527 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:113 (January 2013), amended by the Department of Transportation and Development, Division of Aviation, LR 49:

### **§333. Program of Projects**

A. The list of projects for air carrier and general aviation airports, prioritized by evaluation score, represent the program of projects that DOTD will implement through its development program. The actual number of projects from each list that will ultimately be constructed is dependent upon the level of funding that DOTD receives each year.

B. The priority system has been designed to allow inclusion of a cost estimate for each project. The estimate is broken down by federal share, state share, and local sponsor share. Since the system is designed to prioritize the use of state monies, the state funds required for a project are key to developing a program of projects.

C. Most projects will require more than one year to design, acquire land (if necessary), and construct. When a project that is programmed to be funded over two or more fiscal years is included in the program, the phase of work (design, construction phase I, construction phase II) will be noted along with the cost of that phase. Subsequent phases may be shown at the top of the four-year unfunded list. As projects are constructed and more funding becomes available, remaining projects with the highest scores will be placed in the construction program to the extent that funding is available. The projects for which funding is available will not be changed until more funds become available. Projects on the four year unfunded list recompute for funding each fiscal year until they are funded or canceled from the list in accordance with the Airport Construction and Development Priority Program. Due to needs, cost estimates, airport operational situations, and other regular data changes, after three years all projects which have not received an executed grant may be canceled from the program. Written notice may be provided to the airport sponsor to ensure the sponsor understands that any canceled projects will need to be reapplied for to recompute in the program for funding consideration. If projects are canceled from the program, they must be resubmitted with updated information. They will then be reviewed and reentered into the priority system.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 67 (1997), R.S. 2:6, and R.S. 2:802.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:528 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:113 (January 2013), amended by the Department of Transportation and Development, Division of Aviation, LR 49:



### §335. Project Available for FAA Funding

A. Special consideration for projects that will receive FAA funding is included in the priority system. The priority system is a listing of the projects in the order that the state considers implementation desirable based on the state's overall aviation development policies.

B. There are two decisions that DOTD makes when seeking FAA funding for its program. Projects planned at NPIAS airports that are types in which FAA will participate are noted in the CIP. This enables DOTD to present a proposed program of projects to the FAA that are eligible for FAA funding and that reflect state priorities. The Aviation Section then negotiates with the FAA to secure federal funding for top ranked projects. The second consideration for FAA funding is projects the FAA will fund, that do not appear in the implementation program based on priority rankings. DOTD cannot reject a project that will receive funding from the FAA. In these cases, a project that has received a commitment for federal funds is to be automatically included in the list of projects for implementation in the current year. If the current year program is already developed, the project is given top priority in the next year program or may be funded by future FAA obligation funds or funds available from cost underruns. Therefore, it is important that airports seeking federal funding for projects that are eligible for matching funds from the aviation program coordinate their application with both the FAA and DOTD.

**AUTHORITY NOTE:** Promulgated in accordance with USC 49:47103, USC 49:47109, SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1515 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:528 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:113 (January 2013), LR 49:

### §337. General Aviation Airport Certification (GAAC) Pilot Program

A. The GAAC Pilot Program is a program designed to enhance the economic impact, development, and marketing strategies of the general aviation airports who elect and are approved to participate in the program. This shall be an opt-in program, which means the airport sponsor has the option of participating in a value adding and strategically based program. The prioritization of additional point values within this program are reflected in Exhibit 4. The state considers implementation based on the airport's overall safety strategies, airport development policies, revenue procedures, documented inspection practices, and utilization of infrastructure improvements, which are consistent with the overall development objectives of the LASP and the GAAC Program.

#### B. Program Application Requirements

1. Applications in writing for the GAAC shall be filed with DOTD, in accordance with this Chapter and the GAAC, prior to the beginning of participation in the program. Failure to file the application in its entirety may result in the application being delayed, suspended, or denied.

2. Once a fully executed application is received, DOTD may assign a program number to the airport sponsor/airport to complete the review and provide advance

notification to the airport sponsor confirming receipt and a qualification determination. The airport sponsor shall be notified of the program number and estimated timeframe for review of the application packet.

3. The airport sponsor shall provide all information for the GAAC Policy Program to verify the airport qualifications including, but not limited to, airport operations, safety protocols, security, revenue practices, audits, pavement management plan, airport self-inspection program, maintenance practices, minimum standards, rates/charges, wildlife mitigation plan, airport emergency operation plan, training requirements, grant management performance, and airport compliance procedures.

4. Determination. DOTD shall make an initial determination of whether the airport sponsor and airport qualify for the GAAC Pilot Program. If additional information is required after the initial review is completed, DOTD may request, in writing, additional information from the airport sponsor.

5. If the airport sponsor and airport are qualified by DOTD to participate in the GAAC Pilot Program, DOTD will provide guidance in writing to the airport sponsor regarding the next steps to proceed in the certification process of the airport sponsor and airport, in accordance with the GAAC Policy Program and the Airport Construction and Development Program.

C. Program Agreements. Upon DOTD approval of the airport sponsor and airport to participate in the program, DOTD may develop the following documents to complete the certification process. The documents may contain, but not be limited to the following.

1. DOTD and Airport Sponsor Contractual Agreement. This agreement will contain the approvals by DOTD for the airport sponsor to participate in the program. The agreement will also contain the requirements that the airport sponsor shall uphold and not deviate from during the agreement period. There may be separate and various levels of certification and agreement periods with distinctive requirements for each. DOTD may discuss these levels of certification with the airport sponsor prior to issuing a contractual agreement.

2. Airport Sponsors shall agree to participate in the program for a period of not less than one (1) year.

3. There may be a one (1) year extension granted to the airport sponsor by DOTD without further certification requirements.

4. The airport sponsor shall agree that the program will be completed in accordance with all applicable federal, state, and local laws, regulations, and policies. It is the sole responsibility of the airport sponsor to certify the appropriate development, completion, and authenticity of all work documents required from the airport sponsor throughout program participation.

5. Upon successful approval into the program, DOTD may issue a State Certification Operations Document to the airport sponsor to reflect the airport sponsor's participation in the program in accordance with this chapter, the GAAC Policy Program and the Airport Construction and Development Program.

6. DOTD reserves the right and authority to terminate the contractual agreement under any circumstances without advanced written notice to the airport sponsor.

AUTHORITY NOTE: Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 49:

**§339. Exhibits**

**A. Exhibit 1**

<b>Exhibit 1</b>	
<b>Category I—Project Type</b>	
<b>Points</b>	
<b>A. Safety—Projects Directly Affecting Operational Safety</b>	
50	Correction of runway failures severe enough to be an obvious safety problem. Runway friction surface or grooving or other action directly related to safety. Primary runway at rural airports.
49	Repair of primary runway lighting system or approach lighting system which is not functional and is deemed to be a safety hazard.
48	Obstruction removal which is requiring the displacement of the runway threshold and relocation of runway lighting.
47	Obstructions within the Runway Protection Zone (RPZ) or Penetrations to the Required FAR Part 77 20:1 Approach Slope Surface.
46	FAR Part 139 Certificated Airport ARFF vehicles and equipment required at commercial service airports or minimum safety equipment at GA airports to maintain current certificated FAA ARFF Index. Security fencing to correct a specific safety problem (does not include general perimeter fencing).
45	Safety condition identified by professional evaluation or accident statistics.
<b>B. Airside Preservation—Preserving the Infrastructure of the Airport Dealing with Air Operations. Examples are preserving and maintaining the infrastructure of the runways, taxiways, aircraft aprons, airfield lighting, NAVAIDS, Fuel Farms, T-Hangars, Sustainability Projects.</b>	
30	Primary runway
25	Taxiway serving primary runway
18	Apron/Navigational Aids (NAVAIDS)/Sustainability and Innovation Projects
17	Secondary runway/ Wildlife/Safety Fencing*
16	Taxiway serving secondary runway
15	Stub taxiways and taxi-lanes
*Justification and supporting airport documentation of wildlife hazards and prevention plans are required to receive points in this category.	
<b>C. Airside Improvements—Improving the Infrastructure of the Airport Dealing with Air Operations. Examples are improving and upgrading the infrastructure of the runways, taxiways, aircraft aprons, airfield lighting, NAVAIDS, Fuel Farms, T-Hangars, Approaches.</b>	
14	Primary runway / Obstructions within the FAR Part 77 7:1 Transitional Slope Surfaces
13	Primary taxiway
12	Apron/Sustainability and Innovation Projects
11	Perimeter fencing
10	Navigational Aids (NAVAIDS)
9	Secondary runway
8	Secondary taxiway
7	Agricultural loading area
6	Noise Mitigation / Terminal Building for Air Carrier and General Aviation Airports / Hangars / Fuel Systems
5	New airport construction including runway, taxiway, and apron/Any additional ARFF vehicles or equipment beyond minimum requirements to meet current ARFF Index, Masterplans, Airport Layout Plans (ALPs), Preliminary Engineering Reports (PERs), and Action Plans.
<b>D. Land Side Improvements—Improvements That Enhance an Airport's Infrastructure Not Related to the Air Side.</b>	
4	Land acquisition not related to Airside Improvements for future expansion
3	Primary vehicle access road
2	Primary vehicle nonrevenue-generating parking.
1	Other Land Side Improvements

**B. Exhibit 2**

<b>Exhibit 2</b>	
<b>Category II—Facility Scoring</b>	
<b>Based Aircraft*</b>	<b>Points</b>
91 or More	20
81 to 90	18
71 to 80	16
61 to 70	14
51 to 60	12
41 to 50	10
31 to 40	8
21 to 30	6
11 to 20	4
1 to 10	2
<b>Based Aircraft Type</b>	<b>Points</b>
5 or more Based Jet Aircraft	10
>2 Based Jet Aircraft	7
At Least 1 Based Jet Aircraft	3
0 Based Jet Aircraft	0
<b>Based Aircraft Type</b>	<b>Points</b>
>60,000 Annual Operations	9
>25,000 but < 59,999 Annual Operations	7
>15,000 but < 24,999 Annual Operations	5
> 10,000 but < 14,999 Annual Operations	3
< 9,999 Annual Operations	1
<b>Airport Grant Performance Management**</b>	<b>Points</b>
No Grant Performance Discrepancies	10
3 or Less Grant Performance Discrepancies	5
More than 3 Grant Performance Discrepancies	0
<b>Airport Sponsor Responsiveness Management</b>	<b>Points</b>
Airport Sponsor Responsiveness (>=/> 80 percent)	20
Airport Sponsor Responsiveness (>=/> 50 percent but <80 percent)	10
Airport Sponsor Responsiveness (>=/> 0 percent but <50 percent)	0

\*Taken from latest 5010 Inspection or the national based aircraft inventory

\*\*Airport Grant Performance Management History will score an airport sponsor on the proper state grant management including, but not limited to—promptness, accuracy, grant activity, and compliance with state grant assurance articles. Additionally, if an airport sponsor is declared in non-compliance with federal or state laws, regulations, rules or policies by the FAA, Louisiana Legislative Auditor, or DOTD within the previous fiscal year, the airport sponsor shall not be eligible to receive points in this category. Grant discrepancies will be recorded by the Operations Program. The timeframe for review will be over the prior two years of grant performance based on the state's fiscal year.

**C. Exhibit 3**

<b>Exhibit 3</b>	
<b>Category III—Airport Sponsor Compliance</b>	
	<b>Points</b>
Height Limitation Zoning Ordinance < 10 Years Old	10
Height Limitation Zoning Ordinance < 20 Years Old	5
Height Limitation Zoning Ordinance > 30 Years Old	1
Land Use Compatibility Zoning	5
<b>5010 / Safety Inspection</b>	<b>Points</b>
5010 Inspection-Airport Basic Maintenance Scoring	
No Basic Maintenance 5010 Repeat Discrepancies	15
2 or Less Basic Maintenance Repeat Discrepancies	7
More than 2 Basic Maintenance Repeat Discrepancies	0
5010 Inspection-Airport Self-Inspection Scoring	
Daily Pavement Inspections (Documented)	20
3 Times per week Pavement Inspections (Documented)	15
Monthly Pavement Inspections (Documented)	10
Annual Pavement Inspections (Documented)	5
No Pavement Inspections (Documented)	0

5010 Inspection-Maintenance Items Repaired Scoring	
Maintenance Discrepancy Items Repaired within required time frame	20
Maintenance Discrepancy Items Repaired outside of time frame	10
Maintenance Discrepancy Items Not Repaired	0
<b>Louisiana Aviation System Plan Standards</b>	<b>Points</b>
Improves LASP Performance Measure	10
Meets LASP Standard Performance Measure	3
<b>Airport CIP and Planning Sustainability</b>	<b>Points</b>
CIP Consistency Maintained-Airport Project Adheres to 3 Year Planning Cycle*	15

\*Planning cycle shall be verified and certified by DOTD to award points in this category to an airport project application.

D. Exhibit 4

Exhibit 4	
Category IV—Special Considerations	Points
Designated as Special Program*	15
Economic Development Potential**	10
Airport Sponsor Local Funding Contribution ***	1-59
General Aviation Airport Certification Program****	0-30

\*Special Program—Certain types of projects mandated by Federal or State law or identified in a policy decision by DOTD. For example, if the EPA requires a certain kind of wash down facility, it could be given added priority with bonus points. DOTD may place emphasis on a particular type of project, e.g., hazard removal around the state, subsequent phase of a project continuation, project supported and encouraged by the Louisiana Airport System Plan, these types of projects could receive Special Program points.

\*\*Economic Development—Clearly demonstrated impact on economic development in an industrial airpark or around the airport locale. For example, a taxiway to open industrial airpark access would get bonus points, but a taxiway to a T-Hangar area would not. A runway project to accommodate corporate aircraft would need to be thoroughly documented that it was a major factor in the location of the business. To receive bonus points in this category an economic impact study may be required, the cost of which is the responsibility of the airport owner.

\*\*\*Airport Sponsor Local Funding Contribution- Airport Sponsors that clearly demonstrate their intention of providing local financial support for a project through documentation via a resolution shall receive incentive points toward a single project request in accordance with the following criteria:

For every percent that an airport sponsor contributes to the total amount of the project (including all phases of the project) in accordance with the airport construction and development priority program, 1 point will be awarded for percentages between .02 percent - .08 percent and will be calculated as 0.2 percent = 1 point; 0.4 percent = 2 points; 0.6 percent = 3 points; 0.8 percent = 4 points; For every percentage point from 1 percent to 50 percent, beginning at 1 percent = 10 points and 1 point thereafter will be awarded for each percentage. For example—if an airport is requesting a \$500,000 total project, and contributes 0.6 percent or (\$3,000), then the project will be awarded 3 points toward the total project score. Another example is, if an airport is requesting a \$500,000 project and contributes 12 percent (\$60,000), then the project will be awarded 21 points toward the total project score.

\*\*\*\*Airports that elect to and are approved to participate in the GAAC Pilot Program will be eligible for points awarded under this category in accordance with the GAAC Pilot Program.

E. Exhibit 5

Project Priority Evaluation Worksheet	
Project Number*	Date Evaluated
Airport Name	
Description of Work	
Category I: Project Type	Score
Safety	
Airside Preservation	
Airside Improvements	

Project Priority Evaluation Worksheet	
Landside Improvements	
	<b>Total</b>
<b>Category II: Facility Score</b>	
Based Aircraft	
Based Aircraft Type	
Airport Operations	
Airport Grant Performance	
Airport Sponsor Responsiveness Management	
	<b>Total</b>
<b>Category III: Airport Sponsor Responsibility</b>	
Height Limitation Zoning	
Land Use Zoning	
5010 / Safety Inspection	
Louisiana Aviation System Plan Standards	
	<b>Total</b>
<b>Category IV: Special Considerations</b>	
Special Program	
Economic Development	
Commercial Service	
Airport Sponsor Local Funding Contribution	
General Aviation Airport Certification Program	
	<b>Total</b>
<b>Project Total Evaluation Score</b>	<b>Total</b>

F. Exhibit 6

Louisiana Airport Construction and Development Priority Program Project Application Form		
Airport Sponsor: Airport: No. and Street/P.O. Box: City, State, Zip Code:		
<b>Project Title/Description</b> (As listed on CIP)	<b>Funding Year Requested:</b> (As listed on the CIP)	
<b>Project Scope and Justification</b> (Provide detailed explanation documenting the need and how the project meets the need. (Refer to Louisiana Administrative Code Title 70, Part IX § 315.C for additional guidance.)		
<b>Estimated Project Cost</b> (If applicable, attach a detailed construction cost estimate)		
Classification	Estimated Cost	
Administrative Expenses	\$	
Land Acquisition Cost	\$	
Engineering Fees	\$	
Survey	\$	
Geotechnical	\$	
Estimated Construction Cost	\$	
Construction Inspection	\$	
Construction Administration Fees	\$	
Construction Testing	\$	
Equipment Purchase Cost	\$	
Other: (define)	\$	
Other: (define)	\$	
Total Estimated Project Cost	\$	
<b>Funding Sources</b>		
Source	percent Contribution	Funds
Federal Funds		\$
State Funds		\$
Local Contribution		\$
Other: (define)		\$
Total Estimated Project Cost		\$

<b>Louisiana Airport Construction and Development Priority Program Project Application Form</b>
<b>Attach the Following: (as identified in LAC 70:IX.307 and 315)</b>
Sketch of Project(s) on the airport's approved Airport Layout Plan Any additional information necessary for prioritization, i.e., Detailed Construction Cost Estimate, Resolution for Local Funds Contribution, Additional Documentation providing Justification for the Project, Environmental Clearance Documentation.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1515 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:528 (March 2007), repromulgated by the Department of Transportation and Development, Aviation Section, LR 39:113 (January 2013), amended by the Department of Transportation and Development, Intermodal Transportation Division, Aviation Section, LR 42:761 (May 2016), LR 49:

**Chapter 5. Airport Project and Grant Management Procedures**

**§501. Introduction**

A. Pursuant to Title 2 of the Louisiana Revised Statutes, the Louisiana Department of Transportation and Development, specifically the Aviation Division, hereafter DOTD, manages and administers the airport project process and grant award procedures.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 49:

**§503. Airport Project Grant Application**

A. Application Requirements. Airport sponsors shall submit an Airport Project Grant Application to DOTD for review and funding protocol, upon request, notification of Airport Construction and Development Priority Program approval, or otherwise in accordance with the Louisiana Aviation Program. The grant application shall be executed and approved by the airport sponsor or the authorized designee. The authorized designee shall not be the airport's engineer or consultant. Additionally, an airport's engineer or consultant may not execute the grant application on the airport's behalf.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 49:

**§505. Grant Awards**

A. Upon receipt and successful review of the airport's grant application, DOTD will develop and transmit an eligible grant award through a Sponsor State Agreement to the airport sponsor for the DOTD approved funding amount for the project. The grant shall be fully executed with the airport sponsor official's authorized signature. A fully executed grant resolution passed by the airport sponsor authorizing the execution of the grant shall be attached when the grant is returned to DOTD. DOTD may furnish a grant resolution or an airport sponsor may elect to use its own grant resolution. The airport sponsor may download a grant resolution form from the DOTD website to adhere to the minimum required language. If the airport sponsor elects to use its own grant resolution, the minimum resolution language required by DOTD shall be included. An

incomplete grant resolution or incomplete grant document shall not be processed by DOTD. The grant document and/or grant resolution may be returned to the airport sponsor for correction or full execution before processing.

B. Grant resolutions executed to authorize a grant award shall be dated within one calendar year from the date of the executed grant award.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 49:

**§507. Project Contracts**

A. Within 15 business days, the airport sponsor shall notify DOTD of any legal disputes or contract breaches on any projects that have state funds allocated to them through the Airport Construction and Development Priority Program.

B. DOTD's participation in the project shall in no way be construed to make DOTD a party to any contractual agreements between the airport sponsor and its consultants, engineers, contractors, or any other local binding agreements.

C. The sponsor is responsible for assuring all necessary surveys, engineering reports, plans, specifications and cost estimates for the project are in accordance with the applicable FAA/DOTD requirements, and the sponsor shall submit one copy of the executed engineering service agreement to DOTD along with Sponsor Certification #1.

D. It is the policy of the U.S. Department of Transportation that small business firms owned and controlled by socially and economically disadvantaged persons and other persons defined as eligible in Title 49 Code of Federal Regulations, Part 26 (49 CFR 26) shall have maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds.

**AUTHORITY NOTE:** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 48

**§509. Payments and Reimbursements**

A. The airport sponsor shall submit the request for reimbursement to the DOTD. The request shall only be submitted for work that has been completed and eligible expenses incurred that have been paid in full by the airport sponsor. The request for reimbursement shall not exceed one submittal per month. All payment request amounts shall be submitted to ensure all amounts and information are within the limits of the Airport Construction and Development Priority Program, as approved by the Legislature for the program.

B. The airport sponsor shall maintain invoices and copies of the checks for invoice payments for reimbursement by DOTD. Both the engineer and the airport sponsor shall certify that the completed work shown on each payment request is an accurate representation of the work accomplished during the estimated period and that the work substantially complies with the plans and specifications. All charges shall be subject to verification, adjustment, and/or settlement by DOTD. The airport sponsor shall withhold retainage in accordance with state law (e.g., 10 percent up to \$500,000 and 5 percent thereafter).

C. The airport sponsor shall reimburse all amounts cited by DOTD due to the airport sponsor's non-compliance with federal laws, state laws, regulations and policies. The cited

amounts reimbursed by the airport sponsor shall be returned to the airport sponsor upon clearance of the citation(s). No new projects will be approved until the cited amount is reimbursed to DOTD, or the citation is cleared.

**AUTHORITY NOTE;** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE;** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 49:

**§511. Project Completion and Close Out**

A. The airport sponsor shall submit all final billings for all phases of work within three months after the final inspection of the project, unless prior arrangements have been made with DOTD. Failure to submit these billings prior to the completion of this three-month period shall result in the project being closed on previously billed amounts, and any unbilled cost shall be the responsibility of the airport sponsor.

B. DOTD will not approve the Sponsor's request for the final reimbursement until each of the below items are received and are satisfactorily completed.

1. Within 45 days after recording the final acceptance of the project, the contractor shall submit to the sponsor a clear lien certificate from the recorder's office of the parish or parishes in which the work was performed. If the contractor is unable to obtain a clear lien certificate, the sponsor may deposit the retainage with a court of competent jurisdiction.

2. Upon successful completion of the project, the airport sponsor shall submit to DOTD the following information in Airport Construction and Development Priority Program:

- a. the airport sponsor letter of acceptance;
- b. a final reimbursement request;
- c. an updated airport layout plan (ALP), if applicable;
- d. as-built construction plans and specifications;
- e. the final quantities including any changes; and
- f. airport sponsor certifications.

3. Upon successful completion of pavements projects, the airport sponsor shall submit to DOTD close out documents, including but not limited to the title page, project overview/layout page, the quantities page (used to identify material specifications if not in the cross section information), demolition plan, the typical cross-section page, the paving/geometry page, and joint layout/details page (if applicable).

C. The sponsor and others employed by it in connection with an airport project of which DOTD funds are allocated shall maintain all books, documents, papers, accounting records and any other evidence pertaining to costs incurred relative to this project. They shall keep such material available at their respective offices at all times during the contract period and for three years from the date of final payment for the project. Additionally, all such materials shall be available for inspection by DOTD, the Legislative Auditor, the FAA, or any authorized representative of the federal government under applicable state and federal regulations, at all reasonable times during the contract period and for three years from the date of final payment.

D. The project overrun funding eligibility shall not exceed fifteen percent of the original grant amount. The airport sponsor does not have to obtain prior DOTD

concurrence for contract changes. If an airport sponsor proceeds with a contract change it is at the airport sponsor's own risk. However, if the airport sponsor has requested prior DOTD concurrence, this shall not indicate any commitment or guarantee of funding reimbursement, nor shall it delay or affect any contractual workday obligations during DOTD review of the proposed contract changes. Further, a subsequent review by DOTD of the contract changes completed by the airport sponsor may be necessary, and may result in a finding that the costs in the contract change cannot be funded under a state grant. Airport sponsors have the option to request DOTD review and concurrence of any contract changes; however, any funding determinations and grant amendments may not be processed until the end of the state fiscal year.

E. The airport sponsor may request a grant amendment in writing from DOTD. The grant amendment request shall include the following:

1. a cost analysis for all change orders and contract modifications.
2. all change orders and contract modifications;
3. justification for the change/amendment;
4. an executed change order form signed by the airport sponsor;
5. any other support documentation requested by DOTD.

F. Airport grant amendments shall be in accordance with the Airport Project and Grant Management Procedures or this section. For airport development projects, the total grant amendments shall not exceed fifteen percent of the original grant amount.

G. The airport sponsor shall assume ownership of the improvements and assume all operations and maintenance costs of the facilities or improvements for a period of not less than twenty years.

**AUTHORITY NOTE;** Promulgated in accordance with SCR 67 (1997) and R.S. 2:6.

**HISTORICAL NOTE;** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 48

**§513. Violation; Cancellation of Grant**

A. Airport grant awards may be terminated under the following conditions:

1. by the mutual agreement and consent of DOTD and the airport sponsor.
2. by the airport sponsor, should they desire to cancel the project, up to the receipt of bids, provided that any costs incurred for the preparation of plans shall not be eligible for reimbursement by DOTD.
3. by DOTD, due to lack of available state funding for the projects.
4. by DOTD, if the airport sponsor does not transmit an executed agreement within twelve calendar months.
5. by DOTD, if the grant has no activity within 12 calendar months.
6. upon review by DOTD, if the airport is officially declared in noncompliance with federal or state laws, regulations, rules, or policies by the FAA, the Louisiana Legislative Auditor, or DOTD.

**AUTHORITY NOTE;** Promulgated in accordance with R.S. 2:6 and R.S. 2:807.

**HISTORICAL NOTE;** Promulgated by the Department of Transportation and Development, Division of Aviation, LR 49:



## Chapter 7. Unmanned Aircraft Systems (UAS) Program

### §701. Introduction

A. Program Intent. The intent of the program is to manage the Unmanned Aerial Systems (UAS) Program for the Louisiana Department of Transportation and Development, and to stimulate innovation and provide efficiencies for project delivery and program development. The Louisiana Department of Transportation and Development, Aviation Division, hereinafter referred to as (DOTD), will foster UAS operational safety and protect the health and safety of persons and property of the citizens of Louisiana and those engaged in UAS operations. Further, the program will promote UAS statewide, assist with inspection of facilities, and provide guidance for operational safety protocols to local governments, which operate their own UAS equipment.

#### B. Definitions

*Unmanned Aircraft System (UAS)*—unmanned aircraft and its associated elements (including communications links and the components that control the small-unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

*Unmanned Aircraft Vehicle (UAV)*—aircraft operated without the possibility of direct human intervention from within or on the aircraft.

C. Purpose. The primary role of the UAS Program is to obtain terrestrial imagery of the state's infrastructure to inform various workflows within the Department.

D. Flight/Mission Request Procedures. A request may be submitted to the UAS Program through the online "Drone Flight Request" Form or the UAS Program GIS Portal.

1. The link to the online Drone Flight Request Form and the UAS Program GIS Portal may be found on the Drone's and Unmanned Aircraft System's (UAS) area of the DOTD Aviation Website.

2. Flight information to be submitted shall include:

- a. name;
- b. agency/section;
- c. contact information;
- d. date/time/location;
- e. expected deliverables;
- f. mission description;
- g. special areas of concern; and
- h. an area map.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:2 and R.S. 2.6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 49:

#### Family Impact Statement

Adoption of this proposed Rule should not have any known or foreseeable adverse impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically:

1. The adoption of this proposed Rule will have no known or foreseeable effect on the stability of the family.

2. The adoption of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The adoption of this proposed Rule will have no known or foreseeable effect on the functioning of the family.

4. The adoption of this proposed Rule will have no known or foreseeable adverse effect on the family earnings and family budget.

5. The adoption of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The adoption of this proposed Rule will have no known or foreseeable effect on the ability of the family or local government to perform this function.

#### Poverty Impact Statement

The adoption of this proposed Rule should not have any known or foreseeable adverse impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973. Specifically,

1. The adoption of this proposed Rule will have no known or foreseeable adverse effect on household income, assets, and financial security.

2. The adoption of this proposed Rule will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.

3. The adoption of this proposed Rule will have no known or foreseeable adverse effect on employment and workforce development.

4. The adoption of this proposed Rule will have no known or foreseeable effect on taxes and tax credits.

5. The adoption of this proposed Rule will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### Small Business Analysis

The impact of the adoption of this proposed Rule on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed Rule is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

#### Provider Impact Statement

The adoption of this proposed rule change does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature. Specifically:

1. The adoption of this proposed Rule change does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The adoption of this proposed Rule change does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of this proposed Rule change does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

#### Public Comments

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 20 days from the date of publication of this notice of intent to



Eric Kalivoda  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Intermodal Transportation**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The only estimated cost for implementation is \$1,300, which accounts for the cost to publish the Notice of Intent and the Rules in the State Register. The proposed rule changes will update technical wording, airport project priority program processes and procedures, basic airport project applications and grant application procedures to more closely mirror the Federal Aviation Administration. This will allow airports to update their project applications on file with the state to ensure efficient and effective requested projects for inclusion in the Airport Construction and Development Priority Program and will ensure that the projects submitted are scored accurately by the Department. The revisions propose language and guidance for the development and implementation of new airports and documentation that the airport program will need to receive in determining and prioritizing future project applications for these public airports. The proposed revisions will continue the implementation of a prioritized project list in accordance with state statutes that will assist in maintaining, developing, and improving the Louisiana airport system to ensure a state of good repair and optimize the usage and efficiency of transportation facilities and funding. Further, the program shall foster operational safety and provide for the optimal use and efficiency of existing transportation facilities and funding strategies. Moreover, it may support resiliency in the transportation system and promote diverse economic development and job growth, commerce, and tourism. It should also encourage innovation, support environmental practices, and improve the quality of life for Louisiana citizens.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed changes should have no impact on revenue collections for state or local government units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed changes should have no costs or economic benefits that will directly affect any individual, small business, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed change of updating the project priority process, and subsequently the grant execution process for projects through the Airport Construction and Development Priority Program may result in increased economic opportunities for individuals working in fields related to the design, consulting, construction and maintenance of aviation facilities statewide.

Eric Kalivoda  
Secretary  
2304#018

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Transportation and Development  
Office of Multimodal Commerce**

Louisiana Port Construction and Development  
Priority Program (LAC 56:III.Chapter 21)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 34:3451, et seq., that the Department of Transportation and Development, Office of Multimodal Commerce, Ports and Waterways Section, proposes to amend Part III, Chapter 21, Title 56 entitled "Louisiana Port Construction and Development Priority Program", to reflect current DOTD policies, update data from the U.S. Department of Labor, and revise outdated tables and figures. There should be no significant adverse impact to the public, businesses, local or state governmental entities resulting from this amendment.

**Title 56**

**PUBLIC WORKS**

**Part III. Flood Control and Water Management**

**Subpart 2. Port Construction and Development Priority Program**

**Chapter 21. Louisiana Port Construction and Development Priority Program**

**§2101. Definitions**

**[Formerly §2103]**

*Committee*—Joint Legislative Committee on Transportation, Highways and Public Works.

*Council*—Legislative Audit Advisory Council.

*Deep Draft Port*—a port capable of accommodating vessels of at least 25 feet of draft and of engaging in foreign commerce.

*Department*—the Louisiana Department of Transportation and Development.

*Joint Legislative Committee*—see Committee.

*Port*—a harbor town or city where ships may take on or discharge cargo.

*Port Authority*—the governing body of any port area or port, harbor, and terminal district.

*Procedural Manual*—a manual entitled, Louisiana Port Construction and Development Priority Program Procedural Manual for Funded Projects, which is used to implement projects funded by the program.

*Program*—Louisiana Port Construction and Development Priority Program.

*Project*—that activity that derives benefits to the state after an investment of program and port funds. The port funds may include federal monies.

*Project Agreement*—the agreement between the department and port authority that states the authorities and responsibilities of each party in implementing a project that is funded in part by the Louisiana Port Construction and Development Program. The format is as shown in the procedural manual.

*Shallow Draft Port*—a port that is not capable of accommodating vessels of 25 feet of draft or is not engaged in foreign commerce.