

# Aviation Regulations in Louisiana:

How Do They Apply to Your Airport?

LA DOTD Aviation Training Workshop

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# Aviation Regulations in LA:

How Do They Apply to Your Airport?

- Title 2: Louisiana Revised Statutes (LA R.S.) Title 2 – Aeronautics
- Title 70: Louisiana Administrative Code Title 70-Transportation
- Title 38: LA R.S. Title 38 – Public Contracts, Works, and Improvements – Section 2212 (Public Bid Law)



# Aviation Regulations in LA:

How Do They Apply to Your Airport?

- Title 2: Louisiana Revised Statutes (LA R.S.) Title 2 – Aeronautics
  - Regulation of Aeronautics
  - Airport Zoning
  - Airport Authorities Law
  - Airport Construction and Development Priority Program
  - General Aviation and Reliever Airport Maintenance Grant Program



# Aviation Regulations in LA :

How Do They Apply to Your Airport?

- Title 2: Louisiana Revised Statutes (LA R.S.) Title 2 – Aeronautics
  - Registration of Airfields
  - Height Zoning Ordinances
  - Sponsor Regulations
  - Priority Program
  - GA and AC Maintenance Programs



# Aviation Regulations in LA :

How Do They Apply to Your Airport?

- Title 70: Louisiana Administrative Code (LAC) Title 70 – Transportation
- Part IX – Intermodal Transportation
  - Aeronautics in Louisiana
  - FAA General Aviation Airport Standards – Louisiana Acceptable Range (State Standards)
  - Airport Construction and Development Priority Program



# Aviation Regulations in LA :

How Do They Apply to Your Airport?

- Title 70: Louisiana Administrative Code (LAC) Title 70 – Transportation
- Part IX – Intermodal Transportation
  - Airfield (Landing Area) Registration
  - Design Standards for State-Only Facilities
  - Implementation of the Priority Program (project eligibility, classification, scoring, etc.)



# Aviation Regulations in LA :

How Do They Apply to Your Airport?

- Title 38: Public Contracts, Works, and Improvements
- Section 2212
  - Which projects need to be publicly bid
  - Advertisement requirements for those projects
  - Requirements for awarding contracts

# LA R.S. Title 2

## Airports and Landing Fields

- Chapter 2: Airports and Landing Fields
  - Who can own an airport
  - Who can acquire an airport
  - How to finance an airport
  - Types of airport sponsors
  - **Authority to equip, improve, establish fees and charges, and lease airport facilities**

# LA R.S. Title 2

## Airports and Landing Fields

- Authority to equip, improve, establish fees and charges, and lease airport facilities
  - Sponsors can construct, equip, improve, maintain, and operate airport facilities
  - Adopt regulations, establish fees, fix penalties, except when used to discriminate against legitimate aviation interest
  - Lease land, improvements, or equipment (as required by public bid law)

# LA R.S. Title 2

## Airports and Landing Fields

- Leases
  - State-Only
    - Must advertise by public bid (unless leasing less than 250 square feet)
    - Advertise the property description and short summary of terms and conditions
    - 30 days in journal of record, should appear three (3) times
    - Shall except only the highest bid which yields the highest benefit to the airport
    - Can reject all bids



# LA R.S. Title 2

## Airports and Landing Fields

- Leases
  - NPIAS Airports
    - Are not required to lease by public bid
    - Are required to charge fair and reasonable prices as determined by appraisals and fair market value comparisons in accordance with FAA guidelines FAA Order 5190.6B – FAA Compliance Manual
    - Grant Assurance 24 - Fee and Rental Structure
    - Appraisals and fair market value comparisons shall be paid for by sponsor



# LA R.S. Title 2

## Airports and Landing Fields

- Leases
  - If the airport acquires private property adjacent to the airport, the sponsor can enter into a lease with the owner without advertising the property.
  - All requirements still apply to the lease terms and rates



# LA R.S. Title 2

## Airports and Landing Fields

- Leases
  - Four (4) copies of executed lease:
    - Lessee
    - Record
    - LADOTD Aviation Section
    - Lessor
- Cannot exceed 10 years, with two (2) exceptions

# LA R.S. Title 2

## Airports and Landing Fields

- Leases

- Can be extended beyond ten (10) years in the following cases:

- Lease can be extended up to ten (10) years beyond the primary term if the lessee makes at least \$20,000 worth of permanent improvements to the land
- When the lease provides for the construction of more than \$60,000 (non-air carrier) or \$100,000 (air carrier) of improvements which will become property of the sponsor at no cost to the sponsor. A ten (10) year extension may be granted for each \$60,000/\$100,000 or part thereof, not to exceed a total term of one hundred (100) years)



# LA R.S. Title 2

## Airports and Landing Fields

- Leases
  - Can be extended beyond ten (10) years in the following cases:
    - When the sponsor constructs buildings or other improvements intended to expand the services of the airport
      - Can execute a lease not to exceed twenty-five (25) years
      - Lease can provide for extensions without further advertisement with extensions not to exceed an additional twenty-five (25) year term



# LA R.S. Title 2

## Airport Zoning

- Chapter 3: Airport Zoning
  - Authority to create zoning
  - **How to create and enforce zoning**
  - **Acquisition of air rights and/or servitudes**

# LA R.S. Title 2

## Airport Zoning

- Chapter 3: Airport Zoning
  - How to create and enforce zoning
    - Must provide for a public hearing and thirty (30) days' notice of hearing
    - Regulations must provide for a board of appeals
      - To hear and decide on appeals and exemptions/variances
      - Can be an existing zoning board of appeals
      - Five (5) members, three (3) year terms, removable for cause by appointing authority

# LA R.S. Title 2

## Airport Zoning

- Chapter 3: Airport Zoning
  - Acquisition of air rights and/or servitudes
    - When hazard zoning cannot provide adequate protection of approaches
    - Acquire by purchase, grant, or condemnation in the manner provided by law for political subdivisions to acquire real property

# LA R.S. Title 2

## Airport Authority Law

- Chapter 4: Airport Authority Law
  - Creation of airport authorities
  - Powers of airport authorities
  - **Operation and use privileges**
  - Regulations
  - Federal and State Aid



# LA R.S. Title 2

## Airport Authority Law

- Chapter 4: Airport Authority Law
  - Operation and use privileges
    - Allows airport authority to enter into contracts, leases, and other arrangements to grant usage privileges
    - Establish terms and conditions and fix fees, rentals, or charges for usage privileges



# LA R.S. Title 2

## Airport Construction and Development Priority Program

- Chapter 7: Airport Construction and Development Priority Program
  - **Methodology for project evaluation**
  - **Priority list of projects**
  - Proposed program of construction



# LA R.S. Title 2

## Airport Construction and Development Priority Program

- Chapter 7: Airport Construction and Development Priority Program
  - Methodology for project evaluation
    - Applications **shall** be made by November 1<sup>st</sup> each year for consideration for the following fiscal year and shall include, at minimum:
      - Description of project and demonstration of immediate need
      - Preliminary design and cost estimate
      - Description of project area



# LA R.S. Title 2

## Airport Construction and Development Priority Program

- Chapter 7: Airport Construction and Development Priority Program
  - Applications will not be evaluated until all information is submitted
  - Procedures for review and evaluation shall be developed by LADOTD (Title 70)



# LA R.S. Title 2

## Airport Construction and Development Priority Program

- Chapter 7: Airport Construction and Development Priority Program
  - Priority list of projects
    - Submitted by LADOTD to the Joint Committee for a public hearing
    - Final program is submitted to the Joint Committee for approval
    - No projects may be added once final program is approved
      - Exception: if 90% or more funding is obtained by a sponsor from FAA or other non-State sources, the legislature shall give priority to the project even if it is not on the final program



# LA R.S. Title 2

## General Aviation and Reliever Airport Maintenance Grant Program

- Chapter 8: General Aviation and Reliever Airport Maintenance Grant Program
  - Eligibility
    - GA and reliever airports
    - Must provide matching funds
  - Rules and regulations
    - LADOTD develops regulations regarding the program
    - Total funds cannot exceed \$300,000 per fiscal year



# LA R.S. Title 2

## General Aviation and Reliever Airport Maintenance Grant Program

- Summary
  - Covers the airport sponsor's responsibilities and authority to safely and efficiently maintain and operate public use airports
  - Gives the basis for the Aviation Priority program administered by LADOTD



# LAC Title 70 Part IX

## Intermodal Transportation

- Two parts:
  - Chapter 1: Aeronautics in Louisiana
  - Chapter 3: Airport Construction and Development Priority Program Process



# LAC Title 70 Part IX

## Aeronautics in Louisiana

- Authorized by Title 2
  - Reasonable rules and regulations
  - Rules for:
    - Landing Area Registration
    - Classification of Airports
    - State Airport Standards



# LAC Title 70 Part IX

## Aeronautics in Louisiana

- Landing Area Registration Procedures
  - Details required documents to be provided to LADOTD Aviation Section prior to landing area use

# LAC Title 70 Part IX

## Aeronautics in Louisiana

- Classification of Airports, Seaplane Bases, and Heliports
  - Identifies the role each airport plays in the Louisiana Airport Systems Plan (LASP)
  - Guidelines that should be followed in airport development
  - Special funds that may be available for scheduled improvements
  - **Currently being revised**



# LAC Title 70 Part IX

## Aeronautics in Louisiana

- “State Standards”
  - Developed from previous FAA General Aviation Airport Standards for airport development
  - Intended for use at State-Only airports where FAA design guidelines do not apply
  - Runway and taxiway separation and clearances, safety areas, clear zones, etc



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- LADOTD Aviation Section responsible for development of public aviation facilities in the state.
- Assistance to local governments who own public airports for:
  - Planning
  - Design
  - Construction
  - Funding - all or a portion of required local match



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- FAA Funding – the Airport Improvement Program
  - Priority Program can fund the required match up to 10%
  - When the required local match is greater than 10%, the state will participate in no more than 10%
  - Because state dollars are being used, the project is evaluated through the priority system
  - FAA determines what portions of the project are eligible for Federal funding



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Identification and Development
  - Primary objective of the priority system is to prioritize airport improvement projects.
  - Nonprioritized projects (special programs) are not included as they are funded through approved amounts for each program.
  - Projects considered are initiated by airport sponsors or Aviation Section (not common)



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Prioritization Process
  - A 2-step process:
    - Determine eligibility
    - Determine justification (support documentation needed to evaluate)
      - Height zoning/land use
      - Inspection reports
      - Environmental clearance
      - Cost estimates
      - ALP inclusion
      - Other



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Prioritization Process
  - Additionally, projects are reviewed to determine if it requires restructuring into more than one project
    - Example: extend runway and parallel taxiway (runway could be extended and is useable without taxiway)
    - Example: extension of runway's lighting system (neither runway nor lighting system extensions would be useable without the other)



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Prioritization Process
  - Review process will not begin or continue if pertinent information is missing
  - Requests with insufficient information will be returned to sponsor until information can be provided
  - If **ALL** necessary documentation is not received by November 1, the proposed project may not be allowed to compete for funding for that fiscal year



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Prioritization Process
  - Projects are then evaluated and awarded points in four (4) categories:
    - Category I – project type
    - Category II – facility usage
    - Category III – sponsor compliance
    - Category IV – special considerations



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Prioritization Process
  - Category I - Project Type (in order of importance):
    - Safety – safety of aircraft operations
    - Airside Preservation – investment of public dollars
    - Airside Improvements – policy of Aviation Section to support development
    - Landside Improvements – all other types must be addressed first in order to maintain a safe and operational airport



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Prioritization Process
  - Category II – Facility Usage
    - Based Aircraft – indicated on most recent 5010
    - Enplanements (air carriers only) – taken from FAA annual data
    - Reliever Airports – diverts GA operations from air carriers with operational capacity problems



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Prioritization Process
  - Category III – Sponsor Compliance
    - Height Zoning – are ordinances and/or easements in place?
    - Land Use – are zoning regulations in place to prevent non-compatible land use around airport?
    - Sponsor Responsibility – based on most recent 5010 inspection and response to deficiencies





# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Prioritization Process
  - Category IV – Special Considerations
    - Special Programs
    - Economic Development Potential
    - Commercial Service
    - Local Funding
    - GA Entitlement Loan Program



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Ranking
  - Once a project has been determine to be eligible and then evaluated for a prioritization score, it is entered into the ranking system and its relative ranking in the GA or Air Carrier program is determined
  - The amount of funding available that year will determine how many projects are funded
  - Projects receiving FAA funding receive priority



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Project Ranking
  - Funded Program will ultimately include FAA matching funds along with 100% State – Only projects as funding permits
  - Projects requested for the current year but not included in the Funded Program are placed in the 3-Year Unfunded List
  - Projects requested for the following year are included in the Supplemental List
    - Same evaluation criteria apply
    - Also determined by amount of funds available; projects that do not rank high enough are also added to the 3-Year Unfunded List



# LAC Title 70 Part IX

## Airport Construction and Development Priority Program Process

- Summary
  - Landing Area Registrations
  - Priority Program Development
    - Eligible Projects
    - Ranking Criteria





# LA R.S. Title 38:2212

## Public Bid Law

- LA R.S. Title 38:2212 is known as “Public Bid Law”
- Defines the what projects must be bid, and the requirements for the process
- **MUST** be followed for both State and AIP projects



# LA R.S. Title 38:2212

## Public Bid Law

- If the total cost of labor and materials for the project exceeds the contract limit (estimated cost or actual cost), you **MUST** advertise in accordance with public bid law
- Project shall be awarded to the lowest **responsible** bidder
- Contract Limit = \$150,000
- Less than contract limit may be undertaken by public entity



# LA R.S. Title 38:2212

## Public Bid Law

- Advertising Requirements:
  - Once a week for three different weeks in a local newspaper
  - Advertisement must appear at least 25 days before bid opening date
  - First publication must not appear on a weekend or legal holiday
  - Plans and specifications must be available on the first date of advertisement and up until 24 hours from bid opening



# LA R.S. Title 38:2212

Public Bid Law

- Advertising Requirements:
  - Can be advertised electronically in additional to local newspaper
  - Must allow contractors to submit bids electronically through a “uniform and secure electronic interactive system”
    - Certain exemptions apply
  - Option to require that all bids be submitted electronically



# LA R.S. Title 38:2212

## Public Bid Law

- Advertising Requirements:
  - Bid period can be extended up to 30 days through an addendum without requiring additional advertising
  - Any addendum which modifies plans or specifications requires that prime bidders who have requested plans and specifications receive a copy of the addendum within 24 hours via fax, email, electronic, or hand delivery, in addition to a mailed copy
  - If this cannot be accomplished, the bid opening must be postponed at least 7 days



# LA R.S. Title 38:2212

## Public Bid Law

- Advertising Requirements:
  - If an addendum which modifies the plans and specifications is issued within 72 hours of the scheduled bid opening (excluding weekends and legal holidays), the bid opening shall be extended at least 7 working days, but not more than 21 working days without requiring re-advertisement
  - Does not apply in the case of extreme public emergencies



# LA R.S. Title 38:2212

## Public Bid Law

- Advertising Requirements:
  - Engineer's Estimates: if the estimated cost of the project, upon completion of the project document preparation, exceeds the funding available, the project SHALL NOT be advertised
  - Engineer's estimate shall be read aloud at the bid opening



# LA R.S. Title 38:2212

## Public Bid Law

- Awarding the Contract:
  - Additive Alternates
    - NO MORE THAN 3
    - Low bidder is determined based on base bid and any accepted alternates
    - Must be accepted in order listed on the bid form
      - Exception: can accept alternates in any order which does not affect the determination of the low bidder



# LA R.S. Title 38:2212

## Public Bid Law

- Change Orders:
    - Must be in writing
    - If it is outside of the scope of the project or exceeds the contract limit, it must be advertised
    - Shall be negotiated in the best interest of the public
- \*\*Notify LADOTD Aviation Section and FAA (if applicable) of all change orders prior to acceptance. Failure to do so could result in costs being deemed ineligible!!



# LA R.S. Title 38:2212

## Public Bid Law

- Summary
  - Identifies what projects must be bid out by establishing a contract limit
  - Establishes procedures for ensuring that public funds for public works contracts are expended in the most responsible manner by means of requirements for contract document development, project advertisement, and contract award



ANY QUESTIONS?





THANK YOU!

