



## NORTH DAKOTA AERONAUTICS COMMISSION

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**POLICY #:** GR-2

**POLICY:** Airport Grant Funding

**PURPOSE:** To provide a framework for administering and disbursing state grants for the public airports

### POLICY OF AERONAUTICS COMMISSION FUNDING

1. No minimum project amount is required for airport grant requests.
2. The Aeronautics Commission staff may request from the airport sponsor, a current airport financial statement and the manner of supportive funding to finance the local share.
3. Federal Aviation Administration (Airport Improvement Program) projects will be given priority in determining state funding. Attach a copy of federal application (page 1), cost estimates or accepted bids and a project map to the state grant application form.
4. Airport sponsors may apply for state grant funding at 50% of the local share of project costs. If a higher state funding level is needed for the project, the airport sponsor shall indicate the level that is required and provide justification within the grant application.
5. Airport sponsor's applying for a state grant for fuel facilities or a community hangar are required to provide a business plan with the project's grant application.
6. The Request for State Airport Aid Form #SFN 11639 must be complete for a project to be considered.
7. Land/easement acquisition requests will be considered but allocated funds may not be dispersed until a clear title is obtained.
8. All State grant reimbursement requests must be submitted to the Aeronautics Commission with either SFN 13842 – Request for Reimbursement Non-Federal Project or SFN 50972 – Request for Reimbursement Federal Project, along with the required documentation outlined in the grant award letter.
9. All State grant reimbursement payments are required to be deposited into a bank account for the City/Airport utilizing the Automated Clearing House (ACH) network. ACH setup and/or changes will be completed by City/Airport authorized personnel only.
10. Supplemental requests or contingency items of a previous grant require the sponsor to supply supportive documentation to justify these requests.
11. The Commission may consider a set aside amount for discretionary (emergency grants).
12. At the completion of a project, any remaining balances shall be returned to the Commission's fund.
13. If the airport sponsor is applying for state funding for a completed project, the project must have been completed within 3 years of the date of the grant meeting to be considered unless special justification is provided and approved.
14. The Commission will not fund aerial spray pads, interest payments, airport liability insurance premiums, and privately-owned hangars. Associated access improvements that benefit privately-owned hangars are only eligible for consideration if the access improvements also provide a benefit to public infrastructure.
15. The Airport Sponsor is required to submit the Airport Pavement History Update Form (SFN 60268) for each pavement maintenance or new construction project that occurs on the airport.

## STATE GRANT ASSURANCES

If successful in the application of a state grant, the Airport Sponsor hereby covenants and agrees with the State of North Dakota and the Aeronautics Commission as follows:

The Sponsor has met all of the requirements imposed by the Federal Aviation Administration to obtain an Airport Improvement Program Grant (if applicable) and will continue timely and adequate compliance as required by the express terms of all pertinent documents.

All funds received by the Airport Sponsor from the ND Aeronautics Commission will be used to aid the projects as generally outlined in their grant application and approved by the ND Aeronautics Commission. This assurance however, is not meant to inhibit the funding of items reasonably similar as to those approved in their grant application if changes to such a project or project items occur after the application has been approved by the ND Aeronautics Commission.

The Airport Sponsor agrees to operate the Airport for the use and benefit of the public and to keep the Airport open to all types, kinds, and classes of aeronautical use without discrimination and as necessary without compromising the safe and efficient operation of the Airport. To promote this safe and efficient airport operation, the Sponsor shall comply with the ND State Century Code, as well as all other Federal, State, and Local laws, rules, regulations, and ordinances.

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired, but in any event shall not exceed twenty years from the date that a state grant award is provided for each project. An airport that is unable to comply with these assurances must reimburse the ND Aeronautics Commission in full for any state funds provided within the twenty-year window. An airport with just cause may petition the ND Aeronautics Commission for consideration to remove or lower the obligation for re-payment on projects funded from state funds.

The ND Aeronautics Commission, its agents or employees, shall have the right to audit the the Airport Sponsor's account and records relating to any state funded project, at all reasonable times during the term of the grant, and for three years after.

The Sponsor shall defend, indemnify and hold harmless the ND Aeronautics Commission, the State of North Dakota and its agents and employees from any and all liability, loss or damage as a result of claims, demands, or costs or judgements of any character arising out of the performance or non-performance of the Sponsor, its agents or independent contractors in carrying out the project for which grant funding is provided and this obligation to defend, indemnify and hold harmless. The obligation to defend shall include, but not be limited to, court costs, expenses of litigation, and reasonable attorney's fees. The appointment of any attorney under this provision must meet the requirements of N.D.C.C. 54-12-08. This provision shall continue after the termination of the project for which grant funding is provided."

**Adopted:** May 1<sup>st</sup>, 1984

**Reviewed and Approved:** June 1<sup>st</sup>, 2023

**Next Review Date:** 2026