



COLORADO
Department of Transportation
Division of Aeronautics

COLORADO AERONAUTICS DIVISION PROGRAMS & PROCEDURES MANUAL

APPROVED BY THE COLORADO AERONAUTICAL BOARD MARCH 9, 2016



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1. The Colorado Aviation Fund Overview

1.1 Guiding Statues

The Colorado Division of Aeronautics (“Division”) was created and operates pursuant to Colorado Revised Statute (“CRS”) [43-10](#).

The Colorado Division of Aeronautics Mission Statement provides the basis by which the Division is operated.

Mission Statement

The Division of Aeronautics will collaborate with its public and private constituents to develop an effective air transportation system and to enhance aviation safety and education through the efficient, innovative and non-regulatory administration of the Colorado Aviation Fund under the direction of the Colorado Aeronautical Board.

1.2 Colorado Aeronautical Board

The Colorado Aeronautical Board (“CAB”) was created by [CRS 43-10-104](#) and is comprised of seven members appointed by the Governor. Each position is responsible for a specific demographic of aviation throughout Colorado; their responsibilities are as follows: two represent eastern slope governments; two represent western slope governments; one represents the statewide association of airport managers; one represents the statewide association of pilots; and one at large position represents statewide aviation issues, interests, and concerns. Appointments are made to ensure a broad and balanced representation of the state’s aviation community. Pursuant to [CRS 43-10-104](#) board member terms are 3 years and as of the date of this document, board appointments are limited to 2 consecutive terms by policy of the Governor. The current board members are listed on the Division website under the Aeronautical Board tab.



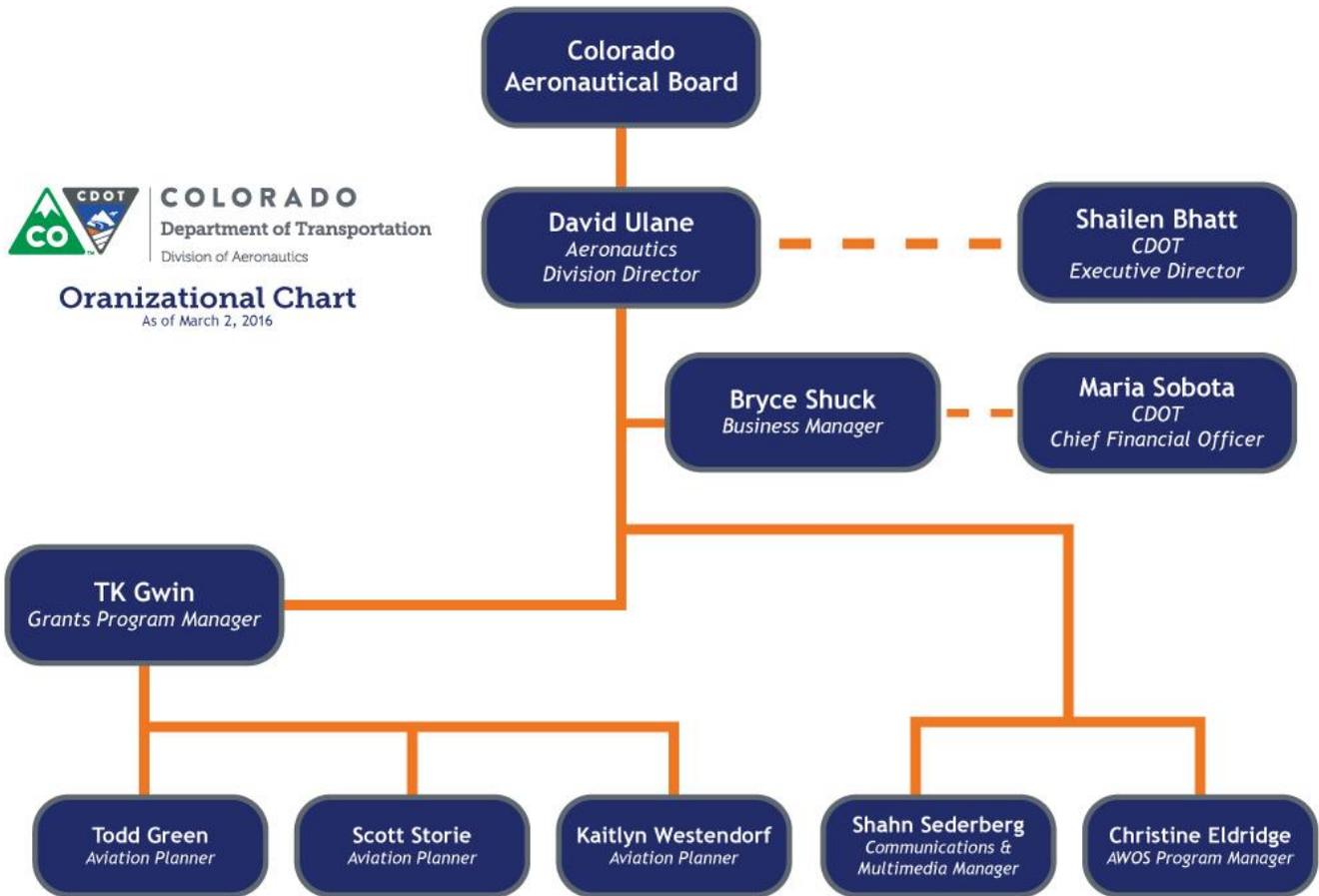
The CAB has overall responsibility for the Colorado Discretionary Aviation Grant (“CDAG”) program. By statute the CAB carries out this function by establishing procedures for the administration and distribution of moneys credited to the aviation funds created in [CRS 43-10-109](#), for aviation purposes as defined in [CRS 43-10-102](#), at eligible Colorado public use airports. There are several ways the CAB oversees the CDAG program. The following are some of the more critical elements of the CDAG program and how the CAB oversees them:

- 1) Set policy for eligible projects (approval of this document)
- 2) Review and comment on submitted projects (CAB grant review meeting)
- 3) Determine project status (determined at CAB grant review meeting)
- 4) Approve or reject grant projects
- 5) Set policy for administrative changes to grants (approval of this manual)
- 6) Set budget for CDAG program based upon forecasted Division revenues

The CAB typically holds board meetings once a month at the Division offices. Typically at least twice per year the CAB will meet at remote locations throughout the state in order to make in person attendance to the meetings more accessible to the public. A calendar of tentative meeting times, dates and locations is approved by the CAB each year in the fall. The Division also provides live streaming of the CAB meetings accessible through the Division’s webpage at <https://www.codot.gov/programs/aeronautics>.



 **COLORADO**
Department of Transportation
Division of Aeronautics
Organizational Chart
As of March 2, 2016



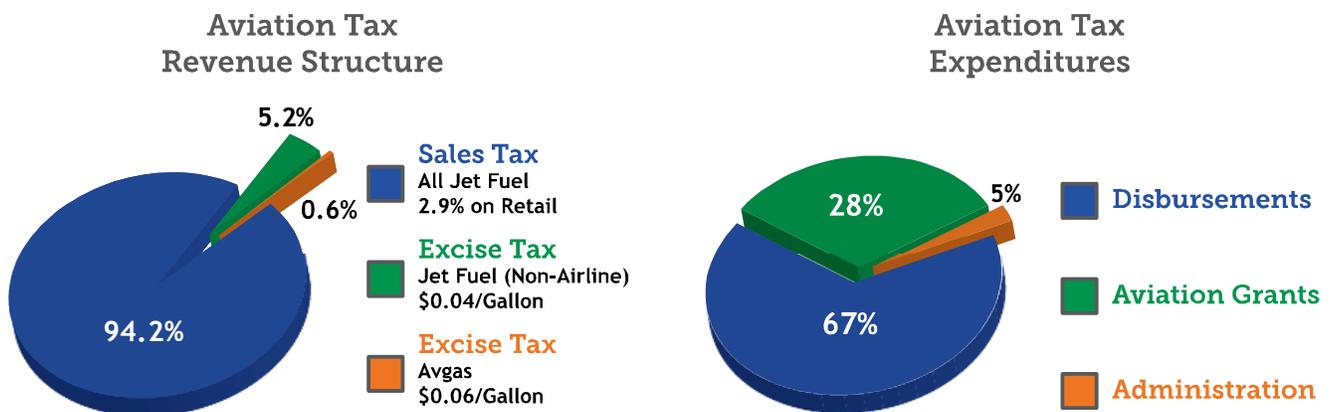
1.3 Revenue & Expenditure Structure

The Colorado Aviation Fund was created by statute [CRS 43-10-109](#) in 1991. This legislation allowed the Division to collect taxes on aviation fuel and invest those funds in Colorado’s aviation system. This section describes how the Division, under the direction of the CAB, administers the Colorado Aviation Fund.

The Division’s revenue is derived solely from taxes on aviation fuels sold at Colorado airports. There are two types of fuel that are taxed, avgas (100LL) for piston engine aircraft and jet fuel for turbine powered aircraft. There are two types of tax on these fuels, excise and sales. Avgas has a six cents per gallon excise tax and non-airline Jet fuel has a four cents per gallon excise tax. All jet fuel, non-airline and airline, is subject to a 2.9% sales tax on the retail price. These taxes are collected by the Colorado Department of Revenue and then are deposited into the Aviation Fund to be administered by the Division.



Airports eligible to receive benefits from these taxes pursuant to [CRS 43-10-103\(4\)](#), [CRS 43-10-108.5](#) and [CRS 43-10-110](#) do so in two different ways: discretionary aviation grants and airport fuel tax disbursements. The discretionary grant program is covered in the next section. Airport tax disbursements are the portion of the tax that is collected at an airport, which is then returned directly to the airport based on the type and quantity of fuel sold. Pursuant to [CRS 43-10-110](#) tax disbursements are the full four cents per gallon jet fuel excise tax, and four cents per gallon of the avgas excise tax. The sales tax on jet fuel is disbursed at a rate of 65% of the total sales tax that was collected. Tax disbursements can only be used for aviation purposes as defined in [CRS 43-10-102](#). On average, the airport formula disbursements account for nearly 67% of the money expended from the Aviation Fund. The remaining funds, less the Division’s administrative costs, (capped statutorily by [CRS 43-10-109\(3\)](#) at 5% of the previous year’s total revenue), are used to fund the Colorado Discretionary Aviation Grant (CDAG) Program.



1.4 Fuel Tax Disbursement Process

Excise Tax Disbursements:

Airport fuel retailers are required to submit to the Colorado Department of Revenue (DOR) a Distributor monthly tax return report and payment for the purchases of aviation fuel each month. At that time, the DOR updates its Colorado Fuel Tracking System (COFTS) with DR7050 filings received from tax filers. This information is made available to the Division via an Excel spreadsheet data extract after the 25th of every month for the previous month’s filings. COFTS contains gallons of fuel sold, fuel retailer, location of purchase (airport), Bill of Lading (BOL) number, and invoice number. Several times per month DOR transfers funds collected for tax receipts from the state’s



treasury into the Division's fund (160) tracked in CDOT's accounting system (SAP). The Division requires that public use airports complete and submit to the Division a monthly Fuel Purchase Report with backup documentation, which is used to reconcile individual Aviation Fuel Purchase Reports to the COFTS spreadsheet extract (with COFTS being the official tax record). Any discrepancy in the reports filed are adjusted to match COFTS and adjustments are communicated to the Airport. After the reconciliation is completed, the Division calculates and processes monthly excise disbursements in SAP which generates a disbursement to the airport operating authority that sold the fuel. Monthly disbursement reporting is made available to each airport and is sent via email.

Sales Taxes Disbursements:

Airport fuel retailers are required to submit to the DOR a distributor monthly tax return report and payment for the purchases of aviation fuel each month. The DOR sends to CDOT a monthly summary of the sales tax related transactions via paper, and also transfers funds for taxes collected for that filing period from the treasury account into SAP several times per month. DOR also produces a text file extract of airport sales tax transactions, sends that to CDOT via an FTP server, and then Division staff load that data file into the Division's Web-based Management System (WIMS). WIMS calculates the 65% sales tax disbursement amount for each qualifying airport, and produces a SAP interface file that generates the amount of each disbursement. Each entry is subsequently reviewed and then approved for payment by the Business Manager at the Division, and the reporting details of the disbursement are available to the airport via their WIMS account each month.

More information can be found within the Aviation Fuel Tax section of the Division's website:

<https://www.codot.gov/programs/aeronautics/FuelTax>

1.5 Budget Development Process

The budget development process starts with forecasting revenues for the Division, which then feeds into a budget summary presented to the Transportation Commission of Colorado (TC) and the CAB for their review and approval (The TC only approves the Administrative portion of the Division's budget). That provides the Division Director with a forecast of how much funding is anticipated to be available to support the CDAG, statewide initiatives, fuel disbursements, and administrative costs for the upcoming year.



Next, several budget workshops are completed with staff to begin to outline the details and potential amounts of the work plan for the coming year, and that is then combined with the anticipated statewide Capital Improvement Plans (CIP) data from the FAA and our airport partners. A budget work plan spreadsheet is completed that captures this working data, where the Business Manager and staff delineate which SAP cost centers are to receive allocated budgeting. Since the Division runs a balanced budget annually, the forecasted revenues must tie to the known and forecasted expenditures for that fiscal year.

CDOT's overall process and timeline is described below in the graphic depicting the high level process steps and timeline. Since the CAB must review and approve annual budgets the Division must be a month ahead of the timelines below to allow adequate time for CAB review and approval.

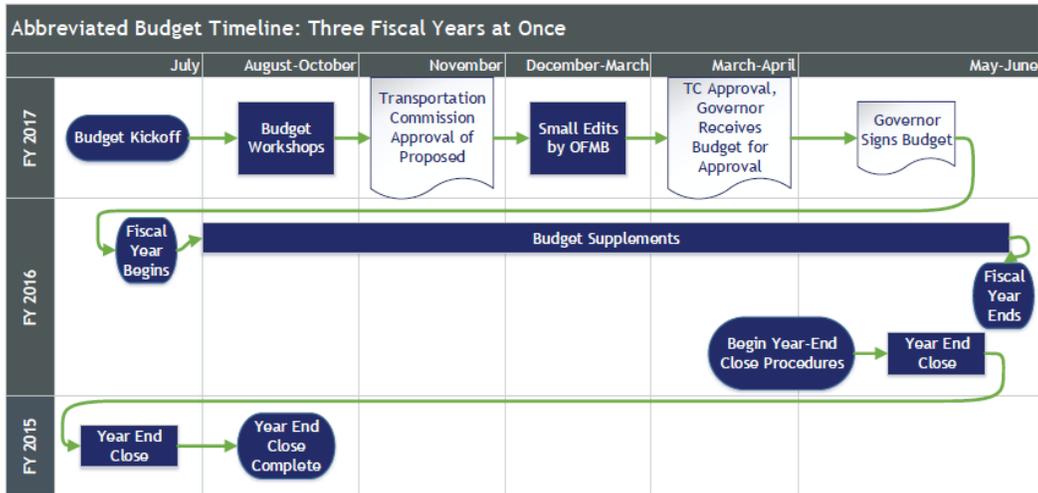




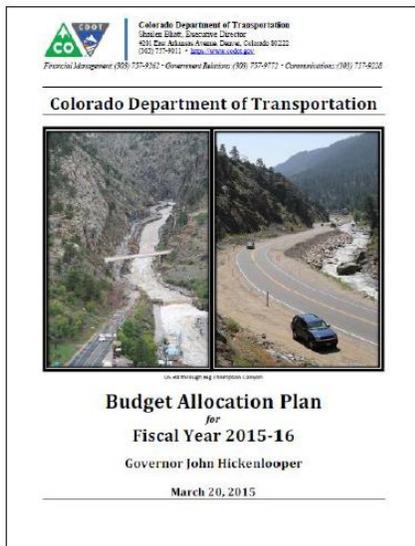
The first graphic below shows an abbreviated timeline of the budget process, which shows that three fiscal years are typically managed and planned concurrently.



Timeline



Narrative Budget



FY 2016 Available Online:
www.codot.gov/business/budget

- Narrative Budget includes:**
- One Sheet Budget
 - Administrative / Legislative Budget Summary
 - Enterprise Budgets



2. The Colorado Discretionary Aviation Grant Program

2.1 Introduction

The Colorado Discretionary Aviation Grant (CDAG) Program was developed to maintain and improve the statewide aviation system. This is achieved by providing grants that help meet individual airport and statewide aviation goals and needs pursuant to [CRS 43-10-108.5](#), as well as this document.

2.2 Capital Improvement Planning

Eligible airport sponsors seeking Division and/or Federal Aviation Administration (FAA) funding assistance are required to maintain and submit planned funding requests to the Division through an airport Capital Improvement Plan (CIP). The CIP represents an airport's five year program for planning and development projects. The CIP is purely a planning document and is neither a commitment nor guarantee of funding. To ensure efficient and prioritized use of the limited funding that the Division and FAA programs offer, airport grant applications must be based on projects within an accepted CIP and contain defined project cost estimates and diagrams. The Division works jointly with the Denver FAA's Airports District Office to annually update and manage airport CIP's for the State of Colorado.

Annually, many Colorado airports are eligible to receive FAA Airport Improvement Program (AIP) and/or CDAG funds to assist in developing and maintaining airport facilities. To put these funds to the best possible long-term use, airports must participate in the FAA/Division CIP process with the assistance of Division staff. The CIP must cover at least the next five (5) years and identify projects supported by estimates and project descriptions. Essentially, the plan provides a consolidated plan between the airport, the Division and the FAA.

The CIP update process typically begins with an email to each airport requesting an update to their CIP on WIMS, typically no later than November of each year. The following will include the benefits of the CIP process, required contents of the CIP, the overall process and the specific steps:

The CIP process provides many benefits including:

1. Allowing for a systematic evaluation of all potential projects at the same time
2. The ability to review projects statewide for trends and possible economies of scale
3. Ensuring projects meet the goals of the Colorado Aviation System Plan



4. The ability to assist with the prioritization of projects to maximize funding
5. Accommodating the needs of airports with the funds available
6. The opportunity to focus on preserving airport infrastructure while ensuring the efficient use of Division funds

The CIP typically includes the following information:

1. A listing of the capital projects or equipment to be purchased
2. The projects ranked in order of preference
3. The plan for financing the projects
4. A timetable for the construction or completion of the project

Generally and prior to undertaking the development of the CIP, the airport should define the criteria for specific projects or equipment to be included. An airport will also need to forecast future demands and growth, which will involve an inventory of existing facilities, infrastructure and equipment. Because the CIP includes financing issues, the airport typically involves their financial personnel in the process.

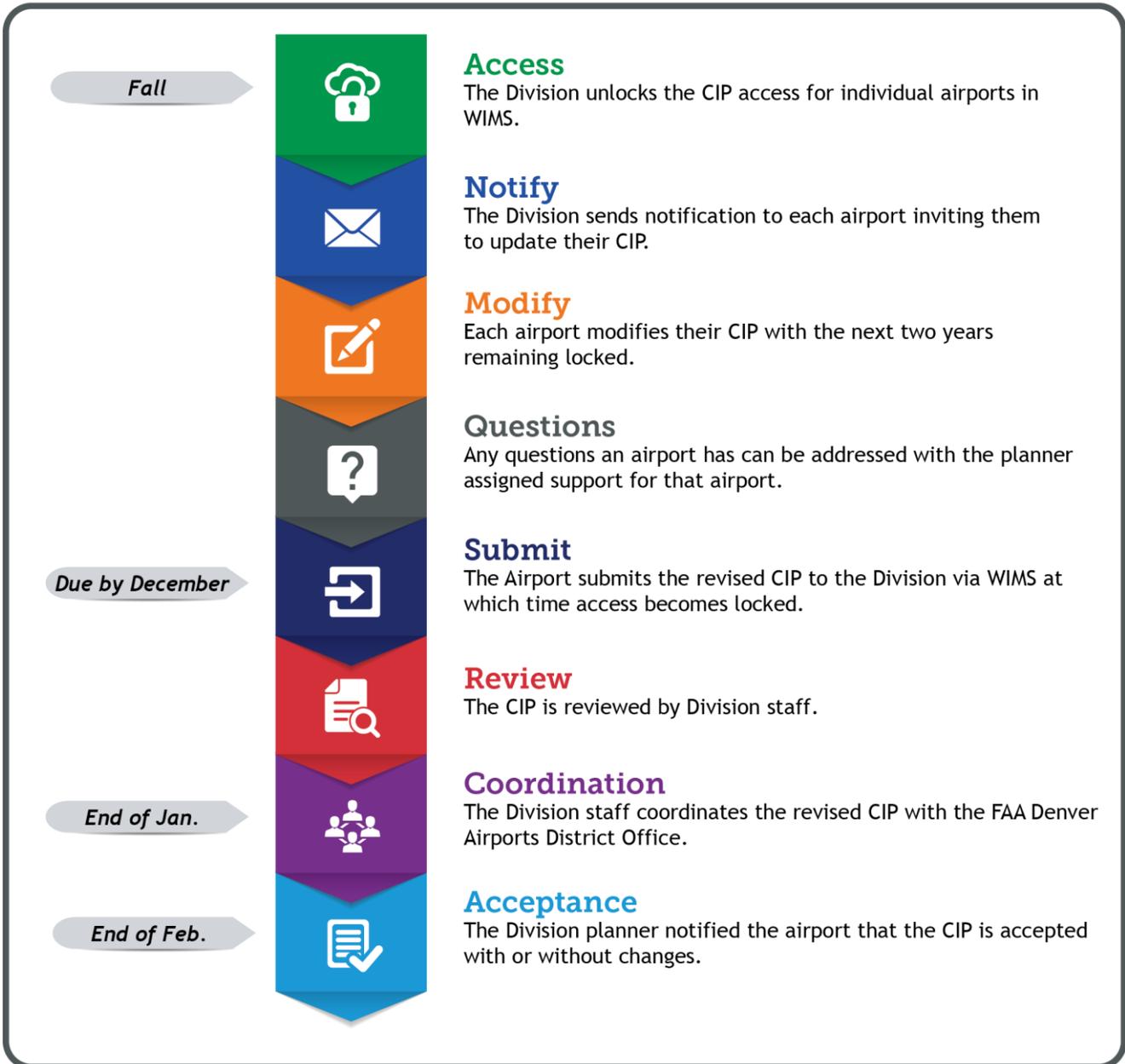
Specific CIP Update Steps:

1. Email sent to airports requesting update
2. Airports submits their update CIP to the Division via WIMS
3. CIP reviewed with Division staff and FAA
4. CIP projects are evaluated against funding available, forecasted revenues, and airport needs
5. Projects are prioritized
6. Discussion and correspondence with airports about their CIP's
7. Updated CIP's are accepted by the Division and FAA
8. Email sent to airport advising them of their accepted CIP

Please see the following flow chart for the CIP update process.



Capital Improvement Plan (CIP) Update Process





2.4 Projects Eligible for Funding

In order to qualify for a discretionary grant, airport projects must be consistent with the airport’s role defined in the [Colorado Aviation System Plan](#). In addition, all projects must be included in the airport’s approved five year CIP.

In general, projects can be categorized into five different categories:

1. Airport Planning
2. Airport Capital Improvement
3. Land Acquisition
4. Aviation Education
5. Safety & Security
6. Eligible Projects Not Recommended For Funding

| Airport Planning Projects | Examples of Projects |
|---|---|
| <p>The purpose of an airport planning project is to study options for airport development. The planning process lays the groundwork for future development on and around an airport. These projects also ensure the viability an airport.</p> | <ul style="list-style-type: none"> · Access Control Plans · Airport Master Plans · Airport Layout Plans · Electronic Airport Layout Plans · Environmental Assessments · Environmental Impact Statements · Master Drainage Plans · Airport Graphical Information System (AGIS) Development |

| Airport Capital Improvement Projects | Examples of Projects |
|---|---|
| <p>The purpose of capital improvement projects are to provide for capital facilities and equipment at airports. The projects are usually preceded by and Airport Planning Project</p> | <ul style="list-style-type: none"> · Airside Capital Improvement (Runways, Taxiways, Aprons, Fuel Farms, Snow Removal Equipment (SRE) Facilities) · Landside capital improvement projects (Terminals) · Equipment (Aircraft Rescue and Fire Fighting (ARFF), |



| | |
|---|--|
| | <p>and SRE</p> <ul style="list-style-type: none"> · Pavement Preservation (Overlays, Crack Fill, Fog Seal, Restriping) · Stormwater Drainage Improvements (Detention/Retention Ponds, Culverts) · Airport Utilities (Water, Sewer, Electrical) · Airport fuel sale systems |
| Safety & Security | Examples of Projects |
| <p>Safety & Security projects ensure that the airport environment is safe and secure for aircraft to operate.</p> | <ul style="list-style-type: none"> · Approach Development · Part 77 Obstruction Mitigation · Wildlife Hazard Studies · Automated Weather Observing System (AWOS) · Visual Approach Equipment · Airfield Lighting & Signage · Fencing · Access Controls · Safety Area Improvements |

| | |
|---|---|
| Land Acquisition | Examples of Projects |
| <p>Land Acquisition projects protect the airport from incompatible land uses and allows for future expansion.</p> | <ul style="list-style-type: none"> · Approach Protection · Incompatibility Mitigation · Acquisition of Right of Ways · RPZ Protection · Condemnation (Including Court & Attorney Fees) |



| Projects Eligible but Not Recommended For Funding | Examples of Projects |
|---|--|
| <p>Due to the fact that airport wants and needs typically far exceed available funding, many types of projects even those typically eligible may not be recommended for approval by Division staff to the CAB. Many variables play a factor in unsupported projects including, the type of project, available funding, system wide priority and needs, etc. These projects can be candidates for an SIB Loan.</p> | <ul style="list-style-type: none"> · Operations/Emergency Response Plans · Noise Studies · Economic Impact Studies · Business Plans (Often times included as a section in a master plan update, the master plan itself would be eligible but this specific section would need to be funded locally) · Commercial Air Service Studies · Economic Development Projects (Capital projects to create revenue through leases) · Pavement projects only providing access to private areas · Most landside development and infrastructure (Excluding Terminals) |

2.5 Division Project Funding and Priorities

The CAB is responsible for establishing grant amounts and percentages. The Division’s share of funding for projects can vary. The two primary types of project funding are referred to as “federal match” and “state and local project.” Federal match refers to the Division participation in the airport sponsor’s local match on a federally funded project; this usually equates funding to 90% FAA funding, with the Division and airport sponsor splitting the required federal match (usually 10%). The federal match projects are also limited to the individual grant cap of the Tier I limit as described in [section 4.4](#). State and local project refers to a project funded purely through CDAG funding and an airport sponsor’s local match, which usually equates to no more than 90% Division funding.

The CAB retains the discretion and authority of final approval or denial of all grant applications, grant amounts and match percentages. Typically, the greater the percentage an airport sponsor is willing and capable of funding the more likely the Division is to support the request.



Generally the priority for grant funding begins with federal match projects; the next priority is the pavement maintenance of existing primary movement areas beginning with primary runways, followed by taxiways, and then aprons. There are many variables that may affect the prioritization of funding year to year, including but not limited to FAA national priorities, federal and Division funding levels, project costs and viability, ability of a project to meet system goals and demand, and the number of higher priority projects requested in a given year.

3. Web-Based Information Management System (WIMS)

Over time, the administration of the CDAG program and other Division initiatives have increased in complexity. In addition, numerous statewide programs have been developed and implemented that improve aviation safety, capacity, and economic impact. This complexity and increasing number of statewide programs created a need to enhance existing administrative methods and become more efficient. As a result the Division has implemented the Web Based Information Management System (WIMS).

WIMS is a web-based “cloud” solution for tracking and management of the CDAG program, CIPs, aviation fuel sales tax disbursements, and various statewide programs including the most recent addition, the General Aviation (GA) Airport Sustainability Program ([see section 5.11](#)).

Airports eligible for Division programs must maintain access to their airport’s account within the Division’s WIMS. Currently WIMS is the only method for participating in several programs the Division offers. For more information regarding WIMS and certain programs, please refer to the following sections of this document:

- CDAG applications - [Section 4](#)
- CIP - [Section 2](#)
- CDAG Draw Down (Reimbursement Request) - [Section 4.9](#)
- GA Airport Sustainability Program - [Section 5.11](#)

For more information or to request access changes to an airport account please contact the Division. For existing account holders WIMS and basic help videos are accessible at:

<https://cdotaero.force.com/Portal>



4. Colorado Discretionary Aviation Grant Request Procedure

4.1 In-Cycle Grant Requests

The regular CDAG cycle takes place with annual grant hearings before the CAB, typically in January of each year. In preparation for the grant hearing, each airport will update their five year CIP in WIMS, as described in [section 2.2](#). After the Division, FAA, and sponsor complete the CIP update process, the Division will then solicit grant applications. The applications that are submitted by the airports should reflect the recent CIP update. Each airport has an assigned Division planner that has the responsibility to ensure that each grant application is complete and ready to be presented to the CAB.

Each funding request that is submitted will be presented to the CAB in a grant review meeting, prior to the grant hearing, both of which may take place at the same CAB meeting. Each grant request will be prioritized and each request will either be put on the consent agenda, or the CAB may request individual review at the grant hearing. There are several reasons individual consideration and action may be warranted. One could be a possible conflict of interest between the sponsor and a board member. The CAB may want more information from the grantee. A project may not be recommended by the Division and the CAB will provide an opportunity for the grantee to present its case. However, if a project competes well ([see section 4.7](#)), and is recommended by Division staff, it is typically placed on the CAB's consent agenda for the grant hearing. At the grant hearing the CAB will then take action on each funding request. If funding is approved, the Division planners begin the process of developing and implementing each grant contract.

Please see the following flow chart for the in-cycle grant request process.



In-Cycle Discretionary Aviation Grants Request Process



Annual Funding Message
The Division of Aeronautics messages the expected available funding and any limitations (**Summer**).



Notification
The Division sends notification to each eligible airport inviting them to apply for an FY grant. (**Fall**)



Planning Review
A Division Planner will review the grant request for completeness to include the following:



Grant Submission
An airport submits a grant to the Division via WIMS. (**Typically in December**)



Review Items

- a. Is the request included in the CIP?
- b. Does it meet any funding eligibility limitations?
- c. Cost estimates?
- d. Diagrams?
- e. Project schedule?
- f. System Priority?



Strategic Needs Review

Does the project conform with one or more of the following strategic state airport system performance measures?



Activity/Safety



Economic Support



Expansion Potential



Coverage/Emergency Access



Corrections
If the request is incomplete, it will be returned to the airport for additions or corrections via WIMS.



Final Staff Review
When the request is complete, it will be reviewed and evaluated by Division staff



FAA Coordination
If necessary, the grant will be coordinated with the FAA Denver Airport District Office.



Grant Approval
If the grant is approved by the CAB, the contracting process will begin following acceptable bids and/or FAA grant offer is available.



Colorado Aeronautical Board
Each grant request is presented to the Colorado Aeronautical Board with a staff recommendation for action. (**Typically January CAB meeting**)



Contract Approval
A completed contract will be emailed to the airport via WIMS to print, sign, and 3 hard copies returned to Division. (*Timing will vary depending on project bidding and/or FAA grant offer*)



Notice to Proceed
Once the contract is executed, Division staff will send the airport a Notice to Proceed via WIMS.

4.2 Out-of-Cycle Grant Requests

Out-of-cycle requests are those requests that are submitted outside of the regular grant cycle described above. Justifications for an out-of-cycle grant request are in the event of:

1. An emergency situation that impacts safety or operations.
2. An unanticipated state of affairs that negatively affects an airport and that due to timing cannot be addressed in the normal cycle.
3. The emergence of an opportunity that due to specific timing will provide an advantage that would otherwise be lost if the grantee waited until the normal cycle.

Each out-of-cycle grant request must be submitted in WIMS and is evaluated by Division staff with the same process and criteria as an in-cycle requests. Every applicant will work with their Division planner to ensure the request meets the eligibility requirements. All out-of-cycle requests will have a staff recommendation and require CAB approval.

4.3 Supplemental Funding Requests

A supplemental grant application is required for additional funding on an existing grant. Supplemental requests only deal with additional funding. Each supplemental funding request must be submitted in WIMS and is evaluated by Division staff with the same process and criteria as an in-cycle requests. All supplemental requests will have a staff recommendation and require CAB approval.

4.4 Tier I Funding Requests

Tier I funding refers to the amount of the normal in-cycle grant program, the Division recommends to the CAB an individual grant fund limit for grants within the framework of the normal grant program. The Division Staff will provide a Tier I limit to the CAB prior to the annual grant cycle, typically no later than October of each year. This limit will be communicated to all the potential grantees prior to submitting grant applications. Any need for a project that exceeds the Tier I limit will be prioritized as a Tier II request. The CAB still has complete discretion whether or not to fund requests.



4.5 Tier II Funding Requests

(Tier II grants are not currently available due to the Treasury Loan Agreement allowing the Aviation Fund balance to run negative until recovery, which is estimated to be no sooner than early 2020.)

In addition to the normal grant program, the Division and the CAB have formalized a process for grants that exceed the funding limit of the normal grant program. These grants are referred to as “Tier II” grants. Tier II grants allow the CAB and Division to accomplish projects that have a high priority and impact to the state aviation system, or are of unusually significant impact to an individual airport. The application and review process for these grants are the same as the traditional grants. The CAB still has complete discretion on whether or not to fund a specific request. Although the staff uses the same criteria to review and recommend Tier II projects, the funds are limited and therefore competition for funding is more difficult.

The purpose of Tier II funding is to accomplish significant, larger scale, high priority projects that provide benefit to the state aviation system, but would not be able to be funded within the framework of the traditional CDAG program (Tier I). Tier II projects must be identified on airports CIP’s just like any other funding request. Tier II projects should be the highest priority of the airport, therefore in most cases there will not be a Tier I for that year. Tier II funding requests should be made for projects that have a high priority for the airport and the state system.

The staff will recommend to the CAB the amount of funding available for Tier II grants on an annual basis, typically in October. There is no guarantee that funding will be available each year.

4.6 Local Match

4.6(a) State and Local Projects

(State and Local project grants are not currently available due to the Treasury Loan Agreement allowing the Aviation Fund balance to run negative until recovery which is estimated to be no sooner than 2020.)

Grant requests should include a local contribution to support the amount of Division funds requested. Local contribution can come in one of two ways, either cash or in-kind work. Although 90/10 is the



typical split, local match requirements are not dictated by statute and the CAB has the discretion to approve grants with a local contribution, typically not less than 10%. Therefore any potential grantee applying for funds with a larger than 10% local contribution is usually more compelling to both the Division and CAB as it shows the priority and commitment the airport sponsor is vesting in the project. State and local projects are dependent on available state funds.

4.7. Grant Evaluation Criteria

4.7(a). Capital Improvement Plan (CIP)

An important evaluation for CDAG funding requests is to ensure that projects were identified in the airports CIP. More information on the CIP and the CIP update process can be found in [section 2.2](#).

4.7(b). Strategic Grant Making

Strategic grant making is intended to ensure that the grants issued by the Division address the previously established goals and priorities of the Colorado aviation system, as established in the most recent Colorado Aviation System Plan (CASP) described in [section 5.9](#). By addressing the goals and needs of the Colorado aviation system, we are able to obtain a measurable and tangible benefit from the CDAG program. The needs of the Colorado aviation system are always dynamic, and capital improvement needs consistently exceed the amount of funding available. With strategic grant making the Division strives to efficiently maximize the investment in the system, and the use of limited funds.

One of the highest priorities of the Division and the CAB is to ensure projects meet one or more of the statewide system goals in the CASP. By linking as many grants as possible to a specific goal or need the Division is able to measure how grant funding has moved the system forward. The CDAG program is intended for airports to request funds that address airport specific needs and or goals. Through the process of strategic grant making the Division shall attempt to address the needs of airports, within the CDAG program, and to ensure that the statewide Colorado aviation system is meeting the demands of its users.

Through the evaluation process it will be determined how the requested project will help meet statewide system goals, or how it will help continue to meet a goal that has been previously achieved. It is very important for the grant applicant to be aware that the application will be evaluated not



only on how the requested project will benefit the airport, but what type of statewide benefit it will provide the system. The Division does not dictate which projects airports request funding for, but the Division has the responsibility to make sure the money in the grant program is being used in a responsible, equitable, and efficient manner. Strategic grant making will provide a link between the local need and the benefit to the state aviation system by correlating the two.

Grants that do not directly relate to a goal of the state aviation system are still eligible for funding; however, they may not compete as well for funding. Strategic grant making is just one of the steps in the evaluation process; the CAB always retains the discretion to fund any project as long as it meets statutory requirements for eligibility, see [section 2.3](#) for more information on eligibility. The CASP provides an overview of the goals, priorities and objectives for the Colorado aviation system, however it cannot address every situation that can arise.

4.7(c). Historical Performance

As discussed previously, the Division tracks and measures the expenditures of grants in WIMS. Over each fiscal year period after the notice to proceed was issued the Division tracks how much money was spent until the grant is closed. If a grantee has an unusually large number of open grants with little or no activity and is requesting additional funding, this information may adversely affect future grant application consideration.

4.8 Grant Amendments

Amendment requests to modify grants that do not require additional funding and are consistent with the original scope of work may be processed administratively by Division staff, with notification to the CAB. Justification for such requests should be provided as needed by the Division.

In the event that the contract term needs to be extended beyond the typical three year contract term, an amendment can be issued with justification. This modification can also be handled administratively by the Division staff. Any amendment request that does not fall within the described administrative amendment must be considered and approved by the CAB prior to execution.

4.9 Grant Reimbursement Request Procedure

Aviation Grant Draw Downs Request & Payment Process





5. Statewide Aviation Programs

Overview

[CRS 43-10-108.5](#) specifies that the Division may be the recipient of state aviation system funds for the purposes of implementing statewide aviation projects. The Division has utilized this ability to create several statewide programs that have a significant positive impact on the Colorado aviation system. Those programs are described in detail within this section.

5.1 Automated Weather Observing System (AWOS)

Weather continues to be a leading cause of GA accidents in Colorado. Higher altitudes are necessary to fly in the mountains of Colorado, requiring many smaller general aviation aircraft to operate near the limit of their performance capability. This factor, coupled with unpredictable and rapidly changing weather conditions in the mountainous terrain typically results in several fatal aircraft accidents each year.

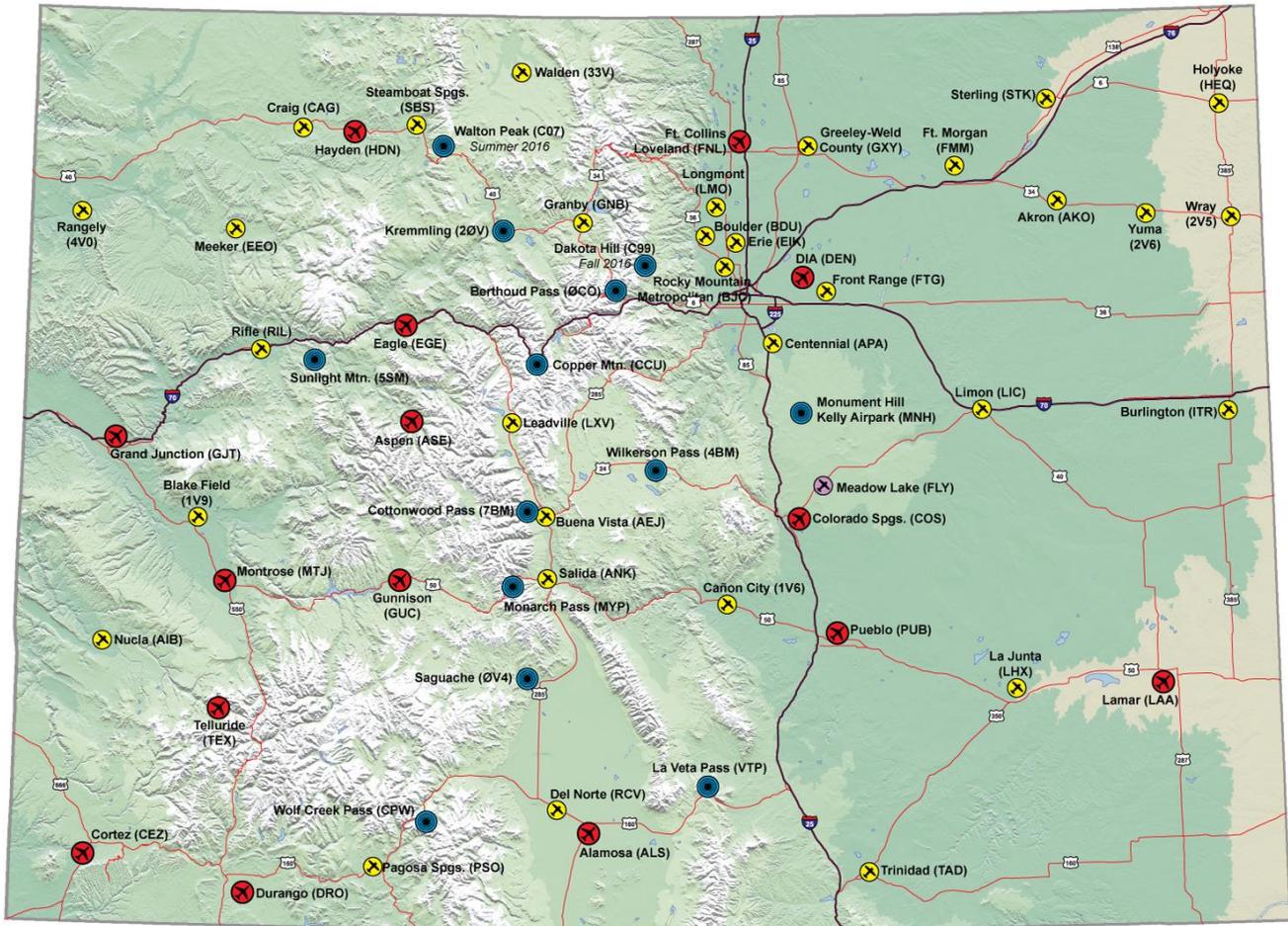
The AWOS program was developed to help reduce weather related accidents, and provide pilots operating in Colorado's mountainous regions with more accurate local weather information. Flying safety depends heavily on the weather information provided to pilots, particularly in mountain flying conditions. Colorado has several critical areas within mountain passes along established flight routes, none of which had weather information available prior to the AWOS program.

The Division is responsible for the installation and maintenance of 12 AWOS sites strategically located in areas throughout the Colorado mountains. These AWOS sites provide essential weather information for pilots, which is key to safety of flight.

In concert with this program the Division works with the National Association of State Aviation Officials (NASAO) to provide the ability for each airport to transfer AWOS data to the National Flight Data Center for Notices to Airmen (NOTAMs) and certified aviation weather. The Division financially supports transfer service for Colorado airports with certified non-federal AWOS units. The Division also provides technical support and assistance to help airports solve process or system issues.

Please see the following map for AWOS locations in Colorado. More information can also be found online at: https://www.codot.gov/programs/aeronautics/co_awos

Division AWOS locations designated in blue:



5.2 Aviation Management Internship Program

The Aviation Management Internship Program is designed to develop and educate aspiring aviation professionals and provide them critical on-the-job experience so they can integrate into the aviation industry upon completion of the internship. Internship grant requests do not follow the normal “grant cycle” and can be requested throughout the year within WIMS. Internship grant applications must include an outline and syllabus of what the intern will be exposed to during his/her internship. Interns funded through this program cannot be used for staff positions, staffing shortages, or any non-airport functions or work.



The Division prefers internship grants to span one year; however, if specific circumstances exist the Division will review them on a case by case basis. Internship grants are separate from the normal CDAG cycle and the grant cap set by the CAB in [section 4](#) and do not need to be in the airport's CIP. Internship grants are awarded through contract and funding is reimbursable similar to CDAGs. Grant funding shall be 50% of the intern wages with the Division share not to exceed the current maximum reimbursable rate as established by the CAB (\$16,640 as of the date of this document). As funding permits and at the discretion of the CAB, the Division will consider grant funding as described for up to two internships per airport per state fiscal year.

The CAB approves and appropriates the funding level for the internship program annually. This allows the Division staff to more quickly process and contract eligible internship grant requests without waiting for a regularly scheduled CAB meeting. Applications must be submitted in WIMS with sufficient time for grant review, approval, and contract execution. The Division cannot reimburse for any share of expenses incurred prior to the contract execution date.

A list of Colorado airports utilizing the internship program can be found at: <https://www.codot.gov/programs/aeronautics/internships>

5.3 Charts and Directories

As a service to the flying public, the Division publishes the Colorado Airport Directory and the Colorado Aeronautical Chart. Both publications are updated every two years and are for general reference to supplement other flight planning publications available to pilots. They are not to be used for flight planning or in lieu of other current and official sources of flight information such as Airport Facility Directories or Sectional chart publications. Both publications are available in paper and electronic form. Typically, charts are updated in even years, and directories in odd years.

The airport directory provides information on each public use airport in the state including an aerial photograph, runway data, communications frequencies, contact information, services provided, and more. The directory also provides information regarding mountain flying, AWOS information, a density altitude chart and other helpful topics. Directories are available at airports throughout the state, the Division offices, and can be mailed upon request with a charge to cover shipping costs.

The Colorado Aeronautical Chart combines multiple FAA Sectional Charts into a comprehensive state chart. The chart, like the directory, features information regarding mountain flying that include



suggested routes, density altitude, mountain AWOS information, and information regarding mountain passes and the do's and don'ts of mountain flying. Charts are also available at airports around the state and single charts can be requested on the Division's website to be mailed to individuals as well.

Information on how to obtain hard and electronic copies can be found at:
<https://www.codot.gov/programs/aeronautics/request-form>

5.4 Pavement Crack Fill Program

For many years the Division has provided financial support for airports to purchase pavement crack fill material that is applied by the airport. The program is intended to encourage airports to do more preventative pavement maintenance. The Division reimburses up to 90% of the cost of the crack fill material obtained through the CDOT state bid, up to \$10,000 of Division funding per airport per fiscal year. This is a valuable investment that extends the life of existing pavements, protects our investments in airport pavements, and reduces our system-wide pavement rehabilitation needs.

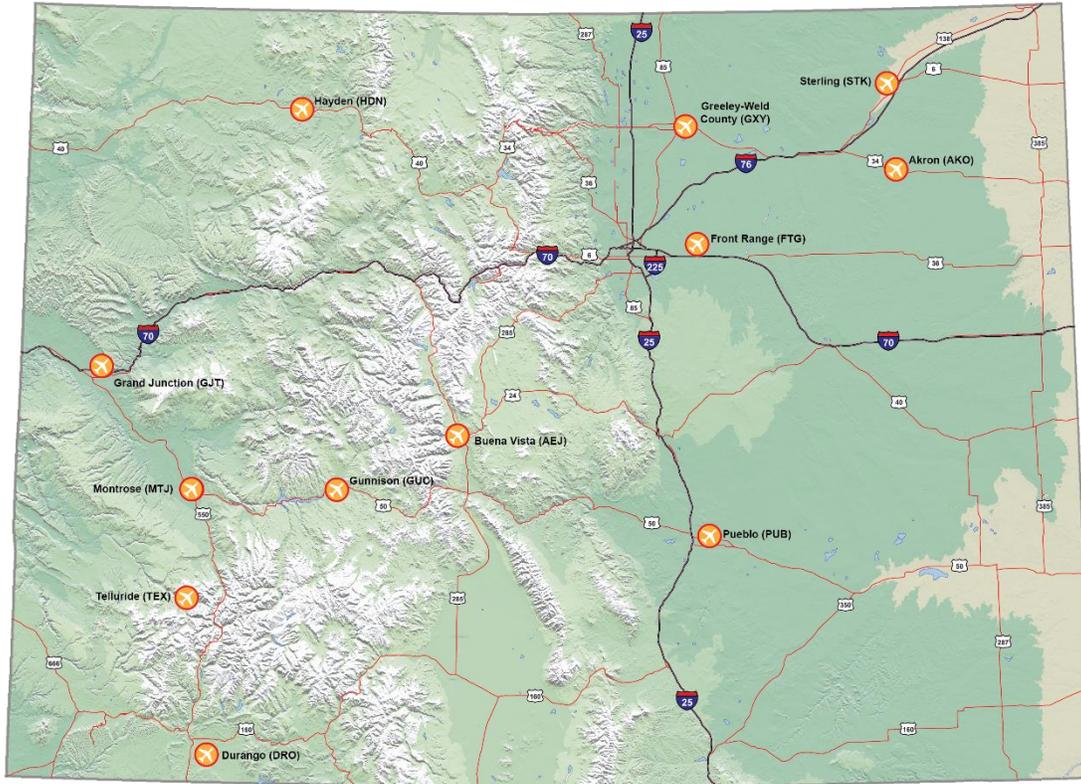
Colorado airports eligible for grant funding, as discussed in [section 2.3](#), that would like to participate in this program should contact the Division for the latest information on the program including how to request assistance.

The Division has also provided crack fill machines to large airports or groups of smaller airports to support this program. Each regional machine is expected to be shared by a group of three or four airports. Airports that foresee a need for a crack fill machine should contact their Division's aviation planner.

Funding from this program is not counted against an airport's discretionary grant limit for the year. Any airport that would like to participate in this program should contact their Division aviation planner for the latest information on the program including how to request assistance.

Please see the following Colorado map with locations of Division crack fill machine.

Division crack-fill machine locations designated in yellow:



5.5 Economic Impact Study of Colorado Airports

Colorado’s commercial and GA airports are major economic catalysts and are responsible for generating billions of dollars in economic benefit and supporting hundreds of thousands of jobs. Unfortunately the direct and indirect benefits of airports are difficult to understand for a majority of the population including many of the groups that are responsible for making decisions on airport funding.

In 1998, the Division developed its first economic impact study to help inform the public, elected officials, airport sponsors, communities and many others about the true economic benefit of airports to the local, regional, and national economies. Since the original study was completed, the economic impact study has been continually updated on an approximate five year basis.



As funding resources continue to decrease and demands on the public transportation system continue to increase, the need for these studies to show the benefit and true value of airports as economic generators will be instrumental on the success of Colorado airports in the future. It is the intent of the CAB and Division to regularly update the economic impact study as funds permit.

The most recent update (2013) along with the historical plans can be viewed on the Division's website: <https://www.codot.gov/programs/aeronautics/Economic%20Impact%20Study>

5.6 Mountain Radar/Virtual Air Traffic Control Tower

The Division, in partnership with the FAA, took a bold and innovative step in 2009 when it launched a new system to improve efficiency and capacity at mountain airports. Prior to 2007, many important Colorado western slope airports did not have radar coverage to the surface due to terrain and high cost of installation and maintenance for this type of equipment. As a result, many commercial service and GA flights into and out of mountain airports were delayed, diverted to other airports or cancelled. This resulted in negative impacts for airport users, local communities and the state's critical tourism industry. As a result the Colorado Surveillance Project was created and an innovative partnership between the Division, the FAA and the local communities was developed to solve this problem.

The system that was deployed to provide radar-like coverage to the surface is known as the Wide Area Multilateration (WAM) system. The WAM system was initially installed at the Rifle-Garfield County Regional Airport, the Craig-Moffat County Airport, the Yampa Valley Regional Airport and the Steamboat Springs Municipal Airport. The FAA officially commissioned the new system into the National Airspace System (NAS), in December of 2010. The WAM system solved the lost radar coverage, drastically reduced flight cancellations, and increased the arrival rate during inclement weather from about four arrivals per hour to approximately 15 per hour. Following this successful program, Phase II was launched, which provided the same level of WAM service to the Gunnison-Crested Butte Regional Airport, the Montrose Regional Airport, the Telluride Airport and the Durango-La Plata County Airport. Phase II also included a backup system referred to as Automatic Dependent Surveillance - Broadcast (ADS-B). ADS-B is a cooperative surveillance technology that is satellite based and when compliant equipment is installed in an aircraft, provides enhanced capabilities for navigation, situational awareness and improved weather data. ADS-B is an element of the Next Generation Air Transportation System (NextGen) and will be required equipment in the future. The certification of the Phase II airports was completed in the fall of 2013.



The successful completion of Phases I & II has led to a Phase III that is currently being developed. The concept of Phase III will be to provide an airport with virtual air traffic control capabilities, obviating the need to construct and staff a traditional control tower structure and facility. This program has the potential to provide much needed air traffic control services at drastically reduced costs typically seen with construction and operation of traditional control tower facilities.

5.7 Pavement Condition Indexing (PCI)

Pavement management is a systematic method of: assessing current pavement conditions, determining maintenance and rehabilitation needs, and prioritizing these needs to make the best use of anticipated funding levels for local, Division, and FAA programs. The Division assists eligible airports in pavement management by utilizing (PCI) Pavement Condition Indexing. PCI is a numerical index between 0 and 100 which is used to indicate the general condition of a pavement. It is widely used in transportation civil engineering. It is a statistical measure and requires manual survey of the pavement. PCI surveying processes and calculation methods have been standardized by ASTM for both roads and airport pavements. See ASTM D5340-11 for the standard test method for airport PCI surveys.

In order for an airport to be eligible for FAA AIP funding, they must remain in compliance with [Public Law 103-305, section 107](#), amended Title 49, Section 47105, which requires all airports receiving federal funds to develop and implement a pavement maintenance plan. While this law only applies to airports within the [National Plan of Integrated Airport Systems \(NPIAS\)](#), the Division includes non NPIAS airports in the program since it is highly beneficial to the local airport sponsor and assists the Division and FAA in airport pavement planning.

The PCI program is authorized by the FAA's Denver Airports District Office as the accepted method for determining the present condition of the Colorado aviation system pavements, the required maintenance needs, and forecasts of future requirements for maintenance. An integral factor in that process is evaluating the condition of runway, taxiway, and aircraft parking apron pavements at each of the state's system airports excluding Denver International Airport.

The FAA requires a PCI inspection and report at each NPIAS airport every three years. The Division inspects roughly a third of the public use airports each year so that there is a complete cycle of inspections every three years. In the off years a standard rate of pavement deterioration is modeled resulting in an updated PCI value for each airport annually. The Division uses MicroPAVER software



to record distresses and to determine PCI values for airport pavements. These values are available on the Division website at: <https://www.codot.gov/content/programs/aeronautics/PCI/>.

5.8 Surplus Equipment Sales

With the cooperation of CDOT, Denver International Airport and the CAB, the Division coordinates surplus equipment sales for Colorado public-use airports, in accordance with [CRS 43-10-110.7](#). Equipment at these sales are offered to other Colorado airports in order to make critical equipment such as snow removal equipment, mowers, loaders, service vehicles, and others available to airports at a much lower cost than new.

Colorado airports eligible for grant funding, as discussed in [section 2.3](#), are eligible to participate in the surplus equipment program. At the time of purchase airports are required to sign a Surplus Equipment Program Assurance Form. This form specifies all applicable assurances and rules associated with the piece of surplus equipment that was purchased. Surplus equipment must be used solely for aeronautical purposes and cannot be sold within predetermined useful life of the vehicle.

When surplus equipment is available, airports will be notified by the Division staff. Surplus grants are similar to regular airport grants in that they are reimbursable. The airport will pay for the piece of equipment and then request reimbursement from the Division for the agreed upon reimbursement percentage. The CAB will set the Division's participation percentage prior to the sale and has historically funded between 50%-80% of the cost. The surplus equipment grants will not count against an airport's annual discretionary aviation grant for the fiscal year.

Please see the following flow chart of the surplus equipment sale process.



Surplus Equipment Sale Process

Typically Early Summer



Notify

Denver International Airport (DIA) notifies Division staff of their intent to sell excess equipment. It is not guaranteed that equipment will be available every year.

Sale Details

Division staff develops sale details to present to the Colorado Aeronautical Board (CAB).

Schedule

Staff notifies eligible airport of sale details and sale schedule.

Preview

Division staff schedules and notifies eligible airports of equipment preview.

Sale

Staff conducts sale at DIA. Typically occurs A.S.A.P. following execution of above steps.

Processing

Division staff processes sale results in the Web-Based Information Management System (WIMS) and arranges for funding.

Invoicing

Participating airports are invoiced by DIA for payment.

Draw Downs

Participating airports submit draw-down requests in WIMS.



5.9 Colorado Aviation Systems Plan

Pursuant to [CRS 43-10-102](#) the Division produces and maintains the Colorado Aviation System Plan (CASP) providing the Division with an important planning tool. A tool that helps the Division determine how its investment elevates overall system performance. In addition, the CASP helps to identify those airports and those projects that help to provide a system of airports that can meet the state's air transportation needs, while supporting its economic goals. According to the FAA's [Advisory Circular \(AC\) 150/5070-7](#) and as may be needed by the Division, it is appropriate to update the CASP at regular intervals.

The Colorado Aviation System Plan has three primary objectives. The first objective is to provide, based on conditions at the time, an update on how well the system is performing. The second objective is to identify changes in system performance. The third objective is to utilize historic information to define the relationship between system performance measurements, benchmarks, facility/service objectives and grants issued by the Division as discussed in [section 2](#).

The process to evaluate the airport system's performance results in a report card for the system. System performance measures are the categories in which the system is graded or evaluated, and individual benchmarks are the actual tests used to determine how well the system is performing. The system performance measures are commensurate with FAA descriptors for a balanced and viable airport system.

By updating its aviation system plan on regular intervals, Colorado has the opportunity to expand and adjust the plan to reflect changes in technology; changes in FAA planning guidance; and changes in state, community, or airport conditions. Airports in Colorado are important transportation and economic resources, and the 2011 update to the Colorado Aviation Systems Plan provides a blueprint to direct system growth and development in the coming years.

The most recent update along with the historical plans can be viewed on the Division's website at: <http://www.coloradodot.info/programs/aeronautics/colorado-airport-system>



5.10 USDA Wildlife Services Program

During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives worldwide, as well as billions of dollars in aircraft damage. The FAA maintains a comprehensive program to address wildlife hazards. Through a coordination of efforts the FAA, USDA, and the Division are committed to helping Colorado airports understand and mitigate the dangers of the interaction between wildlife and aircraft.

The Division has been contracting with the United States Department of Agriculture (USDA) since 2009 to perform wildlife management services for airports statewide. The services included in the agreement with USDA that are at no cost to airports consist of conducting Wildlife Hazard Assessments (WHA) at group 1 airports, performing Wildlife Hazard Site Visits (WHSV), reviewing and updating Wildlife Hazard Management Plans (WHMP), permitting, habitat management, surveying, land-use planning, and establishing and maintaining working relationships with property owners adjacent to airports.

Training airport personnel is another important service provide to airports through the USDA agreement. Currently training is given by the USDA from April through August annually to each of the 14 commercial airports and a handful of GA airports in Colorado. The mandatory curriculum listed in FAA [AC 150/5200-36](#) is presented to all pertinent airport personnel. The curriculum requires the USDA to obtain and analyze data for each airport such as, strike records from the FAA wildlife strike database and operations log of wildlife activity. The curriculum includes prioritizing problem areas and hazardous species on the airfield, providing a demonstration on the safe and effective use of wildlife harassment devices and an exam created to test airport personnel's wildlife hazard knowledge. Every year, a list of participants, as well as the USDA certifications, is provided to the FAA for verification.

In addition to training, the USDA provides wildlife control measures on site. Airport managers have the ability to contact the USDA for non-lethal, as well as lethal measures on their airfield in accordance with their FAA-approved WHMP. For example, prairie dog management continues to be a priority for many airports in Colorado and control of populations on an airfield is difficult, yet imperative. Due to the specific time-consuming work needed to mitigate prairie dogs from airports, USDA and the Division have agreed that separate cooperative service agreements between USDA and each airport are necessary to avoid interfering with the other priorities that are already provided within the existing agreement. For more information about this program please contact the Division.



5.11 GA Airport Sustainability Program

The purpose of the General Aviation (GA) Airport Sustainability Program is to provide guidance and resources to GA airports in Colorado in order to help airports prepare their own individually customized sustainability plans. The program is accessible through WIMS where an interactive toolkit will assist in addressing ways to improve sustainability within economic, social, operational, and environmental realms at their airports. Eligible Colorado airports have access to the toolkit through WIMS, for more information on WIMS see [section 3](#).

For more information about this program please contact the Division's offices or visit:

https://www.codot.gov/programs/aeronautics/GA_Airport_Sustainability_Program

6. Aviation Education Grant Program

As the Division's budgets and revenues permit, the CAB may provide the Colorado aviation community with support for the promotion of aviation through aviation education grants. Aviation education is defined as programs, projects and or initiatives that improve or enrich aviation within the Colorado aviation community and can include among others, programs for professionals within aviation including airport managers, pilots, students transitioning into an aviation career, and aviation students and educators. An education grant is any request for education funding other than the Division's airport internship program, including but not limited to, the education of aviation professionals and outreach to aviation students and educators. Although the internship program is a major element of Division education funding, that program is funded and administered separately from this education grant program.

Similar to the CDAG program, education grants awarded by the CAB are a budget split of Division funds and grantee funds and are reimbursable only. Reimbursable means that as each grantee expends funds toward the approved project they submit a request for reimbursement to the Division with backup confirming the scope of project and expenditures. When the draw down request is approved for payment it will be reimbursed at the percentage rate awarded by the CAB.

Aviation education related grants will be submitted through WIMS, as described in [section 3](#), one time per year to allow equal consideration in competition for any funding approved by the CAB. The Division staff will prioritize the grant requests based on the Colorado Discretionary Grant Program



Education Guidelines which provide more details regarding the program, such as, how to make a grant application, how grant requests will be prioritized, and for determining the funding levels. Staff recommendations will include funding levels which may suggest reduced funding or a change in percentage of match by the Division and grantee. These recommendations will be presented to the CAB for consideration. Typically it has been the philosophy of the Division and the CAB that educational programs are able to become self-sufficient and not reliant on Division funding to survive. It is highly recommended that funding requests include a plan for programs to become self-sufficient.

7. SIB Loan Program

Source: Title 23, United State Code; and

Section 43-1-113.5 Colorado Revised Statutes, CDOT 2 CCR 605-1, CDOT PD 720.1

The State Infrastructure Bank (SIB) Loan Program was enacted by Colorado Legislature in 1998, and adopted by the Colorado Department of Transportation in 1999. This unique funding source is supported by the Colorado Aeronautical Board and the Colorado Transportation Commission and helps fund transportation facilities with funds available through a low-interest revolving loan program. The SIB program consists of four separate accounts: a highway account, transit account, an aviation account, and a rail account. The fund is made up of federal, state, or private moneys in the revolving fund and all moneys that may be transferred or appropriated by the general assembly.

Loans awarded to Colorado public-use airports from the SIB Aviation Account have been used to support funding for projects such as capital airport improvements, air traffic control towers, snow removal equipment and airport pavement reconstruction. Additionally, these low-interest loans have been utilized for land acquisitions that have protected Colorado airports from incompatible land-use surrounding airports.

Loan requests from the SIB aviation account are facilitated pursuant to the CDOT's [Procedural Directive 720.1](#). Please review the CDOT [SIB Rules and Regulations 2 CCR 605-1](#) for more information on how this program works. Information pertaining to the Colorado SIB Program can be obtained by calling the Division of Aeronautics offices or by visiting the SIB webpage at the following address: <https://www.codot.gov/programs/aeronautics/SIB>.



8. Other Possible Funding Sources

8.1 Department of Local Affairs

Federal mineral lease payments are distributed first to the state of Colorado, Department of Local Affairs (DOLA), who in turn, distributes payments to the counties, municipalities, and federal mineral lease districts within the state impacted by federal mineral leasing activity. These revenues come from state Severance Tax receipts and Federal Mineral Lease non-bonus payments. The Local Government Financial Assistance section manages a number of grant and loan programs within the Department of Local Affairs specifically designed to address public facility and service needs.

For more information on DOLA funding visit the Financial Assistance & Grants section of the DOLA webpage located at: <http://www.colorado.gov/cs/Satellite/DOLA-Main/CBON/1251589672852>

8.2 Colorado Water Conservation Board

The CWCB offers numerous loans and grants to water providers and other entities statewide for a variety of water-related projects, studies, planning, awareness campaigns, and other activities. Airport Sponsors in Colorado have been recipients of grant funding from the CWCB for water utility related projects and studies. Visit the CWCB website for more information at: <http://cwcb.state.co.us/LoansGrants> or contact their offices at 303-866-3441.

8.3 Local Government Funding Opportunities

Many local governments offer various funding opportunities. An example of such an entity is the Garfield County Federal Mineral Lease District. The county receives revenue distributions from DOLA and in turn funds the District which is authorized to distribute funds and provide services to communities impacted by the development of natural resources on federal lands within Garfield County. The District accomplishes its mission through the issuance of grants.

For more information on local funding opportunities contact your local government offices.



8.4 OEDIT

The Colorado Office of Economic Development and International Trade (OEDIT) can be a great resource for supporting businesses. Although they are less likely able to fiscally support an airport sponsor itself they are a great resource for attracting and retaining businesses that are or could be airport tenants. OEDIT offers a host of programs and services tailored to support business development at every level including business retention and relocation services; business finance and incentive programs; the Colorado Tourism Office; Creative Industries; the Colorado International Trade Office; the Colorado Small Business Development Centers; Film, TV & Media; minority and women-owned business services and economic research.

More information can be found at the OEDIT webpage at:

<http://www.advancecolorado.com/about-oedit>; and <http://www.advancecolorado.com/funding-incentives>



Frequently Asked Questions

1. As an airport, can I get a login to WIMS for our consultant?

No. WIMS was created to help administer the grant process and tax disbursements directly with the airport and/or their sponsor.

2. Am I eligible for a Colorado Discretionary Aviation Grant?

Eligibility for CDAG funding for Colorado airports is defined by [CRS 43-10-103\(4\)](#) and [43-10-108.5\(2\)](#). The statutes state “The authority of the Division shall be limited to public airports, commercial service airports, and reliever airports as defined in [49 USC sec. 47102](#)” and that “Any entity operating an FAA-designated public-use airport may apply to the Division for a state aviation system grant to be used solely for aviation purposes.”

3. How do I apply for a Grant?

During the normal grant cycle the Division will solicit grant applications from the public use airports in Colorado.

4. How much local match is required?

There is no rule or statute that dictates a local requirement, however the CAB has unwritten policy that if a project is state and locally funded 10% of the project total should come from the sponsor.

5. Do I have to present my request to the CAB?

No, but on occasion the CAB likes to hear from grant applicants regarding the grant that is being requested. Typically the CAB will ask for a presentation for one of three reasons. A potential conflict of interest exists between a CAB member and the grant applicant, the Division staff does not recommend the project, or the CAB is just interested and would like to hear more about your request.

6. Why does our sponsor need to sign a resolution?

Included in the Division and CAB enabling legislation, it is required that the local communities invite the Division and CAB into their communities. The resolution acts as the invitation for financial support.



7. Do I have to bid my project?

It depends, once a grant has been awarded by the CAB, it is up to the grantee to follow all procurement rules and regulations that may apply. The Division grants require that the airport sponsor follow all local procurement requirements. If a project is also funded by the FAA then their requirements will also apply.

8. Can I receive my reimbursement via electronic transfer?

Yes, please contact the Division for more information regarding electronic fund transfers.

9. How long is a grant good for?

It depends on the type of projects in the grant. For construction projects each grantee is given up to three years to expend the funds. For others, such as equipment purchases or internships, the grant may be capped at one year. Amendments to extend the term of a contract are only available in certain situations. All requests for reimbursement must be submitted to the Division by June 1st of the expiring year.

10. If there is money left in my grant can I use it for something else?

No, grant dollars can only be used for what the CAB approved and all remaining funds in the grant at project completion will be returned to the Aviation Fund.



Abbreviations/Definitions

| | |
|------------|---|
| “ADS-B” | Automatic Dependent Surveillance - Broadcast |
| “AIP” | Airport Improvement Program. The program that the FAA uses to give grants to eligible airports. |
| “AWOS” | Automated Weather Observing System |
| “BOL” | Bill of Lading |
| “CAB” | Colorado Aeronautical Board. A seven member board appointed by the Governor of Colorado, whose purpose is to administer the aviation fund and establish policies for growth and development of aviation in Colorado. |
| “CASP” | Colorado Aviation System Plan. This is a planning document that provides an inventory of aviation and also projects future aviation demand throughout Colorado. |
| “CDAG” | Colorado Discretionary Aviation Grant. Refers to a discretionary grant awarded by the Division and CAB within the aviation grant program. |
| “CDOT” | Colorado Department of Transportation. The State of Colorado’s Department that handles everything transportation related. |
| “CIP” | Capital Improvement Plan. A five year planning document used by both the FAA and the Division. |
| “COFTS” | Colorado Fuel Tracking System |
| “CRS” | Colorado Revised Statute |
| “DOLA” | Colorado Department of Local Affairs |
| “DOR” | Colorado Department of Revenue |
| “Division” | CDOT - Division of Aeronautics |
| “FAA” | Federal Aviation Administration. The federal administration who is responsible for aviation on a national level. |
| “GA” | General Aviation |
| “NAS” | National Airspace System |
| “NextGen” | Next Generation Air Transportation System |
| “NPIAS” | National Plan of Integrated Airport Systems |



- “OEDIT” Colorado Office of Economic Development and International Trade**
- “PCI” Pavement Condition Indexing.** A planning document used by both the FAA and CDOA to evaluate condition of airport pavements.
- “SAP” Systems Applications and Products.** CDOT’s accounting system.
- “SIB” State Infrastructure Bank**
- “TC” Transportation Commission of Colorado**
- “USDA” United States Department of Agriculture**
- “WAM” Wide Area Multilateration**
- “WIMS” Web-based Information Management System**



Colorado Revised Statute (CRS) 43-10 Aeronautics Division

A current electronic version can be found at:

<http://www.lexisnexis.com/hottopics/colorado/leftnav.htm>

Title 43. Transportation

Aviation Safety and Accessibility

Article 10. Aeronautics Division (2015)

43-10-101. Legislative declaration:

The general assembly hereby declares that there exists a need to promote the safe operation and accessibility of general aviation and intrastate commercial aviation in this state; that improvement of general aviation and intrastate commercial aviation transportation facilities will promote diversified economic development across the state; and that accessibility to airport facilities for residents of this state is crucial in the event of a medical or other type of emergency.

43-10-102. Definitions:

As used in this article, unless the context otherwise requires:

- (1) "Aircraft" means any FAA-certificated vehicle used or designed for aviation or flight in the air.
- (2) "Airport" means any area of land or water which is used or intended for the landing and takeoff of aircraft, any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities.
- (3) (a) "Aviation purposes" means any objective that provides direct and indirect benefits to the state aviation system and includes, but is not limited to:
 - (I) Any work involved in constructing, planning, or repairing a public airport or portion thereof and may include any work involved in constructing or maintaining access roads;
 - (II) The removal, lowering, relocation, and marking and lighting of any hazard to the safe operation of aircraft utilizing federal rules and regulations as guidelines for determining such hazards;
 - (III) The acquisition of navigational aids used by aircraft landing at or taking off from such airport;
 - (IV) The acquisition of safety equipment necessary for the enhancement of the state aviation system;



- (V) Any research study, proposal, or plan for the expansion, location, or distribution of aviation facilities or resources that are directly related to the state aviation system;
 - (VI) The promotion of economic development which is related to the promotion, development, operation, or maintenance of the state aviation system;
 - (VII) Any acquisition of land, of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove, mitigate, prevent, or limit the establishment of any hazard to the safe operation of aircraft; and
 - (VIII) Any informal education or training made available to the public concerning aviation in the state or any informational materials for dissemination to the public concerning aviation.
- (b) Subsidization of airlines is expressly prohibited as an aviation purpose except for the promotion and marketing of air service at airport facilities.
- (4) "Board" means the Colorado aeronautical board.
 - (5) "Director" means the director of the aeronautics division.
 - (6) "Division" means the aeronautics division in the department of transportation.
 - (7) "FAA" means the federal aviation administration or its successor.
 - (8) "Regional aviation plan" means an aviation plan developed by a regional planning commission pursuant to section 30-28-110, C.R.S.
 - (8.5) "State aviation system" means the network of facilities which includes airports, navigational aids, and safety-related facilities.
 - (9) "State aviation systems plan" means a plan produced and maintained by the state which:
Addresses the aviation needs within the state, including those needs relating to airports, navigational aids, and flight safety; identifies and evaluates alternatives to meet those needs; and recommends preferred solutions for the aviation needs of the state.

43-10-103. Division of aeronautics created – duties:

- (1) There is hereby created, in the department of transportation, the aeronautics division.
- (2) The division shall provide support for the Colorado aeronautical board in fulfilling its duties. The duties of the division shall also include, but not be limited to, the following:
 - (a) Providing administrative support to the board in the distribution of moneys credited to the aviation fund for aviation purposes;
 - (b) Promoting aviation safety;
 - (c) (Deleted by amendment, L. 2009, (HB 09-1066), ch. 82, p. 300, § 1, effective August 5, 2009.)
 - (d) Providing advisory assistance to airports providing access to the public, including technical and planning assistance;
 - (e) Developing and maintaining the state aviation systems plan utilizing regional aviation plans;



- (f) Assisting the FAA and local governments in the identification and control of potentially hazardous obstructions to navigable airspace utilizing the standards described in federal rules and regulations for identifying such hazardous obstructions;
- (g) Administering the state aviation system grant program established by the general assembly pursuant to section 43-10-108.5;
- (h) Developing annual projections of revenue and expenses for review by the board;
- (i) Collecting and analyzing data relating to the use of aircraft in the state;
- (j) Advising the FAA in regard to federal programs in the state;
- (k) Publishing information relating to aeronautics in the state; and
- (l) (Deleted by amendment, L. 2009, (HB 09-1066), ch. 82, p. 300, § 1, effective August 5, 2009.)
- (m) Directing the state treasurer to transfer moneys from the aviation fund created by section 43-10-109 to the aviation account of the transportation infrastructure revolving fund created by section 43-1-113.5, but only if such transfer is approved by the board. The division may direct the state treasurer to transfer moneys from the aviation account back to the aviation fund in an amount not exceeding the amounts previously transferred from the aviation fund, but only if such transfer is approved by the board and by the transportation commission.
- (3) The division is authorized to enter into contracts with the FAA for the collection of airport data.
- (4) The authority of the division shall be limited to public airports, commercial service airports, and reliever airports as defined in 49 U.S.C. sec. 47102.
- (5) Except as otherwise provided in section 43-10-105 (2), the division is authorized to assist only those airports that request assistance by means of a resolution passed by the governing board of the airport and forwarded to the division.
- (6) The division is authorized, under the supervision of the board, to contract with a public or private entity for any of the following purposes:
 - (a) To provide the division with any work, services, or equipment needed for aviation purposes;
 - (b) To carry out the express duties of the division under this section; or
 - (c) To otherwise implement the intent of this article.

43-10-104. Colorado aeronautical board – created:

- (1) The division shall be under the jurisdiction of the Colorado aeronautical board, which board is hereby created. The board shall consist of seven members. The initial members of the board shall be the members of the Colorado aeronautical board as such existed in the department of military and veterans affairs prior to July 1, 1991, and the terms of such members shall expire as the original terms of such members were scheduled to expire. Thereafter, the governor shall appoint their successors for terms of three years each. If any such member vacates his or her office



during the term for which appointed to the board, a vacancy on the board shall exist and shall be filled by the governor for the unexpired term. All such appointments shall be with the consent of the senate. The board shall annually elect from its members a chairman, a vice-chairman, and a secretary. The members of the board shall receive fifty dollars per diem while the board is in session and shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties. The board shall not conduct any business unless there are at least four members of the board present.

(2) The members of the board shall be chosen as follows: Four members, two from the eastern slope and two from the western slope of the state, representing local governments which operate airports, which members shall be selected by the governor from a list of nominees supplied by local governments; one member representing a statewide association of airport managers; one member representing a statewide association of pilots; and one member familiar with and supportive of the state's aviation issues, interests, and concerns. Appointments shall be made so as to insure a balance broadly representative of the activity level of airports throughout the state.

43-10-105. Duties of the board:

(1) The board has the following duties:

(a) To advise the director on aviation matters;

(b) To establish procedures for the administration and distribution of moneys credited to the aviation fund created in section 43-10-109, for aviation purposes at public airports, commercial service airports, and reliever airports, as defined in [49 U.S.C. sec. 47102](#), in this state;

(c) To seek recommendations of the director for the distribution of moneys credited to the aviation fund created in section 43-10-109;

(d) To establish policies for the growth and development of aviation in the state;

(e) To provide statewide aviation needs to be included in the department of transportation's statewide transportation plan; and

(f) To set and adopt on an annual basis, a budget for the division, including recommendations to the transportation commission for the amount to be allocated for administrative costs;

(g) (Deleted by amendment, L. 2009, (HB 09-1066), ch. 82, p. 301, § 2, effective August 5, 2009.)

(2) (a) The board shall have no control over federal funds for public airports, except as provided in paragraph (b) of this subsection (2). The board may accept federal funds to carry out its powers and duties pursuant to this article.

(b) Pursuant to section 47105 (a) (1) (B) of the federal "Revision of Title 49, Transportation", 49 U.S.C. sec. 40101 et seq., "Subtitle VII - Aviation Programs", Federal Public Law 103-272, 108 Stat. 1093, the board may also accept and distribute by contract to local airports federal funds available to the state for airport development projects benefitting one or more airports or for



airport planning projects for one or more airports if the following requirements are met:

(I) The sponsor of a local airport gives written consent that the state apply for a project grant under the federal act cited in this paragraph (b);

(II) The federal secretary of transportation is satisfied that there is administrative merit and aeronautical benefit for the state being the sponsor of an airport development or planning project; and

(III) An acceptable agreement exists ensuring that the state will comply with appropriate grant conditions and other assurances the federal secretary of transportation requires.

43-10-106. Powers of the board:

(1) (a) The board has power to: Acquire by gift, transfer, devise, or eminent domain such land which, in the opinion of the board, poses or may pose a potential hazard to navigable airspace. In determining whether land or any structure thereon poses a hazard to navigable airspace, the board shall use as a guide any applicable federal rules and regulations relating to identification of navigable airspace hazards.

(b) Any acquisition of land by the board pursuant to the provisions of paragraph (a) of this subsection (1) shall be on behalf of the airport affected by such hazard. Upon acquisition of the land, the board shall transfer title to such land to the governmental entity operating such airport.

(2) The division, at the request of the board, shall consult with local governments so that decisions relating to local land use planning may be made in a manner which does not interfere with the state aviation systems plan, a regional system plan, or the provisions of article 65.1 of title 24, C.R.S., relating to areas and activities of state interest.

43-10-107. Office of director of division created – transfer:

(1) The office of director of the division is hereby created. Any other provision of the law to the contrary notwithstanding, the board, with the consent of the executive director, shall appoint the director, who shall possess such qualifications as may be established by the board and the state personnel board. The director shall oversee the discharge of all responsibilities of the division. The director shall devote his entire time to the service of the state in the discharge of his official duties and shall not hold any other public office. The appointment or removal of the director shall be subject to the provisions of section 13 of article XII of the state constitution.

(2) The division, the office of director thereof, and the board shall exercise their powers and perform their duties and functions specified in this article under the department of transportation as if the same were transferred to the department by a type 1 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

43-10-108. Annual report. (Repealed)



43-10-108.5. State aviation system grant program:

- (1) In order to support and improve the state aviation system, there is hereby established the state aviation system grant program. The grant program shall be implemented and administered by the division and the board in accordance with the provisions of this section.
- (2) Any entity operating an FAA-designated public-use airport may apply to the division for a state aviation system grant to be used solely for aviation purposes. Applications shall contain such information as may be required by the division and shall be filed in accordance with procedures established by the division. In order to be eligible for a grant, the applicant must demonstrate, to the satisfaction of the division, that the grant shall be used solely for aviation purposes as defined in section 43-10-102 (3). The division shall evaluate grant applications based upon criteria established by the division and make recommendations to the board on the awarding of grants. Any grant proposed by the board shall be submitted to the governor's office for review and recommendation prior to a final decision. The governor shall accomplish his review and recommendation within thirty days of submittal of the grant proposal by the board. The board shall make final decisions on the awarding of grants subject to the availability of moneys in the aviation fund created in section 43-10-109. The board shall establish procedures to ensure that grants awarded pursuant to the provisions of this section are used solely for aviation purposes as required by this subsection (2).
- (3) (Deleted by amendment, L. 2009, (HB 09-1066), ch. 82, p. 302, § 3, effective August 5, 2009.)
- (4) Repealed.
- (5) In addition to grants authorized pursuant to subsection (2) of this section, the division itself may be a recipient of a state aviation system grant, but only for purposes of implementing a statewide aviation project that would not otherwise be implemented by an entity operating an FAA-designated public-use airport. Any application for such a grant shall be submitted to the governor's office for review and recommendation prior to a final decision. The governor shall accomplish his review and recommendation within thirty days of submittal of the proposal by the board. The board shall make final decisions on the awarding of grants to the division for a statewide aviation project subject to the availability of moneys in the statewide aviation fund created in section 43-10-109.

43-10-109. Aviation fund created:

- (1) There is hereby created in the state treasury a fund to be known as the aviation fund, referred to in this article as the "fund", which shall consist of all revenues credited thereto pursuant to sections 24-46.6-103 (1) (b) and 39-27-112 (2) (b), C.R.S., and all revenues credited thereto in accordance with subsection (2) of this section within the total revenues



prescribed by the general assembly pursuant to section 43-1-112.5. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund, except as directed by the general assembly acting by bill and subject to the provisions of section 18 of article X of the Colorado constitution.

(2) (a) In accordance with section 18 of article X of the Colorado constitution, for the 1991-92 fiscal year, and each fiscal year thereafter, one hundred percent of the sales and use taxes collected during that fiscal year by the state pursuant to sections 39-26-104 and 39-26-202, C.R.S., on aviation fuels used in turbo-propeller or jet engine aircraft shall be credited to the aviation fund.

(b) Such credit shall be made by the state treasurer as soon as possible after the twentieth day of the month following the collection of such sales and use taxes.

(c) It is not the intent of the general assembly that the moneys available for expenditure pursuant to the provisions of this subsection (2) be used to supplant any federal moneys which may be available to airports, governmental entities operating FAA-designated public-use airports, or the division pursuant to federal law.

(3) The moneys in the fund are hereby continuously appropriated to the division for the purposes authorized by law. In each fiscal year, the transportation commission shall budget and allocate an amount not to exceed five percent of the total amount of revenues credited to the fund pursuant to section 39-27-112 (2) (b), C.R.S., and subsection (2) of this section during the preceding fiscal year to be used to defray any administrative costs incurred by the division and the board in implementing and administering the provisions of this article. The board shall recommend to the commission an amount to be allocated by the commission for administrative costs. Any monetary penalties collected pursuant to section 24-46.6-103 (1) (b), C.R.S., are continuously appropriated to the division to defray any administrative expenses incurred by the division and the board in enforcing the provisions of section 24-46.6-103 (1), C.R.S. The general assembly shall appropriate from the fund an amount to the department of revenue for the reasonable expenses incurred in administering section 39-26-715 (1) (a) (I) and (2) (a), C.R.S., and as provided in section 39-27-112 (2) (b), C.R.S.

(4) No later than November 1, 2003, and no later than November 1 of each year thereafter, the department of transportation shall submit a report to the members of the joint budget committee that includes, at a minimum, the following information:

(a) The amounts, recipients, and purposes of moneys transferred from the fund during the prior state fiscal year:

(I) (Deleted by amendment, L. 2009, (HB 09-1066), ch. 82, p. 302, § 4, effective August 5, 2009.)



- (II) To the airport operating fund of the governmental entity operating the FAA-designated public-use airport pursuant to section 43-10-110 (2) (a); and
- (III) For the awarding of state aviation system grants pursuant to section 43-10-108.5;
- (b) The balance remaining in the fund as of June 30 of each state fiscal year and an explanation of any such balance; and
- (c) Any additional information pertaining to the transfer of moneys from the fund as the joint budget committee may request in the exercise of its discretion.

43-10-110. Revenues in aviation fund – disbursements:

- (1) (a) In accordance with section 18 of article X of the Colorado constitution, moneys in the fund shall be used exclusively for aviation purposes.
- (b) Repealed.
- (2) (a) (I) The board shall transfer from the fund, on a monthly basis, to the airport operating fund of the governmental or airport entity operating the FAA-designated public-use airport an amount equal to four cents per gallon of gasoline, as defined in section 39-27-101 (12), C.R.S., sold at such airport and an amount equal to sixty-five percent of any sales and use taxes collected by the state on aviation fuel sold for use at such airport by turbo-propeller or jet engine aircraft and credited to the fund pursuant to section 43-10-109 (2).
- (II) If an intergovernmental agreement is entered into pursuant to the provisions of article 46.5 of title 24, C.R.S., the portion of the sales and use tax revenues that would otherwise be transferred to the governmental entity operating an airport in the state at which commercial passenger service is provided and that has entered into an intergovernmental agreement under article 46.5 of title 24, C.R.S., shall be transferred to the Colorado business incentive fund created in section 24-46.5-102, C.R.S. If such an intergovernmental agreement is entered into, moneys shall be transferred by the state treasurer for the length of the intergovernmental agreement, and, following the conclusion of the agreement, or if no agreement is entered into, the moneys shall be transferred to such governmental entity in accordance with the provisions of this section.
- (b) The transfer of moneys pursuant to this subsection (2) shall be based upon monthly reports made by the department of revenue, pursuant to the provisions of sections 39-26-715 (1) (a) (I) and (2) (a) and 39-27-102 (1) (a) (IV) (C), C.R.S., and transmitted to the division. Such moneys shall only be used for aviation purposes. Moneys in the fund derived from the sale of gasoline and aviation fuel at airports not qualified to receive revenue pursuant to the provisions of this subsection (2) shall remain in the fund.
- (3) Moneys in the fund not transferred to a governmental or airport entity operating an FAA-designated public-use airport as provided in subsection (2) of this section and not allocated for administrative expenses shall be used by the board exclusively for aviation purposes, including



the awarding of grants pursuant to the state aviation system grant program established by the general assembly pursuant to section 43-10-108.5 and including the awarding of contracts as authorized in this article.

43-10-110.7. Conveyance of airport-related equipment to division:

The city and county of Denver shall convey at a reasonable cost unneeded airport-related equipment to the division for equitable distribution to other governmental entities operating airports in this state.

43-10-111. Gasoline tax in lieu of personal property tax:

The gasoline tax imposed pursuant to section 39-27-102 (1) (a) (IV) (A), C.R.S., is imposed in lieu of personal property tax on the aircraft, except as otherwise provided in article 4 of title 39, C.R.S.

43-10-112. Fuel flowage fee – authorized:

Any governmental entity which operates an airport providing access to the public is authorized to impose a fuel flowage fee at such airport.

43-10-113. Safe operating areas around airports – establishment:

(1) The general assembly hereby declares commercial service airports, public airports, reliever airports, as defined in 49 U.S.C. sec. 47102, and the land areas surrounding such airports, as defined in 14 CFR part 77, to be a matter of state interest as provided in article 65.1 of title 24, C.R.S.

(2) Governmental entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77.

43-10-114. Violation of federal registration provisions - aircraft identification - fuel tanks:

(1) It is unlawful for any person, firm, association, or corporation in this state to knowingly possess an aircraft that is not registered in accordance with the regulations of the federal aviation administration contained in Title 14, chapter 1, parts 47-49 of the Code of Federal Regulations in effect on July 1, 1988.

(2) (a) It is unlawful for any person, firm, association, or corporation to knowingly buy, sell, offer for sale, receive, dispose of, conceal, or possess, or to endeavor to buy, sell, offer for sale, receive, dispose of, conceal, or possess, any aircraft or part thereof on which the assigned aircraft



identification numbers do not meet the requirements of the federal aviation regulations specified in subsection (1) of this section.

(b) The failure to have the assigned aircraft identification numbers clearly displayed on the aircraft and in compliance with federal aviation regulations is probable cause for any law enforcement officer in this state to make further inspection of the aircraft in question to ascertain its true identity. A law enforcement officer is authorized to inspect an aircraft for identification numbers:

(I) When it is located on public property; or

(II) Upon consent of the owner of the private property on which the aircraft is stored.

(3) It is unlawful for any person, firm, association, or corporation to knowingly possess any aircraft in or operated in this state that is found to be registered to a nonexistent person, firm, association, or corporation or to a firm, association, or corporation which is no longer a legal entity. Any firm, association, or corporation that has no physical location or corporate officers or that has lapsed into an inactive state or been dissolved for a period of at least ninety days with no documented attempt to reinstate the firm, association, or corporation or to register its aircraft in the name of a real person or legal entity in accordance with federal aviation administration regulations specified in subsection (1) of this section is in violation of this section.

(4) It is unlawful for any person, firm, association, or corporation to knowingly supply false information to a governmental entity with respect to the name, address, business name, or business address of the owner of an aircraft in or operated in this state.

(5) It is unlawful for any person, firm, association, or corporation to knowingly supply false information to any governmental entity with respect to ownership by it or another person, firm, association, or corporation of an aircraft in or operated in this state if it is determined that such person, firm, association, or corporation:

(a) Is not, or has never been, a legal entity in this state;

(b) Is not, or has never been, a legal entity in any other state; or

(c) Has lapsed into a state of no longer being a legal entity in this state and no documented attempt has been made to correct such information with the governmental entity for a period of ninety days after the date on which such lapse took effect.

(6) It is unlawful for any person, firm, association, or corporation to install, maintain, or possess any aircraft which has been equipped with, or had installed in its wings or fuselage, fuel tanks, bladders, drums, or other containers which will hold fuel if such fuel tanks, bladders, drums, or other containers do not conform to federal aviation administration regulations or have not been approved by the federal aviation administration by inspection or special permit. This subsection (6) applies to any pipes, hoses, or auxiliary pumps which when present in the aircraft could be used to introduce fuel into the primary fuel system of the aircraft from such tanks, bladders, drums, or containers.



(7) This section does not apply to any aircraft registration or information supplied by a governmental entity in the course and scope of performing its lawful duties.

(8) Any aircraft knowingly used in violation of this section shall be deemed a class 1 public nuisance as provided in section 16-13-303 (1) (h.6), C.R.S., and shall be subject to the provisions relating thereto.

43-10-115. Submittal of budget for recommendations:

The board shall submit annually the proposed budget for the division to the transportation commission for the commission's review and, with respect to moneys that are to be allocated for administrative costs, the commission's approval and allocation. The commission shall examine the division's proposed budget and make recommendations based on the comprehensive statewide transportation plan formed by the commission pursuant to the provisions of section 43-1-1103 (5). Except for the portion of the budget that pertains to administrative costs that are allocated by the commission, the commission shall have no authority to reject or to alter any portion of the division's proposed budget.

43-10-116. Transfer of functions, employees, and property. (Repealed)

43-10-117. Towers - marking – definitions:

(1) As used in this section, unless the context otherwise requires:

(a) "Height" means the distance from the original grade at the base of a tower to the highest point of the tower.

(b) "Tower" means a structure that is either self-standing or supported by guy wires and ground anchors, is smaller than six feet in diameter at the base, and has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted. "Tower" does not include a structure that is located adjacent to a building, house, barn, or electric utility substation or in the curtilage of a farmstead.

(2) Where the appearance of a tower is not otherwise governed by state or federal law, rule, or regulation, any tower over fifty feet in height that is located outside the boundaries of an incorporated city or town on land that is primarily rural or undeveloped or used for agricultural purposes must be marked and painted or otherwise constructed to be visible in clear air during daylight hours from a distance of not less than two thousand feet. Towers must also comply with the following additional requirements:

(a) A tower must be painted in equal alternating bands of aviation orange and white, beginning with orange at the top of the tower;

(b) One marker ball must be attached to the top third of each outside guy wire; and



- (c) Guy wires must have a seven-foot-long safety sleeve at each anchor point that extends from the anchor point along each guy wire attached to the anchor point.
- (3) Any tower that was erected prior to August 6, 2014, must be marked as required by the provisions of this section within one year of August 6, 2014. Any tower that is erected on or after August 6, 2014, must be marked as required by this section at the time it is erected.
- (4) (a) This section does not apply to:
- (I) Towers or poles that support electric utility transmission lines or distribution lines;
 - (II) Facilities licensed by the federal communications commission or any structure with the primary purpose of supporting telecommunications equipment, including microwave relay facilities and towers erected for the purpose of providing commercial mobile radio service or commercial mobile data service as defined in 47 CFR 20.3;
 - (III) Towers within a ski area boundary;
 - (IV) Wind-powered electrical generators with a rotor blade radius greater than six feet; or
 - (V) Street lights erected or maintained by the department of transportation.
- (b) Notwithstanding paragraph (a) of this subsection (4), this section applies to towers or poles with a primary purpose of providing private mobile radio services other than commercial mobile data service as defined in 47 CFR 20.3.
- (5) Any person who violates a provision of this section and a collision with the tower at issue results in the injury or death of another person is guilty of a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S. Any person who violates a provision of this section and the violation does not result in the injury or death of another person is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars.



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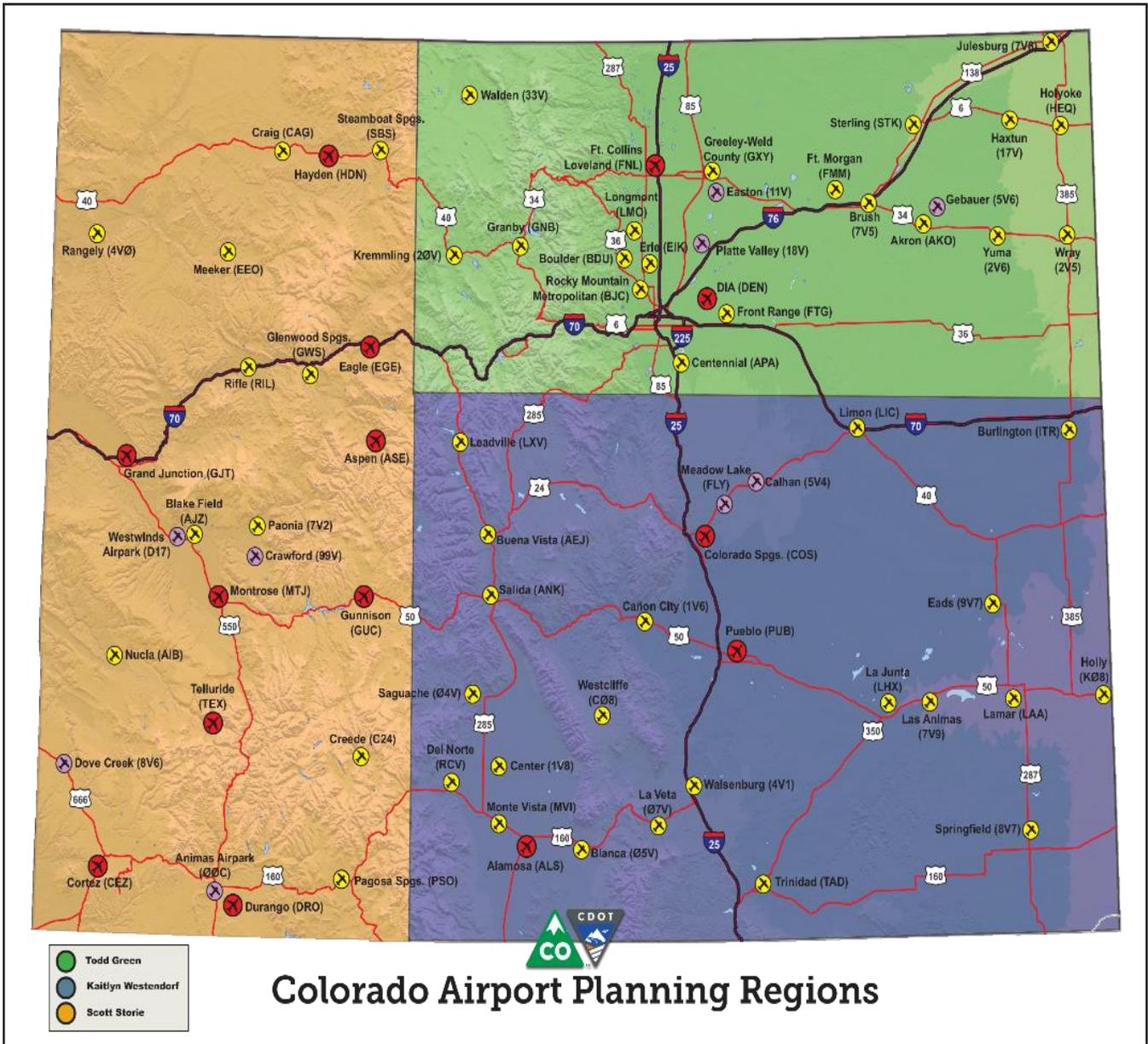
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