

Vermont Agency of Transportation

Franklin County Airport-Related Property Transaction

Presentation to the Joint Transportation Oversight Committee

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Franklin County Airport – Phased Airport Improvements

- The Franklin County Airport Improvements are being carried out in 2 phases which have been included in the approved in the Capital Program over the course of the past 5 years (FY20-FY24) including project elements associated with the rehab, expansion, under various associated projects under several project numbers.
- Phase I includes the rehabilitation and widening of the existing runway.
 - Multi-year FAA Annual Funding & State Funding - \$6.9M
- Phase II includes the runway/taxiway expansion project Federal Grant Awards for this project include:
 - Congressionally Directed Spending Award (Senator Leahy) - \$2M Total
 - Discretionary FAA Funding - \$ 3.8M Total (State/Fed)
- Town of Highgate Sewer/Water Line Ext. Route 78 to Airport Road/Terminal Building
 - Funding secured by the Town of Highgate \$2M
 - Funding secured through the Legislature to assure Airport Road coverage \$1M

Project Overview by Phase

Phase I Project Costs: \$ 6.8M

Environmental Assessment, Southern Fence Relocation/Expansion, Clearing of Trees (northern end of the airport), Existing Runway Reconstruction, Widening, Lighting, and Power Vault

Phase II Project Costs: \$5.5M

- *Design, Permitting & Mitigation – \$2M*
- *Category 1 – \$2.3M (600' Runway Extension, Taxiway A(a)/B, 12ac Tree Clearing)*
- *Category 2 - \$777K (Additional 400' Runway Extension, Taxiway A(b))*
- *Category 3 - \$74K (Wind Cone & Foundation, Segmented Circle)*
- *Category 4 - \$316K (Taxiway A(c) parallel to the apron)*

Project Grand Total \$12.7M

Franklin County Airport – Phased Airport Improvements Easements

- Easements on, or acquisition of property, was identified early in the project scoping as a requirement to maintain the “air navigation easements” which would be required for the runway extension.
- “Air Navigation Easement, or Avigation Easement” refers to the right of the airport owner to allow safe flight at low altitudes over a neighboring property while landing and taking off from the airport. This includes the noise and dust inherent in such flight; the right to restrict or prohibit lights, electromagnetic signals, and bird attractants; the right to unobstructed airspace (including the right to control vegetation and limit tall structures); as well as the right to enter upon the land to exercise those rights.

FAA Grant Application for Phase II – Due to FAA by 7/15/2023

- FAA requires that all design, permitting, and property easements/acquisitions be finalized prior to application for grant funding.
- AOT spent months negotiating with the landowner to acquire a limited aviation easement over their property as required for the runway extension project. The landowner rejected our appraisal-based easement offer of \$224,000; their counter-offer was \$775K.
- The Agency initiated a condemnation proceeding in Franklin County Superior Court for the easement – the scheduling of the condemnation hearing exceeded the timeframe available to meet the grant application deadline.
- The Agency continued to negotiate a settlement agreement with the landowner to no avail. Both the state & federal condemnation regulations governing property acquisitions for federal-aid projects encourage acquiring agencies to continue to pursue voluntary negotiations in lieu of condemnation.

FAA Grant Application for Phase II – Due to FAA by 7/15/2023

- In light of the grant application deadline, the Agency moved to purchase the 138 acres of property adjacent to the airport (including the aviation easement area).
- The Agency appraisal of the 138 acres set the value of the property at \$2.83M.
- The landowner set a price of \$3.3M on the property, the Agency countered with an offer of \$2.83M for the 138 acres.
- An agreement was reached, and the property was purchased for \$2.83M using funds within the Agency's approved FY24 Capital Program.
- The property is envisioned to have aviation and non-aviation uses. Agency intends to subdivide the property to retain the area required for aviation related easements and economic development, with the balance available for other uses.
- Discussions with the FAA are ongoing with regards to the potential for reimbursement of a portion of the costs for the property directly related to the functional use for aviation purposes; a grant application would be required.

Agency Authority to Purchase Property

FY 2023, Capital Program Approved Sec. 1(a) of Act No. 184 of 2022 (H.736)

FY 2024, Capital Program Approved Sec. 1(a) of Act 62 of 2023 (H.479)

5 V.S.A. § 204 (b) Requirements

An acquisition or transfer under this section of property or rights in property with an appraised or other estimated value of \$500,000.00 or above, or of an option to acquire property with an appraised or other estimated value of \$500,000.00 or above, shall be made with the specific prior approval of the General Assembly of the acquisition or transfer and its terms or, if the General Assembly is not in session, with the specific prior approval of the Joint Transportation Oversight Committee. ***The requirement of this subsection shall not apply, however, if the General Assembly has approved a specific project described in the annual transportation program and the scope of the project includes the acquisition or transfer of property.*** (Added 1985, No. 222 (Adj. Sess.), § 2; amended 2011, No. 153 (Adj. Sess.), § 48; 2015, No. 40, § 13.)

Eligibility Related to the Franklin County Airport Runway and Taxiway Expansion Project

<i>Aviation</i>										
FY 2023 AS PASSED - TRANSPORTATION PROGRAM										
PROJECT	DESCRIPTION	OTHER	PE	ROW	CONST	TOTAL	T FUND	FEDERAL	LOCAL/OTHER	TOTAL
HIGHGATE AV-FY16-009	Avigation easements			\$201,140		\$201,140	\$20,114	\$181,026	\$0	\$201,140
HIGHGATE AV-FY17-005	600' RW/TW extension		\$20,000			\$20,000	\$2,000	\$18,000	\$0	\$20,000
HIGHGATE AV-FY20-006	Runway reconstruction/widening		\$47,835		\$1,078,733	\$1,126,568	\$0	\$1,126,568	\$0	\$1,126,568
HIGHGATE AV-FY20-007	401' RW/TW extension		\$19,071			\$19,071	\$1,907	\$17,164	\$0	\$19,071

<i>Aviation</i>										
FY 2024 AS PASSED - TRANSPORTATION PROGRAM										
PROJECT	DESCRIPTION	OTHER	PE	ROW	CONST	TOTAL	T FUND	FEDERAL	LOCAL/OTHER	TOTAL
HIGHGATE AV-FY17-005	600' RW/TW extension				\$800,000	\$800,000	\$0	\$800,000	\$0	\$800,000
HIGHGATE AV-FY20-006	Runway reconstruction/widening				\$3,002,197	\$3,002,197	\$0	\$3,002,197	\$0	\$3,002,197
HIGHGATE AV-FY20-007	401' RW/TW extension				\$250,000	\$250,000	\$50,000	\$200,000	\$0	\$250,000
HIGHGATE AV-FY22-005	Avigation easements		\$50,000	\$200,000		\$250,000	\$25,000	\$225,000	\$0	\$250,000

Eligibility Related to the Franklin County Airport Runway and Taxiway Expansion Project

<i>Aviation</i>										
FY 2022 AS PASSED - TRANSPORTATION PROGRAM										
PROJECT	DESCRIPTION	OTHER	PE	ROW	CONST	TOTAL	T FUND	FEDERAL	LOCAL/OTHER	TOTAL
HIGHGATE AV-FY16-009	Avigation easements			\$174,650		\$174,650	\$17,465	\$157,185	\$0	\$174,650
HIGHGATE AV-FY17-005	600' RW/TW extension		\$25,000			\$25,000	\$2,500	\$22,500	\$0	\$25,000
HIGHGATE AV-FY20-006	Runway reconstruction/widening		\$260,000			\$260,000	\$0	\$260,000	\$0	\$260,000
HIGHGATE AV-FY20-007	401' RW/TW extension		\$25,000			\$25,000	\$25,000	\$0	\$0	\$25,000

<i>Aviation</i>										
FY 2021 AS PASSED - TRANSPORTATION PROGRAM										
PROJECT	DESCRIPTION	OTHER	PE	ROW	CONST	TOTAL	T FUND	FEDERAL	LOCAL/OTHER	TOTAL
HIGHGATE AV-FY16-009	Avigation easements		\$50,000	\$450,000		\$500,000	\$50,000	\$450,000	\$0	\$500,000
HIGHGATE AV-FY17-005	600' RW/TW extension		\$75,000			\$75,000	\$7,500	\$67,500	\$0	\$75,000
HIGHGATE AV-FY19-006	Land swap/acquisition		\$13,966	\$13,122		\$27,088	\$2,709	\$24,379	\$0	\$27,088
HIGHGATE AV-FY19-012	Relocate perimeter fencing						\$0	\$0	\$0	
HIGHGATE AV-FY21-014	Obstruction removal		\$30,000			\$30,000	\$3,000	\$27,000	\$0	\$30,000

Eligibility Related to the Franklin County Airport Runway and Taxiway Expansion Project

<i>Aviation</i>										
FY 2020 AS PASSED - TRANSPORTATION PROGRAM										
PROJECT	DESCRIPTION	OTHER	PE	ROW	CONST	TOTAL	T FUND	FEDERAL	LOCAL/OTHER	TOTAL
HIGHGATE AV-FY16-009	Avigation easements			\$450,000		\$450,000	\$45,000	\$405,000	\$0	\$450,000
HIGHGATE AV-FY17-005	Runway reconst. - Phase I		\$200,000		\$150,000	\$350,000	\$35,000	\$315,000	\$0	\$350,000
HIGHGATE AV-FY19-010	Apron rehab		\$50,000			\$50,000	\$5,000	\$45,000	\$0	\$50,000
HIGHGATE AV-FY19-012	Relocate perimeter fencing		\$75,000		\$225,000	\$300,000	\$30,000	\$270,000	\$0	\$300,000