NOTE: This is a courtesy copy of this rule. The official version can be found in the *New Jersey Administrative Code*. Should there be any discrepancies between this text and the official version, the official version will govern.

TITLE 16. DEPARTMENT OF TRANSPORTATION
CHAPTER 54. LICENSING OF AERONAUTICAL FACILITIES

Authority: N.J.S.A. 6:1-29, 6:1-44, 27:1A-5 and 27:1A-6

Expires on January 16, 2016

SUBCHAPTER 1. GENERAL PROVISIONS

16:54-1.1 Scope

(a) This chapter lists and defines those types of aeronautical facilities which must be licensed by the State of New Jersey and includes the ancillary operations thereon as hereinafter defined; outlines the procedures for obtaining license(s); specifies the licensing requirements which applicants must meet; specifies the minimum acceptable design standards for each type of facility; specifies certain operational standards for each type of facility; specifies the liability and penalty for failure to observe the requirements; and describes the procedure for requesting exemption from these rules.

(b) The rules specified in this chapter, if not in conformity with the laws, rules, and regulations concerning aeronautics set forth by the Federal Aviation Administration or the National Aeronautics and Space Administration, are subject to preemption. If not specifically preempted by Federal standards, the ultimate authority over the regulating and licensing of aeronautical activities and facilities in New Jersey resides with the Commissioner, as provided for in N.J.S.A. 6:1-29 et seq.

16:54-1.2 Applicability

(a) The provisions of this chapter apply to the following types of aeronautical facilities:

1. Fixed wing aeronautical facility:

i. Airport--Public Use (land or water);

ii. Airport--Restricted Use (land or water); and

iii. Airport--Special Use (land or water);

2. Vertical flight aeronautical facility:

i. Heliport--Public Use;

ii. Helistop--Restricted Use;

iii. Helistop--Special Use;

iv. Vertiport--Public Use;

v. Vertiport--Restricted Use; and

vi. Vertiport--Special Use;

3. Lighter than air aeronautical facility:

i. Balloonspot--Public Use;

ii. Balloonspot--Restricted Use;

iii. Balloonspot--Special Use;

iv. Airship Base--Public Use;

v. Airship Base--Restricted Use; and

vi. Airship Base--Special Use;

4. Parachute drop zone aeronautical facility:

i. Parachute Drop Zone--Public Use;

ii. Parachute Drop Zone--Restricted Use; and

iii. Parachute Drop Zone--Special Use;

5. Temporary aeronautical facilities:

i. Airship base;

ii. Balloonspot;

iii. Helistop;

iv. Landing Strip;

v. Parachute Drop Zone;

vi. Vertiport; and

vii. Other.

(b) Effective 180 days after the effective date of this chapter, all license applications and renewal applications shall comply fully with the requirements of N.J.A.C. 16:54-3.2.

(c) Existing aeronautical facilities which do not meet specific physical dimensional criteria or requirements of these revised regulations shall have two years to come into compliance. During that period, the licensee shall either make provisions to comply or petition for an exemption from the criteria as provided for in N.J.A.C. 16:54-7.

(d) Existing aeronautical facilities which do not meet the requirements of these regulations, other than those described in N.J.A.C. 16:54-1.2(b) or (c) shall have one year to come into compliance. During that period, the licensee shall make provisions to comply with the requirement or to petition for an exemption as provided for in N.J.A.C. 16:54-7.

16:54-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and when all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

"Aeronautical activity" means any of the following aviation related commercial activities generally provided to the public or any segment thereof, at an aeronautical facility either by the licensee or his tenants or invitees, with or without compensation:

1. Aircraft: sales, charter, rental, lease, storage, operation, hangaring, tiedown, and parking; and parachuting operations;

2. Instruction: aircraft flight and ground instruction of all types, license examinations and proficiency checks, crew member training, parachute jumping training,

3. Maintenance: all types of maintenance, repair, inspection, testing, modification, overhaul, corrosion control or painting of aircraft, engines, systems, avionics, parachutes, or ancillary air or ground support equipment; and

4. Servicing: aircraft fueling using fixed, hydrant, mobile, or portable equipment; aircraft engine or systems servicing including hydraulics, pneumatics, oxygen, lavatory, aircraft catering, electronics, aircraft cleaning.

"Aeronautical facility" means any airport, seaplane base, heliport, helistop, drop zone, ultralight recreational facility, blimp mooring mast, balloonspot, or vertiport.

1. The facility includes all property, paving, appliances, structures, seaplane docks, runways, taxiways, seaways, sealanes, aprons, hangars, or safety equipment associated with the aeronautical activities conducted on the premises and property.

"Aircraft" means any contrivance now known or hereafter invented, used or designed for air navigation or flight in the air. It includes, but is not limited to: airplanes, airships, blimps, dirigibles, gyroplanes, gliders, helicopters, hot air or gas balloons, seaplanes, tiltrotors, and ultralights.

"Air navigation" means the operating, steering, directing, or managing of aircraft in or through the air, and on the ground or water.

"Airpark" means any area of land, adjacent to an airport, which is authorized by the Department to be utilized as a combined single family residence and aircraft storage facility, and where aircraft stored at such adjacent aircraft storage facilities have taxiway access to and from the airport.

"Airplane" means an engine-driven, fixed-wing aircraft that is heavier than air and supported in flight by the dynamic reaction of air against its wings.

"Airport" means a designated area of land, water, or both, which is licensed for the landing and takeoff of airplanes and other aircraft, and which may provide facilities for shelter, security, and service of aircraft.

"Airport layout plan" or "ALP" means a graphic presentation to scale of existing and proposed facilities at an aeronautical facility. It includes their location on the site and the pertinent clearance and dimensional information required to show conformity with applicable standards.

"Airport reference point" or "ARP" means the centroid of the runways plotted using formulas found in FAA A/C 150-5300-13. The ARP is identified in latitude and longitude to the hundredth of a second.

"Airship" means an engine-driven, lighter than air, aircraft that can be steered.

"Airship base" means any area of land or water of defined dimensions licensed for the takeoff and landing of airships.

"Alteration" means any construction, demolition, or modification to the surface, design, or operational areas of an aeronautical facility which affects, increases, or diminishes its operational capabilities.

"Approach/departure path" means a prescribed area extending outward and upward at a prescribed ratio from a landing or takeoff area, along the intended route of flight conducted into or out of an approved aeronautical facility.

"Appropriate governing body" means the entity which has ultimate governing responsibility for the political subdivision in which the aeronautical facility or proposed aeronautical facility is located. For aeronautical facilities at which the provisions of N.J.S.A. 6:1-80 et seq., Airport Safety Zoning Act apply, this definition shall include all those political subdivisions in which the airport safety zone is located.

"Balloon" means a lighter than air aircraft whose lift is derived from the buoyancy of hot air or certain gases and which is not engine driven.

"Balloonspot" means any areas of land or water of defined dimensions licensed for the takeoff of manned, free-flight balloons. Any reference to balloonport in the rules of the Division shall mean balloonspot.

"Building restriction line" means a line that is a specified distance from the centerline of a runway.

"Certified drawing" means a drawing certified as accurate by a licensed land surveyor, licensed professional planner or licensed professional engineer, and bearing the raised seal of the person certifying the drawing.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation.

"Crewmember" means an individual who assists in the preflight inflation, launch, chase, landing (arrival) and recovery of a balloon; or any person authorized and assigned to perform duties in any aircraft during flight.

"Department" or "DOT" means the New Jersey Department of Transportation.

"Director" means the Director of the Division of Aeronautics.

"Division" means the Division of Aeronautics in the New Jersey Department of Transportation.

"Effective runway length" means that distance on a runway, beginning at a point on the runway surface where the obstruction-free, applicable approach slope intersects the runway, and measured along the runway centerline to the end of the runway in the landing direction.

"Exemption" means relief from a specific provision of this rule permanently or for a specified extended period of time.

"FAA" means the Federal Aviation Administration.

"Free-flight" means the act of flying a manned balloon which is not tethered to the ground.

"Helicopter" means a rotary wing aircraft that depends principally upon the lift generated by engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

"Heliport" means a dedicated area of defined dimensions, either at ground level or elevated on a structure, designated for the landing or takeoff of helicopters and used solely for that purpose.

"Helistop" means an area of defined dimensions, either at ground level or elevated on a structure designated for the landing or take off of helicopters, but not limited in use to that sole purpose. Helistops generally provide minimal or no support facilities and may be located in multiple use areas such as parking lots, dock areas, parks, athletic fields or other suitable open areas.

"Incident" means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operation of an aircraft, or which affects or could affect the operational capability of an aeronautical facility, or in which any person suffered an injury which was not a serious injury and which did not result in death.

"Landing and takeoff area" means a specific area of defined dimensions to which the helicopter approaches for landing or from which it departs, and includes the touchdown area.

"Licensee" means any person(s) whose name appears on the license of, and who is responsible for, or who controls operations at, an aeronautical facility.

"M" means meters, as a unit of measurement.

"MSL" means mean sea level.

"Moored or tethered flight" means the act of operating a balloon secured to the ground by sufficient and suitable means to permit vertical movements where no intention of launch into free-flight exists.

"NASA" means the National Aeronautics and Space Administration.

"Notice to Airmen" or "NOTAM" means a notice containing information concerning the establishment, condition, or change in any component, facility, service, or procedure of, or hazard in the National Airspace System, the timely knowledge of which is essential to personnel concerned with flight operations.

"NTSB" means the National Transportation Safety Board.

"Obstruction to air navigation" means an object of greater height than any of the heights or surfaces presented in Subpart C of FAA Regulations Part 77. Obstructions to air navigation are presumed to be hazards to air navigation unless an FAA study has determined otherwise.

"Parachute drop zone" means an area of defined dimensions, on the earth's surface, designated for the landing of parachutists.

"Parachuting exhibition" means the operation by specially qualified individual(s) engaged in parachuting to a specifically authorized drop zone, for exhibition purposes.

"Public use aeronautical facility" means any area of land, water, or both which is licensed for the landing or takeoff of aircraft and open to the public for aeronautical operations. Public use aeronautical facilities may be utilized, advertised, and represented as such.

"Reference point" means a point on the earth's surface, identified in terms of latitude and longitude to the nearest second, from which all linear measurements originate when applying the criteria of this chapter to helicopter facilities. The facility reference point will always be the exact center of the helicopter touchdown area.

"Restricted use aeronautical facility" means any area of land, water or both, which is licensed for the landing or takeoff of aircraft under the conditions or restrictions imposed by the Division of Aeronautics, the licensee, or both.

"Runway" means a defined rectangular area of airport land prepared for the landing or takeoff of aircraft along its length.

"Runway safety area" means an area in which a runway is symmetrically located and is graded to be smooth and level. These areas are to be maintained in such a condition that aircraft operating thereon may do so, safely with no damage.

"Safety area" means a safety zone that provides an additional obstruction-free surface on all sides of a prescribed helicopter landing and takeoff area.

"Safety zone area" means any area of land or water or both, upon which an aeronautical hazard might be created or established.

"Sealane" means a designated portion of water intended to be used by aircraft designed to operate on water.

"Seaplane base" means any landing area of water (with or without land support facilities) that is licensed for the landing or takeoff of aircraft that are able to utilize a water surface.

"Shelter" means an enclosed structure to provide for the comfort of persons against rain, wind, sun and adverse water.

"Special use aeronautical facility" means any area of land, water or both which is licensed for the landing and takeoff of specifically designated aircraft piloted by specifically identified individuals, as authorized by the Division, in writing on the license, or on an attachment to that license.

"Taxiing" means a powered movement of an aircraft on the ground or water from one area to another. This definition includes hover-taxi as well as ground taxi for helicopters depending on the type of landing gear and the surface area being used.

"Taxiway" means a defined pathway established for movement of an aircraft on an aeronautical facility.

"Touchdown area" means a defined part of an aeronautical facility to which a helicopter shall approach and actually alight (or come to a zero forward ground speed hover, from the approach, prior to touchdown or taxiing to another area) and from which helicopter departures shall originate.

"Touchdown pad" means a designated area of an aeronautical facility on which a helicopter will actually alight.

"Ultralight aircraft" means an aircraft which conforms to the Federal Aviation Administration specifications for an ultralight aircraft as established by Federal regulation under 14 CFR, Chapter 1, Part 103, Section 103.1.

"Ultralight recreational facility" means a designated area of land, water, or both, which is licensed for the landing and takeoff of ultralight aircraft only, and which may provide facilities for shelter, security, and service of ultralight aircraft.

"Vertical flight aircraft" means any powered aircraft which is capable of vertical or near vertical takeoff and landing operations including but not limited to rotor wing aircraft, tiltrotor aircraft, tilt wing aircraft, and fan in wing aircraft.

"Vertiport" means any area of land or water or elevated area of defined dimensions licensed for the takeoff and landing of vertical flight aircraft.

"VFR" means visual flying rules.

"Waiver" means relief from application requirements of this rule or temporary relief from other provisions of this rule for a specified limited time period.

16:54-1.4 Definitions incorporated by reference

Other definitions as described in Title 14 Code of Federal Regulations, Chapter 1 through 199, the FAA Airman's Information Manual and FAA Advisory Circulars are incorporated herein by reference, and all amendments thereto, except where the definitions are inconsistent with this chapter, in which case, this chapter shall control.

SUBCHAPTER 2. APPLICATION FOR LICENSE

16:54-2.1 Application forms for permanent facilities

(a) All persons proposing the opening of a new aeronautical facility, the alteration to, or deactivation or abandonment of, an existing aeronautical facility listed in N.J.A.C. 16:54-1.2 shall submit to the Division:

1. An "Application for Aeronautical Facility License," Form DA-1, and "Aeronautical Facility Agreement," Form DA-2, or "Application for Aeronautical Facility Alteration, Deactivation, or Abandonment," Form DA-3, including all applicable attachments and FAA Form 7480-1 "Notice of Landing Area Proposal" if required. Such application shall include, at a minimum:

i. For Form DA-1 applications, all of the items listed in this section as applicable to the type of facility desired;

ii. For Form DA-3 applications, resubmission of required attachments may be waived if the attachments are currently on file in the Division, and show current data;

iii. A description of the expected use and activity level of the new or altered facility;

iv. A certificate or statement from the applicant that he has notified the appropriate governing body and county authorities in the county where the facility, or proposed facility is located in writing, by personal delivery or certified mail, return receipt requested, of the action, proposed in the application;

v. Additional materials as may be requested by the Director, to substantiate the application; and

vi. The appropriate application or license renewal fee in accordance with the following schedule:

(1) For any public use airport, seaplane base, heliport, helistop, blimp mooring mast, balloonspot, or vertiport, the fee for initial application for license, or for annual renewal of any license shall be $35.00.

(2) For any restricted use airport, seaplane base, heliport, helistop, blimp mooring mast, balloonspot, or vertiport, the fee for initial application for license, or for annual renewal of any license shall be $25.00.

(3) For any special use airport, seaplane base, heliport, helistop, blimp mooring mast, balloonspot, or vertiport, the fee for initial application for license, or for annual renewal of any license shall be $15.00.

(4) For any temporary airport, seaplane base, heliport, helistop, blimp mooring mast, balloonspot, or vertiport, the fee for application for license shall be $10.00.

(5) For any parachute drop zone or parachuting event, the fee for license shall be $20.00.

(6) For any ultralight recreational facility, the fee for license shall be $15.00.

2. Unless otherwise specified herein, submit a scaled certified plan drawing or an annotated scaled aerial photograph, and a scaled certified profile drawing, showing the specific information required for the specific type of facility.

i. For airports or landing strips, a scale of one inch equals 400 feet shall be used showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field elevation (MSL);

(4) Actual length and width, of runway(s);

(5) Magnetic alignment of runway(s) to nearest second;

(6) Location(s) use, and height(s), of structures on or proposed for the facility.

(7) Location(s), use, and height(s) (MSL), of obstruction(s) in the Safety Zone Area if applicable;

(8) Location(s), use, and height(s) (MSL), of obstruction(s) at facilities, where Safety Zoning does not apply, contiguous to the facility within at least 3,000 feet from the end of each runway and at least 500 feet from each side of the centerline of the runway(s);

(9) Proposed air traffic patterns superimposed on the drawing with pattern altitudes indicated;

(10) Include a listing of all aeronautical facilities located within five miles of the site; and

(11) Facility property lines and municipal boundaries.

ii. For heliports or helistops, a scale of one inch equals 50 feet shall be used, showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field elevations (MSL);

(4) Actual dimensions of the touchdown area;

(5) Location(s) and height(s) (MSL) of any obstructions within a radius of 1,000 feet of the reference point;

(6) Location(s) of approach/departure path(s); and

(7) Facility property lines and municipal boundaries.

iii. Also for heliports and helistops, a scale of one inch equals 400 feet shall be used showing:

(1) Location(s) and height(s) (MSL) of any obstructions within a radius of 3,000 feet of the reference point;

(2) Location(s) of approach/departure path(s); and

(3) Facility property lines and municipal boundaries.

iv. For vertiports, a scale of one inch equals 100 feet shall be used, showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field evaluation (MSL);

(4) Actual dimensions of the touchdown area;

(5) Magnetic alignment of runway(s) to nearest second; and

(6) Location(s), use, and height(s), of structures on or proposed for the facility.

v. Also for vertiports, a scale of one inch equals 400 feet shall also be used showing:

(1) Location(s), use, and height(s) (MSL), of obstruction(s) in the Safety Zone Area if applicable;

(2) Location(s), use, and height(s) (MSL), of obstruction(s) at facilities, where Safety Zoning does not apply, contiguous to the facility within at least 3,000 feet from the end of each runway and at least 500 feet from each side of the centerline of the runway(s); and

(3) Proposed air traffic patterns superimposed on the drawing with pattern altitudes indicated.

vi. For balloonspots, a scale of one inch equals 100 feet shall be used showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field elevation (MSL);

(4) Actual dimensions of the departure area;

(5) Location(s) and height(s) (MSL) of any obstructions within a radius of 1,000 feet of the center of the proposed facility; and

(6) Facility property lines and municipal boundaries.

vii. For airship bases, a scale of one inch equals 100 feet shall be used, showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Field evaluation (MSL);

(4) Actual dimensions of the operating area;

(5) Magnetic alignment of runway(s) to nearest second;

(6) Mast location and airship drift clearance; and

(7) Location(s), use, and height(s), of structures on or proposed for the facility.

viii. Also for airship bases, a scale of one inch equals 400 feet shall also be used showing:

(1) Location(s), use, and height(s) (MSL), of obstruction(s) in the Safety Zone Area if applicable;

(2) Location(s), use, and height(s) (MSL), of obstruction(s) at facilities, where Safety Zoning does not apply, contiguous to the facility within at least 3,000 feet from the end of each runway and at least 500 feet from each side of the centerline of the runway(s);

(3) Proposed air traffic patterns superimposed on the drawing with pattern altitudes indicated; and

(4) Mast location and airship drift clearance.

ix. For parachute drop zones, a scale of one inch equals 400 feet shall be used, showing:

(1) True north;

(2) Latitude and longitude to the nearest ten thousandth of a minute or hundredth of a second;

(3) Actual dimensions of the drop zone;

(4) Locations, runway alignments, and traffic patterns of any other aeronautical facilities within 3,000 feet of the center of the drop zone;

(5) All roads, streets, powerlines, telephone lines, and bodies of water (where any depth at any time exceeds four feet), within 3,000 feet of the center of the drop zone;

(6) All buildings with heights above the drop zone elevation within 1,000 feet of the center of the drop zone; and

(7) All inhabited buildings within 1,000 feet of the center of the drop zone.

x. Parachute drop zone applications shall also include a listing of all aeronautical facilities located within five miles of the site.

xi. For banner towing facilities, include a sketch of the designated drop and pick-up area which shows the air traffic pattern for pick-up and drop of the banner.

xii. For minor alterations at restricted or special use facilities, the engineering certification is not required unless site requirements are such that the Director deems it necessary.

xiii. For abandonment or deactivation of any facility, certified drawings are not required.

3. Upon request by the Director, submit a legal description, certified by a land surveyor or professional engineer licensed by the State Board of Professional Engineers and Land Surveyors as truly describing the site for which a license is requested or held.

4. For an elevated heliport or helistop, submit a certified drawing showing that the load bearing capability structural limits of any structure proposed is sufficient for the type of operations anticipated.

5. If the aeronautical facility premises are not owned by the applicant, the applicant shall:

i. Identify on the license application the owner(s) and any other parties who hold an interest in the property by lease or otherwise, and specify their interest; and

ii. Upon request, submit copies of all documents of title or interest to the Division. Prior to licensing, the applicant shall submit written approval for the facility from the person(s) controlling the proposed facility premises.

6. In order to show conformance with existing zoning and land use ordinances, applicants shall:

i. Submit a copy of the final determination, from the appropriate planning authority having jurisdiction, regarding the proposed changes or new facility, as submitted in the licensing application;

ii. Submit a copy of the certification, received from the appropriate planning authority having jurisdiction, which states that the application, as submitted, is deemed complete; in such cases, no final licensing decision will be made until the Department reviews and considers the final determination made by the appropriate planning authority having jurisdiction; or

iii. If the applicant is notified by the appropriate planning authority having jurisdiction that their final determination is to deny the application, the applicant shall submit to the Division a copy of the final determination plus relevant portions of the applicable ordinances.

7. In addition to the materials required in (a)1 to 6 above, the applicant shall submit copies of permits, or applications for permits, notices of intent, or other documents which are required by any other Federal, State, or local agency with jurisdiction. If only permit applications are submitted, final permits or letters of denial shall be submitted when received.

8. For any change that will require relocation, transfer, or eviction of tenants, submit a plan explaining how facility tenants and/or users are to be notified, and what opportunities are available for relocation;

9. Applicants submitting requests under the requirements of N.J.S.A. 16:61 (Safety Fund Grants) are exempt from duplicate DA-1 and DA-2 requirements; and

10. Submit a completed copy of FAA Form 7480-1, "Notice of Proposed Construction or Alteration" (or subsequent form as amended or superseded) at the same time the form is submitted to the FAA.

(b) The applicant may request, in writing, to the Division, waivers of application requirements. The Director may approve such waivers based on the following:

1. Hardship to the applicant; or

2. Demonstrated substantial compliance with the provisions of this chapter; or

3. When the scope and magnitude of the requirement does not require full compliance.

16:54-2.2 Application forms for temporary facilities

(a) All persons proposing to operate temporary aeronautical facilities shall:

1. Submit an Application for Temporary Aeronautical Facility, Form DA-5, including all applicable attachments, in accordance with the provisions of N.J.A.C. 16:54-2.1; and

2. Comply with the provisions of N.J.A.C. 16:54-6.

16:54-2.3 Notice to the public

(a) The applicant shall publish a legal notice as shown in Appendix A, incorporated herein by reference, at a time specified by the Division.

1. The legal notice shall be published in at least two newspapers serving the jurisdiction of the appropriate governing body.

2. One of the papers shall be the official publication designated by the appropriate governing body for public notices and the second shall be the newspaper designated as secondary, or, if not so designated, shall be a newspaper circulated widely in that political subdivision.

(b) The notice shall contain the text prepared by the Division and shall provide a period for public comment and response of not less than 30 days.

(c) The applicant shall submit, to the Division of Aeronautics, certified proof of publication in the two newspapers. Where the publication dates differ, the later publication date will be used by the Division in determining the public period for comment.

(d) Waivers to the notice requirement will not be given for any proposal to construct a new aeronautical facility. When waivers of the public notice requirement are granted in accordance with N.J.A.C. 16:54-2.1(b), the applicant shall still be required to notify the appropriate governing body, in writing, of the action being requested in the application.

16:54-2.4 Public hearing testimony

(a) The Commissioner may require that public hearings and/or informational meetings to be held regarding an application for license.

(b) The applicant shall be prepared to provide relevant data and information regarding the application at a public hearing or at any proceeding required by the Division. The applicant is responsible for preparing a formal transcript of the public hearing, and submitting that transcript to the Division. Such hearing or proceeding shall be conducted at no cost to the Department.

16:54-2.5 Application processing

(a) All applications for aeronautical facility licenses shall be processed by the Division to ascertain that the minimum requirements of this chapter are met, and to determine whether the issuance of such license would be consistent with public health, safety and welfare, and the development of aeronautics in the State. In making its determination, the Division will consider aviation development, surrounding land uses, local land use ordinances, topography, noise characteristics of the types of aircraft to be used, air traffic patterns proposed to be used, air operational demand, aircraft movement operations, capacity of nearby aeronautical facilities, economic factors, and any other factors deemed relevant by the Department.

1. The Division reserves the right to approve the methods, standards, techniques, and sites to be used in the construction, change, modification, and/or alteration of new or existing aeronautical facilities to ensure compliance with reasonable engineering practices and the safety of the public.

2. Any proposed changes to an approved application must be provided to the Director for review and approval before proceeding with the change. Changes to a previously submitted application that would substantially change the impact of the facility on the contiguous land area or airspace, cannot be approved and will require the submission of a new application incorporating such changes.

16:54-2.6 Approvals

If the application is approved, the applicant shall receive a license, Form DA-L-1, Aeronautical Facility License, for the facility. If the application is disapproved, the applicant may petition the Commissioner for exemption in accordance with N.J.A.C. 16:54-7, Petition for Exemption.

16:54-2.7 Commencement of activities

No construction, alteration or closure shall occur until the applicant receives written approval from the Director.

16:54-2.8 Renewals

(a) Unless otherwise specified to the contrary on the license as issued by the Department, all licenses issued under the provisions of this chapter shall expire on the following dates:

1. Temporary licenses shall expire on the date specified on the license as issued by the Department.

2. Ultralight recreational facility licenses shall expire on the last day of April following the issuance of the license.

3. Annual parachute drop zone licenses and other public use, restricted use, and special use aeronautical facility licenses issued on an annual basis shall expire in accordance with the following schedule:

i. Licenses issued in November, December, and January shall expire on January 31st of the following year;

ii. Licenses issued in February, March, and April shall expire on April 30th of the following year;

iii. Licenses issued in May, June, and July shall expire on July 31st of the following year; and

iv. Licenses issued in August, September, and October shall expire on October 31st of the following year.

(b) The Division shall renew an aeronautical facility license in accordance with the following procedures:

1. The Division shall issue an aeronautical facility renewal, Form DA-4 which includes a facility inspection and certification attachment, to the licensee of record, not less than 30 days prior to the expiration of the current license.

2. The Division shall issue to the appropriate governing body, a Notice of Intent to Renew the License for all public use aeronautical facilities.

3. Licensees shall conduct a facility inspection using the form provided and shall certify that the facility is being maintained in compliance with the provisions of this chapter and any conditions stipulated in the license.

4. Licensees shall submit to the Division:

i. The renewal application, Form DA-4, with any changes annotated thereon,

ii. The appropriate renewal fee in accordance with the provisions of N.J.A.C. 16:63 and;

iii. The completed facility inspection attachment Form DA-4 signed by the licensee.

5. The Division may conduct facility inspections to verify the information submitted in the renewal process.

6. Upon review and determination that the licensee's renewal application, with attachments, is in compliance with this chapter the license will be renewed.

(c) Areas of non-compliance found during the review process will be reported to the licensee for corrective action. Licensees shall submit a plan for corrective action along with a schedule for accomplishing those actions.

(d) Licensees may petition the Commissioner for a waiver or exemption from those requirements with which they are found in noncompliance.

(e) The Director may extend for up to 90 days, any license issued by the Division, when requested by the licensee in order for the licensee to come into compliance or when the extension of such license is in the best interest of the public safety and the safety of those using the licensed aeronautical facility.

(f) If the licensee is not in compliance with this chapter and has not been granted a waiver or exemption, the license shall expire in accordance with the provisions of (a) above, or at the end of any extension period granted by the Director in accordance with (e) above.

16:54-2.9 License transfers

(a) Aeronautical facility licenses may be transferred under the following conditions:

1. The licensee shall submit a written request to the Division, which includes a letter of intent to transfer ownership or control, and must receive Division approval before proceeding with the transfer. The licensee shall submit a copy of that request, including a copy of the letter of intent, to the appropriate governing body.

2. The new owner shall, within 30 days of the transfer of ownership or control, submit to the Division, a signed Form DA-2, Aeronautical Facility Agreement, and proof of legal transfer of ownership or control of the facility.

(b) Upon receipt of the documents required by (a) above, the Division may issue an amended license.

(c) Failure to comply with the provisions of this section will result in suspension of the facility license.

16:54-2.10 Abandonment, deactivation and surrender of license

(a) Licensees who wish to deactivate or abandon their facility shall:

1. Submit a completed copy of Form DA-3, Application for Aeronautical Facility Alteration Deactivation or Abandonment, to the Division not less than 30 days prior to the desired date of closure;

2. Submit a copy of FAA Form 7480-1, Notice of Proposed Construction or Alteration, (or subsequent form as amended or superseded as submitted to the FAA requesting closure;

3. Submit a plan, satisfactory to the Director, explaining how facility tenants and or users are to be notified of the closure and what opportunities are available to them for relocation; and

4. Where applicable, the licensee shall submit a plan detailing how provisions of N.J.S.A. 6:1-94 (c) will be met.

(b) The Director shall determine, within 10 days of receipt of the application, whether the request to deactivate or abandon the facility is in the best interest of the State, the aviation community and the general public.

1. Licensees shall be notified of the Director's decision concerning the application for abandonment or deactivation within 15 days of receipt of the application.

2. The Director may delay the requested closure date pending compliance with the procedures in (a) above.

3. In the event that the Director determines that in the best interests of the State of New Jersey the aeronautical facility should remain open, he or she will recommend that the Commissioner exercise the authority granted under N.J.S.A. 6:1-95 to acquire the facility. If the Commissioner does not acquire the aeronautical facility, the licensee's request for abandonment or deactivation will be approved.

(c) Licensees who have received approval to deactivate or abandon their facility shall surrender their license to the Division within 30 days after approval of the closure or within 30 days after actual closure, whichever comes later.

(d) Licensees whose license has been suspended or revoked shall immediately surrender their license to the Division or upon demand directly to any duly authorized representative of the Division.

SUBCHAPTER 3. GENERAL REQUIREMENTS

16:54-3.1 General requirements for all aeronautical facilities

(a) All aeronautical facilities and all operations at aeronautical facilities shall conform to the Federal Aviation Regulations of the United States, the laws of the State of New Jersey, the orders issued by the Commissioner, and the rules promulgated by the Department of Transportation.

(b) All licensed aeronautical facilities shall be maintained in a safe and hazard-free condition.

(c) Licensees shall provide safeguards acceptable to the Division to prevent inadvertent entry by unauthorized persons to the aeronautical operating area of the aeronautical facility. These safeguards shall be sufficient to prevent inadvertent entry at all times when flight operations are in progress or when aircraft are being operated or prepared for operations.

(d) Aircraft capable of meeting FAA certification specifications for landing or takeoff at an aeronautical facility of a specified size may not be prohibited from using any public use aeronautical facility of that size or greater. Such use shall be restricted or prohibited when it violates FAA or Department rules or regulations. Such use may be restricted or prohibited when it would conflict with the aeronautical facility's Facility Management Standards or General Operating Rules prepared by the licensee in accordance with N.J.A.C. 16:54-3.2(a) and as approved by the Division. Licensees who enter into agreements with others, restricting or prohibiting certain aeronautical activities, aircraft operations, or certain types of aircraft at their aeronautical facility shall include all such provisions in their Facility Management Standards and General Operating Rules. The Director may make such limitations a condition of the license.

(e) Licensees shall provide the Division with the current name, home address and telephone numbers of the facility manager or responsible official who may be contacted at any time in case of emergency.

(f) Facility inspections may be conducted at any aeronautical facility or proposed aeronautical facility in accordance with the following procedures:

1. Any duly authorized representative of the Division, upon presentation of Department credentials, will be permitted to enter and inspect the premises at any time during scheduled hours of operation.

2. Any such representative will be permitted to inspect all records and/or equipment related to the aeronautical facility during the inspection. The inspection may include:

i. An evaluation of compliance with industry standards;

ii. A review of the Facility Management Standards and General Operating Rules in use or proposed; and/or

iii. A safety inspection of the physical facility.

(g) The Certificate of License shall be displayed on the premises at all times, and shall be presented for inspection upon demand of any police officer of this State, or any representative of the Division.

(h) Licensees shall not have had more than one suspension of a previously held aeronautical license within the past five years.

(i) Licensees who are not residents of New Jersey shall have an authorized agent registered with the State to act on their behalf. Licensees that are corporations shall be registered to do business in New Jersey.

(j) No buildings, structures, trees, or other permanent or semipermanent obstructions shall be built or located between the building restriction line and the runway.

16:54-3.2 General requirements for all public use aeronautical facilities

(a) Licensees shall establish written aeronautical facility General Operating Rules to ensure the public safety, the safety of the general flying public, and the safety of those using the aeronautical facility. Licensees shall submit their proposed rules to the Director for review and

approval. Upon approval, the licensee shall distribute the General Operating Rules to all tenants and make the rules available to other users and the general public at the cost of reproduction. In addition, the licensee shall post the rules in conspicuous places at the aeronautical facility.

(b) Aeronautical activities may be conducted at public use aeronautical facilities. For the purposes of land use and zoning, aeronautical activity(ies) are normally considered permitted uses at public use aeronautical facilities.

(c) Licensees shall establish and enforce written Facility Management Standards to ensure adequate oversight and control of aeronautical activities conducted at their facility. The Facility Management Standards shall be reviewed and approved by the Division, as follows:

1. Licensees shall:

i. Notify the Division in writing that such aeronautical activities occur at the facility;

ii. Submit copies of the Facility Management Standards for review; and

iii. Open the facility to inspections by any duly authorized representative of the Division during scheduled hours of operations. The inspection may include:

(1) An evaluation of general compliance with industry standards;

(2) A review of the implementation of the Facility Management Standards in use or proposed; and/or

(3) A safety inspection of the facility.

2. Licensees shall be notified by the Division regarding the approval of, or need for revisions to, the Facility Management Standards.

3. Upon approval by the Division of the Facility Management Standards, licensees shall post the Facility Management Standards in a conspicuous place at the aeronautical facility. Licensees shall provide copies of the approved Facility Management Standards to tenants and those others engaged in aeronautical activities at the facility. Licensees shall make copies available to other users of the facility.

4. Revisions to Facility Management Standards which are required because of changes in aeronautical activities must be submitted to the Division in accordance with (c)1 above, within 90 days of any such change.

(d) Licensees shall enforce the approved and posted General Operating Rules and Facility Management Standards.

(e) Compliance with these Facility Management Standards shall not relieve the operator of any aeronautical activity from the responsibility to comply with other regulatory requirements.

(f) Public use telephones or other means of communication must be available at all times for emergency service notification (fire, police, rescue) and for contact with FAA air traffic facilities. Emergency phone numbers or notification procedures shall be conspicuously posted.

16:54-3.3 General requirements for restricted use aeronautical facilities

(a) Restricted use aeronautical facilities shall not be open to general public use and shall not be utilized, advertised, or represented as such.

(b) Licensees, or their designees, shall be responsible for approving the use into or out of the aeronautical facility for aircraft operations by an individual. Approved users shall be advised of facility conditions or restrictions which may affect aircraft operations.

(c) Aeronautical activities may be conducted on restricted use aeronautical facilities only upon written request to, and after concurrence by, the Division. For the purposes of land use and zoning, aeronautical activities are considered a conditional use at restricted use aeronautical facilities.

(d) Licensees shall establish and enforce written Facility Management Standards for the management and control of all aeronautical activities authorized to be conducted at their aeronautical facility. Such Standards shall be prepared in accordance with the provisions of N.J.A.C. 16:54-3.2.

(e) Licensees may establish written aeronautical facility General Operating Rules in accordance with the provisions of N.J.A.C. 16:54-3.2.

(f) Restricted use aeronautical facilities which require multiple auxiliary sites shall meet the requirements of N.J.A.C. 16:54-2 for each site, unless such requirements are waived in accordance with N.J.A.C. 16:54-2.1(b). Each approved auxiliary site will be listed on the facility license.

16:54-3.4 General requirements for special use aeronautical facilities

(a) Special use aeronautical facilities shall be available only to those persons specifically listed on the license, using only that equipment specifically listed on the license and meeting FAA certificated aircraft operating performance manual standards and limitations.

(b) Applicants for, and proposed users of, a special use aeronautical facility may be required to conduct a flight demonstration, at a licensed public use aeronautical facility, to satisfactorily demonstrate their ability to operate in a space of like dimensions to that proposed in the application.

(c) Aeronautical activities shall not be permitted at these facilities, except when specifically authorized by the license.

(d) Special use aeronautical facilities which require multiple auxiliary sites shall meet the requirements of N.J.A.C. 16:54-2 for each site, unless such requirements are waived in accordance with N.J.A.C. 16:54-2.1(b). Each approved auxiliary site will be listed on the facility license.

16:54-3.5 (Reserved)

SUBCHAPTER 4. DESIGN STANDARDS

16:54-4.1 General design standards for all facilities

All licensed and proposed aeronautical facilities shall be designed, constructed, and maintained in accordance with the provisions of N.J.A.C. 16:54-4.2, 4.3, and 4.4, in order to provide for the public safety, the safety of those participating in aviation, and the safety of those using the aeronautical facility.

16:54-4.2 General design standards for public use aeronautical facilities

(a) Each proposed or licensed public use aeronautical facility shall meet or exceed the minimum standards specified for the respective type of aeronautical facility.

1. Public use airport (land or water):

i. Public use airports (land) shall have an effective runway length of 1,800 feet (550 meters) and a runway width of 50 feet (15 meters). Public use airports (water) shall have an effective runway length of 3,900 feet (1,200 meters) and a runway width of 250 feet (76 meters). Effective runway length is reduced by 20 percent for each one percent of longitudinal gradient in excess of two percent. Additional length and width requirements will be as recommended in FAA Advisory Circular 150/5300-13, as may be revised.

ii. Runway safety areas shall be as recommended in FAA Advisory Circular 150/5300-12 as may be revised.

iii. Each runway will have protected airspace consistent with its intended use, as determined by criteria described in FAR Part 77, N.J.A.C. 16:62, and FAA Advisory Circular 150/5300-13, to provide obstacle free aircraft operating areas. This protection includes clear zones, runway protection zones, side slopes, and transitional surfaces. A minimum approach slope ratio of 20:1 is required.

iv. Operational lighting systems are required for airports operating during hours of darkness. Minimum airport lighting will consist of runway lights, threshold lights and a lighted wind indicator. Runway lights will be spaced not more than 200 feet apart. Additional lighting and visual aids may be required consistent with airport use. FAA Advisory Circular 150/5340-24, as may be amended, will be used for lighting standards. Water facilities will comply with U.S. Coast Guard and other agencies requirements for lighting of sealanes.

v. Pavement marking will conform to standards of FAA Advisory Circular 150/5340-1, as may be amended, and is mandatory consistent with each runway use classification.

2. Public use heliports:

i. Public use heliports shall be not less than 100 feet by 100 feet or 100 feet in diameter, exclusive of the safety area. This minimum size may limit user access and larger facilities may be required to accommodate anticipated aircraft size and activity. FAA Advisory Circular 150/5390-2 will be used in designing heliports.

ii. Imaginary surfaces and approach/departure paths will provide protected airspace for two ingress/egress routes of not less than an 8:1 ratio.

iii. Lighting and visual aids are required for operation during hours of darkness and shall, at a minimum, include perimeter lighting and a lighted wind indicator. FAA Advisory Circular 150/5390-2 will be used in determining the extent and location of lighting systems.

iv. Heliport marking will be as required in FAA Advisory Circular 150/5390-2, as may be amended.

3. Public use vertiports:

i. Vertiports shall be not less than 250 feet by 250 feet and shall comply with the criteria of FAA Advisory Circular 150/5390-3, as may be amended.

ii. Lighting and visual aids are required for operation during the hours of darkness.

iii. Vertiport surface markings shall conform to FAA Advisory Circular 150/5390-3 as may be amended.

4. Public use balloonspots:

i. A public use balloonspot shall be not less than 200 feet by 200 feet or 200 feet in diameter. Obstruction clearance for departures will be determined for a 1:1 slope ratio.

ii. Night operation of balloons will be conducted in accordance with applicable Federal aviation regulations and sufficient lighting should be provided on the ground for safety of operation.

5. Public use airship base:

i. The length of an airship base will not be less than one and one-half times the overall length of the largest airship anticipated to use the facility. This measurement will begin at the mooring mast and extend in the direction of the landing path. A 20:1 obstacle-free approach/departure path will be provided.

ii. Lighting must be provided for night operations. This may consist of a flashing beacon on the mooring mast and adequate floodlighting to assure obstruction avoidance.

6. Parachute drop zone:

i. Public use parachute drop zones shall be not less than 1,800 feet in diameter or 1,800 feet along the sides of essentially square in shape the center of which shall be marked by a highly visible center marker.

ii. Night parachuting activities will comply with applicable Federal aviation regulations and sufficient ground lighting should be provided to illuminate the center portion of the drop zone.

16:54-4.3 General design standards for restricted use aeronautical facilities

(a) All restricted use aeronautical facilities shall meet the minimum design standards for the respective type of public use aeronautical facility as set forth below:

1. Restricted use airports shall meet the standards set forth for public use airports;

2. Restricted use heliports and helistops shall meet the design requirements of FAA Advisory Circular 150/5390-2, as may be amended or superseded;

3. Restricted use vertiports shall meet the design requirements of FAA Advisory Circular 150/5390-3, as may be amended or superseded;

4. Restricted use balloonspots shall meet the following design requirements:

i. Consist of a minimum size of 100 feet by 100 feet or 100 feet in diameter;

ii. Maintain a 1:1 obstruction clearance ratio for departures from the balloonspot; and

iii. For night operations, provide ground lighting that adequately illuminates the operating area to assure operational safety;

5. Restricted use airship bases shall meet the following design requirements:

i. Consist of a minimum size, the radius of which is equal to one and one-half times the length of the largest airship anticipated to use the facility;

ii. Maintain a 10:1 obstacle free approach and departure path and a 1:1 obstruction clearance ratio for the perimeter of the airship base;

iii. For night operations, provide lighting in accordance with the provisions of N.J.A.C. 16:54-4.2 for public use airship bases;

6. Restricted use parachute drop zones shall meet the following design requirements;

i. Consist of a minimum size, which is not less than 900 feet in diameter or 900 feet on a side if essentially square in shape, the center of which shall be marked by a highly visible center marker;

ii. For night parachuting activities, meet the provisions of N.J.A.C. 16:54-4.2 for public use parachute drop zones.

(b) Waivers or exemptions to specific design criteria may be requested in accordance with N.J.A.C. 16:54-7.

16:54-4.4 General design standards for special use aeronautical facilities

(a) All special use aeronautical facilities shall meet the minimum design standards for the respective type of aeronautical facility as set forth in (a)1 through 6 below:

1. Special use airports shall meet the standards set forth for restricted use airports as set forth in N.J.A.C. 16:54-4.3;

2. Special use heliports and helistops shall meet the design requirements of FAA Advisory Circular 150/5390-2, as may be amended or superseded;

3. Special use vertiports shall meet the design requirements of FAA Advisory Circular 150/5390-3, as may be amended or superseded;

4. Special use balloonspots shall meet the following design requirements;

i. Consist of a minimum size area which has a diameter not less than the height of the inflated balloon including the basket;

ii. Maintain a 1:1 obstruction clearance ratio for departures from the balloonspot; and

iii. For night operations, provide ground lighting that adequately illuminates the operating area to assure operational safety;

5. Special use airship bases shall meet the same design requirements set forth for restricted use airship bases; and

6. Special use parachute drop zones shall meet the following design requirements;

i. Consist of a minimum size, which is not less than 500 feet in diameter or 500 feet on a side if essentially square in shape, the center of which shall be identified by a highly visible center marker;

ii. For night parachuting activities, meet the provisions of N.J.A.C. 16:54-4.2 for public use parachute drop zones; and

iii. For exhibitions, when conducted in accordance with the provisions of N.J.A.C. 16:54-5.1(a), the overall size shall not be smaller than 200 feet in diameter.

(b) If any of the design standards for special use aeronautical facilities set forth herein cannot be met, the applicant or licensee shall:

1. Submit to the Division copies of the aircraft manufacturer's performance data, for the specific aircraft proposed for use at the facility, which shows that the aircraft can, in accordance with manufacturer's and FAA standards, safely use the facility; and

2. If requested by the Division, conduct a flight demonstration, at a licensed public use aeronautical facility, in a space of like dimensions to that proposed in the application, and using the aircraft proposed for use at the special use aeronautical facility.

(c) Special use aeronautical facilities will not be licensed, or approved for use by any aircraft whose minimum performance and operating limits do not permit operations within the available dimensions of the facility.

SUBCHAPTER 5. OPERATIONAL STANDARDS

16:54-5.1 General operational standards

(a) Each licensed aeronautical facility shall prepare and maintain at the aeronautical facility, a facility operations manual which includes the following materials:

1. The facility operating hours and hours attended.

2. Emergency operations information:

i. Emergency notification procedures,

ii. Notification list for use in emergencies with telephone numbers for the facility owner(s), the operator, the local fire department, police, ambulance or emergency medical service, nearest New Jersey State Police Barracks, the NJDOT Division of Aeronautics, the appropriate FAA Flight Standards District Office, and the NTSB,

3. Emergency procedures to be used in the event of:

i. Fire;

ii. Police or security activity;

iii. Rescue or emergency medical service response; and

iv. Aircraft accident or incident reporting

4. Facility inspection procedures;

5. Facility air traffic pattern(s);

6. Procedures to use in issuing or cancelling NOTAMs;

7. A directive from the airport management which requires that all aircraft which are parked or stored at the aeronautical facility for more than a 24-hour period to utilize a two-lock system which secures or disables the aircraft to prevent operation of the aircraft. A two-lock security system shall be any system of two separate locking devices which must both be unlocked and would individually have the effect of either securing the aircraft, denying access to the cockpit, or disabling or inactivating key parts of the aircraft engine or flight control systems. Under this paragraph, separate locking devices in a two-lock system can include any combination of keyed or coded aircraft entry door lock, cockpit door lock, locking hangar door, keyed magneto or starter switch, master power switch or battery cut-off, throttle or mixture lock, locking fuel cut-off, a flight control lock, propeller lock, chain or cable, a locking wheel lock of chock, locking tie-down cable, lock in-place pitot tube cover, "club" type devices for the control yoke, or other similar devices. The Division, with the concurrence of the Domestic Security Preparedness Task Force, shall be authorized to waive the provisions of this paragraph for airports which have airport security programs which have been approved by the Federal Transportation Security Agency under the provisions of Airport Security Program regulations at 49 CFR 1542.101 et seq.; and

8. A directive from the airport management which requires that aircraft hangar doors have working keyed or coded locking devices and that hangar doors be closed and locked when they are unattended. The Division, with the concurrence of the Domestic Security Preparedness Task Force, shall be authorized to waive the provisions of this paragraph for airports which have airport security programs which have been approved by the Federal Transportation Security Agency under the provisions of Airport Security Program regulations at 49 CFR 1542.101 et seq.

(b) For the purpose of issuing Notices to Airmen in an emergency, licensees shall additionally delegate NOTAM issuing authority to the Division. This delegation shall be made to the FAA Flight Service Station with jurisdiction for the facility.

(c) Reporting of accidents and incidents shall be accomplished as follows:

1. Licensees or their agents shall immediately report all aircraft accidents or incidents occurring on their aeronautical facility which cause any property damage or injury to any person, as well as all known aircraft accidents or incidents occurring nearby, to the local police and to the Division.

2. Licensees or their agents shall immediately notify the Division of any accident or incident which occurs on their aeronautical facility which affects the operational capability of the facility or requires the closure or shutdown of any portion of the facility.

3. These reporting requirements as outlined in (c)1 and 2 above do not relieve the operator or aircrew of any aircraft involved in an accident or incident from any responsibility to comply with notification provisions of FAA, State or NTSB regulations.

(d) Aeronautical facility air traffic patterns shall be established in accordance with the following procedures:

1. Licensees shall have all aeronautical facility air traffic flight patterns approved by both the FAA in accordance with Federal Aviation Regulation Part 157, and by the Division.

2. Licensees of any aeronautical facility who wish to change the air traffic flight patterns shall concurrently submit to the Division and to the FAA, the proposed changes in accordance with Federal Aviation Regulation Part 157.

i. The Division will evaluate the proposal, consider input from the appropriate governing body of the affected municipality(ies), and will either approve, modify, or reject the proposal. Airspace or safety factors will prevail over other considerations.

ii. The Division decision will be forwarded to the FAA for use in the Federal Aviation Regulation Part 157 air traffic flight pattern determination.

iii. Aeronautical facilities may not implement any proposed air traffic flight pattern change until it has been approved by the Division and by the FAA.

(e) Licensees may establish noise abatement procedures for their facility as follows:

1. Any proposed noise abatement procedure or change to an existing noise abatement procedure shall be submitted to the Division for review, and consideration of input from the appropriate governing body of the affected municipality(ies).

2. Noise abatement procedures may not be implemented until they have been approved by the Division.

3. Any proposed noise abatement procedure which requires FAA approval must be approved by the FAA and by the Division prior to being implemented.

16:54-5.2 Operational standards for public use aeronautical facilities

(a) All public use aeronautical facilities shall maintain a facility operations manual as required by N.J.A.C. 16:54-5.1(a), with the following additions:

1. An aeronautical facility self-inspection program plan which includes:

i. A checklist of items to be inspected;

ii. A schedule of such inspections;

iii. Notification procedures for discrepancies found; and

iv. Corrective action procedures for discrepancies found;

2. Procedures for the control and use of vehicles on the aeronautical operations area;

3. Winter operations snow and ice control plans;

4. Aircraft recovery plan which includes:

i. Procedures to be used in recovering damaged aircraft located on or near the facility;

ii. A list of recovery equipment and sources of that equipment including telephone contacts; and

iii. A list of firms capable of accomplishing such recovery;

5. A listing of aeronautical activities conducted at the facility, along with a copy of the approved Aeronautical Activity Standards for the facility; and

6. A copy of the approved general operating rules for the facility, as required by N.J.A.C. 16:54-3.2(d).

(b) Licensees of public use aeronautical facilities shall prepare aeronautical operations area ground operating procedures which shall be used by all facility users. Such procedures shall be made a part of the facility general operating rules as required by N.J.A.C. 16:54-3.2.

(c) The Director may require noise abatement procedures to be prepared for a public use aeronautical facility, in accordance with N.J.A.C. 16:54-5.1(e), in the interest of good community relations. Communities which believe they are adversely impacted by aircraft noise from adjacent public use aeronautical facilities may request the Director to take such action. When such notice is received from the appropriate governing body of an impacted municipality, the Director will require the licensee to prepare noise abatement procedures.

(d) The licensee of each public use aeronautical facility shall enforce the aeronautical facility's approved general operating rules as required in N.J.A.C. 16:54-3.2(d).

(e) Traffic pattern altitudes for fixed wing aircraft operations at public use airports shall not be less than 1,000 feet AGL (above ground level), except where required for operational considerations and/or as directed by FAA for airspace, safety, or operational reasons.

16:54-5.3 Operational standards for restricted aeronautical facilities

(a) All restricted use aeronautical facilities shall maintain a facility operations manual as required by N.J.A.C. 16:54-5.1(a), with the following additions:

1. An aeronautical facility self inspection program plan which includes:

i. A checklist of items to be inspected;

ii. A schedule of such inspections;

iii. Notification procedures for checklist discrepancies found; and

iv. Corrective action procedures, if required, for checklist discrepancies found;

2. Procedures for the control and use of vehicles on the aeronautical operations area;

3. Procedures for approving the use of the facility by an individual;

4. Procedures for advising facility users about the conditions of the facility and any restrictions at the facility which might affect aircraft operations;

5. A listing of aeronautical activities conducted at the facility, along with a copy of the approved aeronautical activity standards for the facility; and

6. A copy of the facility general operating rules, in accordance with N.J.A.C. 16:54-3.3(e), if applicable.

(b) The licensee of each restricted use aeronautical facility which has general operating rules written and approved for the facility in accordance with N.J.A.C. 16:54-3.2(d) shall enforce the aeronautical facility's approved general operating rules.

16:54-5.4 Operational standards for special use aeronautical facilities

The Director may require licensees of special use aeronautical facilities to comply with specific provisions of N.J.A.C. 16:54-5.2 or 5.3, or other operational standards, when necessary to promote the public safety, the safety of the general flying public, or the safety of those using the aeronautical facility.

SUBCHAPTER 6. TEMPORARY AERONAUTICAL FACILITIES

16:54-6.1 Temporary licenses

(a) The Division may issue a temporary aeronautical facility license for a special purpose, at a designated area which normally requires no facility preparation, and for a limited period of time which shall not exceed nine months.

(b) Temporary licenses may be issued for the following facilities:

1. Airship base;

2. Balloonspot;

3. Helistop;

4. Landing strip;

5. Parachute drop zone;

6. Vertiport; or

7. Any other facility as may be designated by the Director.

(c) Temporary licenses issued by the Division shall indicate the following:

1. An expiration date not to exceed nine months after the date of issuance;

2. Delineation of approved operations; and

3. All applicable privileges or limitations specified by the Division.

(d) Extensions of temporary licenses may be granted by the Director for a period not to exceed 90 days. Requests for extension shall be submitted to the Division in writing with an explanation for the request.

(e) A temporary license may be issued for a facility in conjunction with an application for permanent license. Temporary licenses shall expire:

1. Upon issuance of a permanent license;

2. If the application for a permanent facility is disapproved by the Department; or

3. Three hundred sixty-four days from date of issuance. Such temporary licenses may be reissued if the applicant is actively pursuing meeting the requirements of this chapter for a permanent license.

16:54-6.2 Application for temporary license

(a) An application for a temporary license shall:

1. Include Application Form DA-5, Application for Temporary Aeronautical Facility License;

2. If submitted as a combined request with an application for a permanent license, be prepared in compliance with the requirements for a permanent facility of the same type; and

3. Be received by the Division at least 10 working days prior to the requested start date, unless a shorter time period can be justified by the applicant and is approved by the Division.

(b) Applications shall include:

1. A letter, statement, or certificate from the appropriate governing body which states that there is no objection to the issuance of the temporary license;

2. A sketch which includes sufficient detail to demonstrate that the proposed facility is capable of accepting the operation proposed;

i. For banner towing facilities, include a sketch of the designated drop and pickup area which shows the air traffic pattern for pick-up and drop of the banner.

ii. For parachute drop zones for parachuting exhibitions, the sketch shall include at least a 200 foot by 200 foot clear target/touchdown area and all obstacles and terrain within 1,000 feet of the center of the target/touchdown area;

3. Certification that the areas to be utilized are under the control of the applicant or are being used with the permission of the landowner;

4. A description of the provisions to be made for the safety of those persons in the immediate vicinity of the operation and those participating in the operations;

5. The name, address, and phone number of the person responsible for the conduct of operations at the proposed facility;

6. Aircraft specifications and performance data indicating that the intended operations can be safely conducted in the areas intended for use; and

7. A list of airmen and other persons intending to utilize the facility and their qualifications.

(c) Requests for waivers of application requirements for a temporary facility shall follow the procedures in N.J.A.C. 16:54-2.1(b).

(d) A complete copy of the application and all attachments shall constitute the temporary facility record.

(e) A temporary license may be issued for a facility in conjunction with an application for permanent license. Such combined requests shall include a written notice from the appropriate governing body that it has no objection to the operation of the temporary facility pending processing of the application for a permanent facility.

16:54-6.3 General requirements for temporary aeronautical facilities

(a) The general requirements for temporary aeronautical facilities which are licensed in conjunction with an application for a permanent license shall substantially meet the requirements for permanent facilities as outlined in N.J.A.C. 16:54-3.

(b) Temporary aeronautical facilities which require multiple auxiliary sites shall meet the requirements of N.J.A.C. 16:54-2 for each site, unless such requirements are waived in accordance with the provisions of N.J.A.C. 16:54-2.1(b). Each approved auxiliary site will be listed on the facility license.

16:54-6.4 Design standards for temporary aeronautical facilities

The design standards for temporary facilities which are licensed in conjunction with an application for a permanent license shall substantially meet the requirements for permanent facilities, as outlined in N.J.A.C. 16:54-4.

16:54-6.5 Operational standards for temporary aeronautical facilities

(a) The operational standards for temporary facilities which are licensed in conjunction with an application for a permanent license shall substantially meet the requirements for permanent facilities, as outlined in N.J.A.C. 16:54-5.

(b) The Director may require licensees of temporary facilities not in conjunction with an application for a permanent license to comply with specific provisions of N.J.A.C. 16:54-5.1, 5.2 and 5.3, when necessary to promote the public safety, the safety of the general flying public, or the safety of those using the aeronautical facility.

(c) Minimum airman qualifications for use of a temporary facility are as follows:

1. A student pilot certificate is not an acceptable minimum airman qualification, except for ballooning operations at a temporary balloonspot;

2. For demonstration or exhibition use of a facility, an applicable FAA Commercial Pilot certificate is the minimum acceptable airman qualification, except:

i. For ballooning operations which require an applicable FAA Private Pilot certificate;

or

ii. For private pilots acting as pilot in command in accordance with all of the provisions of FRA 61.118(d).

3. For a parachute drop zone for parachute exhibitions, a U.S. Parachute Association "C" level qualification is the minimum acceptable qualification.

SUBCHAPTER 7. ULTRALIGHT RECREATIONAL FACILITIES

16:54-7.1 Ultralight recreational facilities

(a) In addition to the other types of facilities licensed under the provisions of this chapter, there shall be a type of facility called an ultralight recreational facility. All ultralight recreational facility licenses shall be issued on a temporary basis for a term of less than one year and shall be subject to the following license procedures, requirements, and restrictions:

1. Ultralight recreational facilities shall have:

i. Minimum runway dimensions of 500 feet by 100 feet with longitudinal and transverse gradients not exceeding 4.0 percent and runway landing thresholds located a minimum of 200 feet inside the airport property line as measured along the extended runway centerline;

ii. Unobstructed runway end approaches for a distance of 1,000 feet along the extended runway centerline, with a slope of 15 feet horizontal to one foot vertical. The obstruction free area shall extend laterally 50 feet on each side of the centerline of the runway approach threshold and increase uniformly in width to 100 feet on each side of the centerline at a point 500 feet from the runway end;

iii. Runway end and edge markings as necessary to define the runway limits;

iv. A wind indicator; and

v. A favorable airspace determination from the FAA based on submission to the FAA of FAA Form 7480-1, Notice of Landing Area Proposal.

(b) Any facility licensed as an ultralight recreational facility shall be exclusively for the use of ultralight aircraft and use by any other type of aircraft is specifically prohibited.

(c) Ultralight recreational facilities shall be for daytime landing and takeoff use only. Daytime shall be defined as use one-half hour before local sunrise to one-half hour after local sunset. Nighttime use of an ultralight recreational facility for landing and takeoff shall be specifically prohibited.

(d) Ultralight recreational facility licenses shall indicate an expiration date, delineation of approved operations, and all applicable privileges, restrictions or limitations.

(e) An application for an ultralight recreational facility license shall be received by the Division at least 20 working days prior to the requested start date and shall include:

1. Application Form DA-5, Application for Temporary Aeronautical Facility License;

2. An ultralight recreational facility license application fee of $15.00;

3. A letter, statement, or certificate from the appropriate governing body, dated within 90 days of the date the application is made, which states that there is no objection to the issuance of the temporary license;

4. A sketch which includes sufficient detail to demonstrate that the proposed ultralight recreational facility is capable of accepting the operation proposed;

5. Certification that the areas to be utilized are under the control of the applicant or are being used with the permission of the landowner;

6. A description of the provisions to be made for the safety of those persons in the immediate vicinity of the operation and those participating in the operations;

7. The name, address, and phone number of the person responsible for the conduct of operations at the proposed facility;

8. Aircraft specifications and performance data indicating that the intended operations can be safely conducted in the areas intended for use; and

9. A description of the general qualifications of persons intending to utilize the facility.

(f) The Division may revoke, suspend, or modify any ultralight recreational facility license as may be necessary to protect the public health, safety, and welfare.

16:54-7.2 (Reserved)

16:54-7.3 (Reserved)

16:54-7.4 (Reserved)

SUBCHAPTER 8. AIRPARKS

16:54-8.1 Airparks

(a) The Division may authorize the establishment of airparks, subject to the applicable provisions of this chapter and N.J.A.C. 16:62, Air Safety and Zoning. Any airpark established under this chapter shall:

1. Comply with all applicable municipal and other local regulations, approvals and permits;

2. Be designed and operated in a manner not inconsistent with the controlling Airport Layout Plan;

3. Conform to such operational safety restrictions or conditions as determined necessary by the Division; and

4. Conform to such vertical height development restrictions as may be established by Federal regulation or any other applicable Division regulation.

(b) Operational rules for access to the airport from the airpark shall be subject to Division approval and shall be specifically outlined in the aeronautical facilities operation manual of the airport, as such manuals are required for aeronautical facilities under N.J.A.C. 16:54-5.

(c) An application for an airpark shall be administratively processed by the Division as an alteration to an existing aeronautical facility and such application shall be made utilizing the applicable procedural and substantive requirements under N.J.A.C. 16:54-2.

16:54-8.2 (Reserved)

16:54-8.3 (Reserved)

16:54-8.4 (Reserved)

16:54-8.5 (Reserved)

SUBCHAPTER 9. AERONAUTICAL FACILITY SECURITY

16:54-9.1 Aeronautical facility security

(a) In addition to any other aeronautical facility security provisions of this chapter, in those instances where the Division both determines that a certain security device or measure must be installed or implemented at an aeronautical facility and where the Division assumes all costs associated with such security device or measure, the installation or implementation of security device or measure shall become a condition of license or license renewal. Any license holder who does not consent to the installation or implementation of a security device or measure by the Division as a condition of license or license renewal shall have the right to a hearing on the matter before the Office of Administrative Law.

(b) In addition to any other aeronautical facility security provisions of this chapter, in those instances where the Division determines that it is necessary for the airport license holder or their designee(s) to possess certain emergency communications equipment, and where the Division assumes all costs associated with such emergency communications equipment, the utilization of such emergency equipment shall become a condition of license or license renewal. Any license holder who does not consent to the utilization of such emergency communications equipment as a condition of license or license renewal shall have the right to a hearing on the matter before the Office of Administrative Law.

(c) The license holder for each aeronautical facility shall post permanent signage at their aeronautical facility which shows, in the event of an emergency, the telephone number(s) for the facility owner or operator, the local fire department, police, ambulance or emergency medical service, nearest New Jersey State Police Barracks, the NJDOT Division of Aeronautics, the appropriate FAA Flight Standards District Office, Transportation Security Administration, and the National Transportation Safety Board. At a minimum, such signage shall be posted in the immediate vicinity of the primary area for automobile parking, the main terminal, and at the primary point of aircraft fueling.

16:54-9.2 (Reserved)

16:54-9.3 (Reserved)

SUBCHAPTER 10. WAIVERS AND EXEMPTIONS

16:54-10.1 General requirements

(a) Applicants or licensees who believe themselves to be adversely affected by any rule of this chapter, and who believe further that exceptional circumstances or hardship warrant a waiver or exemption from a rule, may petition the Director for relief.

(b) Waivers may be requested if the situation requiring the relief is of a temporary nature.

(c) Exemptions may be requested if the situation requiring the relief is of a continuing nature, and which requires permanent or long term relief from a rule.

16:54-10.2 Requests for waiver

(a) Requests for waiver regarding design criteria or facility requirements shall include:

1. A letter marked "Request for Waiver" which states the specific rule from which relief is being requested, along with a complete description of, and reasons for the request;

2. An attached drawing of the facility or appropriate section thereof, which shows the area involved in the request;

3. An attachment, if appropriate, explaining what measures or alternatives will be used to meet the intent of the rule; and

4. An attachment explaining the time period requested for the waiver, and an explanation of how full compliance is planned at the end of the waiver period.

(b) Requests for waiver for matters not covered in (a) above shall include:

1. A letter marked "Request for Waiver" which states the specific rule from which relief is being requested, along with a complete description of, and reasons for the request;

2. An attachment, if appropriate, explaining what measures or alternatives will be used to meet the intent of the rule; and

3. An attachment, explaining the time period requested for the waiver, and an explanation of how full compliance is planned at the end of the waiver period.

16:54-10.3 Petitions for exemption

(a) Petitions for exemption regarding design criteria or other matters for which a Form DA-1 is suitable, shall include:

1. A Form DA-1 with all pertinent attachments as required by N.J.A.C. 16:54-2.1 marked "Petition for Exemption"; and

2. Appropriate attachments which include a complete description of, and reasons for, the proposed exemption, explaining in detail why the rule provisions cannot be met.

(b) Petitions for exemption for matters not covered in (a) above shall include:

1. A letter requesting the exemption marked "Petition for Exemption" and

2. Appropriate attachments which include a complete description of, and reasons for, the proposed exemption, explaining in detail why the rule provisions cannot be met.

16:54-10.4 Filing, decisions, and appeals

(a) Requests for waivers and petitions for exemption shall be filed with the Director. The Director will review the petition and may approve, reject, or modify the exemption.

(b) Rejected requests or petitions which will result in license denial, modification, suspension, or revocation, may be appealed in accordance with the provisions of N.J.A.C. 16:54-9.3.

SUBCHAPTER 11. LIABILITY AND PENALTY

16:54-11.1 Compliance with laws, rules and regulations

Issuance of a license does not relieve licensees of their responsibility to comply with any other applicable Federal, state, or local laws, rules or regulations.

16:54-11.2 License action

Any license issued pursuant to the provisions set forth in this chapter may be modified, suspended, or revoked in the interest of public safety or as a result of a violation of the terms of the license and/or any of the provisions of this chapter and/or any of the provisions of N.J.S.A. 6:1-1 et seq. or the rules promulgated there under.

16:54-11.3 Misrepresentation or false statement

(a) Any person who makes a misrepresentation or false statement in any application, interview, or submission of information to the Office shall be considered to be acting contrary to the provisions of this chapter and Title 6 of the New Jersey statutes.

(b) Any application which is found to contain misrepresentations or false statements shall be rejected, and any license issued as a result of that application shall be suspended, unless the Commissioner determines that public health, safety, or welfare requires that the aeronautical facility license should not be suspended pending submission of a corrected application. Corrections to such applications shall be made within 30 days, or the Commissioner may then suspend, extend the suspension of, or revoke the license.

16:54-11.4 Actions contrary to the rules

Any person who allows, permits, or otherwise knowingly aids and abets the unlicensed or improperly licensed operation of an aeronautical facility, or who allows, permits, or otherwise knowingly aids and abets any other activities, actions, or conditions that are contrary to the requirements of this chapter or N.J.S.A. 6:1-1 et seq. shall be considered to be in violation of the chapter.

16:54-11.5 Penalties for violations

(a) Any person violating any provision of N.J.S.A. 6:1-1 et seq. or these rules shall be subject to a penalty of up to $1,000 for each violation, in accordance with N.J.S.A. 6:1-59.1.

(b) Any person who operates, conducts, uses, or permits others to operate, conduct, use or employ any aeronautical facility, operation, or activity which is required to be licensed, without such license being issued or renewed as required by this chapter shall be liable to a penalty of up to $1,000 for each violation, in accordance with N.J.S.A. 6:1-59.1.

SUBCHAPTER 12. SUSPENSIONS AND REVOCATIONS

16:54-12.1 Suspensions

(a) Any license issued pursuant to this chapter may be suspended for a period not to exceed 90 days when, in the interest of public safety or the safety of those participating in aeronautical activities, the Division determines that a violation of the terms of the license and/or this chapter has occurred; or a hazard exists which threatens the safety of the general public or those participating in aeronautical activities.

(b) Any aeronautical inspector or other personnel identified in N.J.A.C. 16:60-1.3 as law enforcement officers may immediately suspend an aeronautical facility license when they deem it necessary to ensure the safety of the general public or those participating in aeronautical activities.

(c) The Division shall notify the licensee of suspension action immediately by the most expeditious means and shall confirm such notice in writing.

(d) Licensees may appeal suspension actions, pursuant to N.J.A.C. 16:54-12.3.

(e) Aeronautical facility licenses which have been suspended shall have the cause abated within the suspension period. Facilities which have not had corrections made during the suspension period shall be presented to the Director, who may extend the suspension or may begin action to revoke the license.

(f) The Director may hold a conference concerning any license suspension action, either when requested by the licensee or by the Department.

16:54-12.2 Revocations; appeal of revocation

(a) The Director is authorized to revoke any suspended Aeronautical Facility License when it is determined that it is in the best interest of public safety or the safety of those participating in aeronautical activities.

(b) Licensees shall be notified by the Division, in writing, of the Department's suspension action pending revocation. If no appeal is filed within the time period specified in N.J.A.C. 16:54-12.3, the license shall be revoked.

(c) Licenses which have been revoked shall not be reinstated. Applicants, including former licensees, shall submit a complete application package for any facility whose license has been revoked.

16:54-12.3 Appeals; generally

(a) Licensees who have had their petition for an exemption denied, their license suspended, or suspended pending revocation, or applicants who have their application for license denied, may seek reconsideration of the action to the Director for relief. Requests for reconsideration shall be submitted in writing to the Director within 20 days of notification of the action.

(b) The Director, within 20 days of receipt of a request for reconsideration will:

1. Conduct a conference with the licensee.

2. Rescind the action; or

3. Modify the action; or

4. Sustain the action.

(c) An appeal from the Director's determination can be made before the Office of Administrative Law (OAL) pursuant to N.J.S.A. 54:14B-1 et seq., and N.J.A.C. 1:1. If the applicant determines to appeal, the New Jersey Department of Transportation must be notified by certified mail within 14 calendar days from the applicant's receipt of this Notice of Denial of Permit Application that the applicant is appealing to OAL.

SUBCHAPTER 13. POWERS

16:54-13.1 Authority

Licensing requirements shall not be construed as limiting in any way the power of the Commissioner in regulating the operation of any aeronautical facilities. Decisions regarding denial, issuance, renewal, suspension, or revocation of licenses are within the purview of, and shall ultimately be determined by, the Commissioner.

APPENDIX A

PUBLIC NOTICE

Notice of Proposed Aeronautical Facility Licensing

ALL INTERESTED PERSONS are hereby advised that the Division of Aeronautics, of the New Jersey Department of Transportation, has received an application from _____ for a license to establish a _____ at _____.

Accordingly, the Division of Aeronautics invites written comments or objections regarding this proposed license. All comments or objections must address the issue of the effect of the proposed license upon the public health and safety.

Upon receipt of written comments or objections, and a determination by the Division of Aeronautics that the proposed licensing is a "contested case," as defined by N.J.S.A. 52:14B-1 et seq., this matter may be scheduled for a public hearing.

The above-named application and all related documents are available for public inspection by appointment between the hours of 9:00 A.M. and 4:00 P.M. at the Division of Aeronautics, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey. Telephone (609) 530-2908.

Any interested persons may submit questions or comments, in writing, no later than 30 days from today.

All submissions regarding this matter should be directed to:

Office of Community Relations
New Jersey Department of Transportation
1035 Parkway Avenue, PO Box 600
Trenton, New Jersey 08625-0600