

ALABAMA DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE CODE

CHAPTER 450-9-3
AIRPORTS

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450-9-3-.01 Purpose Of Chapter.

The purpose of this chapter is to establish the procedures and minimum safety standards that shall govern the inspection, licensing and closure of airports by the Alabama Department of Aeronautics.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-359.

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450-9-3-.02 Definitions.

(1) For the purposes of this chapter the following definitions, terms, words and phrases shall have the meanings given. These definitions are in addition to the definitions found in the Code of Ala. 1975,23-1-352 as may be amended.

(a) ALDOT. The Alabama Department of Transportation.

(b) AIP. The Airport Improvement Program administered by the Federal Aviation Administration.

(c) Airport Hazard. Any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to a landing or taking off.

(d) Airway. A route in the navigable airspace over and above the lands or waters of this state, designated by the United States Government, as a route suitable for air navigation.

(e) Approach and Departure Path. An area of navigable airspace defined by Administrative Code of the Aeronautics that ensures safe ingress and egress of an aircraft to and from an airport.

(f) Bureau. The Aeronautics Bureau of the Alabama Department of Transportation.

(g) Chief. The Chief of the Aeronautics Bureau.

(h) Department. The Alabama Department of Transportation.

(i) Director. The Director of the Alabama Department of Transportation.

(j) Displaced Threshold. A threshold that is located at a point on the runway other than the beginning of the full-strength pavement, and the paved area between the beginning of the full-strength pavement and displaced threshold can be used for takeoff or rollout of aircraft.

(k) Federally Obligated Airport. An airport that has received Federal funding through the AIP and has agreed to certain conditions pertaining to construction and operation.

(l) FAA. The Federal Aviation Administration.

(m) Imaginary Surfaces, Airports. The imaginary surfaces associated with aircraft operation areas, and airspace

surrounding airports that is used to identify obstructions to aircraft navigation and operation.

(n) Inspector, Airport. An employee of the Aeronautics Bureau charged with the physical inspection of landing areas within the State and enforcement of all rules and regulations of the ALDOT Aeronautics Bureau.

(o) Instrument Approach. An approach to an airport using an electronic aid providing directional guidance.

(p) Landing Area. Any site that has been specifically prepared for the landing of aircraft.

(q) License. Permit for operation of airport, heliport, or any other designated landing area issued by the Alabama Department of Transportation Aeronautics Bureau.

(r) Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation aids with only horizontal guidance to aircraft approaching for landing.

(s) Obstruction. Any penetration of the airport imaginary surfaces described in the Code of Federal Regulations 14 CFR Part 77.

(t) Operations Area, Aircraft. That portion of airport property dedicated to the operation of aircraft on the ground. This area includes the runway, taxiway, apron, and associated imaginary surfaces.

(u) Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing navigation aids that provide horizontal and vertical guidance to aircraft approaching for landing.

(v) Primary Surface. A clear area surrounding a runway with no above-ground objects protruding above the elevation of the nearest point of the runway safety area, except those objects that are necessary for air and ground navigation and provides wingtip protection in the event of an aircraft excursion from the runway. Parked aircraft, agricultural operations, and other non-aeronautical activities are not allowed within the Primary Surface.

(w) Relocated Threshold. A threshold that is located at a point on the runway other than the beginning of the full-strength pavement, where the portion of the runway between the beginning of the full-strength pavement and the relocated threshold cannot be used for the landing or takeoff of aircraft.

(x) Runway Safety Area. A cleared and graded area surrounding a runway that is free of objects, except those objects that need to reside in this area because of function for air and ground navigation, with no potentially hazardous ruts, humps, depressions, or other surface variations.

(y) Runway Threshold. The designated beginning of the runway that is available and suitable for the landing of aircraft.

(z) Usable Runway Width. That portion of the runway containing full strength pavement for paved runways or the portion contained within the boundary markers of turf runways that is constructed to support the weight of aircraft.

(aa) Visual Runway. A runway having no instrument approach procedure and intended solely for the operation of aircraft using visual approach procedures.

Author: William F. Patty, Chief Counsel

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450-9-3-.03

Standard Specifications For Construction Of State Funded Projects.

For the purposes of this chapter the Alabama Department of Transportation's Standard Specifications for Highway Construction is adopted in its entirety. Copies of this publication may be obtained from the office of the Proposals Engineer, State of Alabama Department of Transportation, 1409 Coliseum Boulevard, Montgomery, 36110.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 41-22-9

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450-9-3-.04 Design Standards For Airport Construction.

For the purposes of this chapter the most recent version of the FAA Advisory Circular 150/5300-13, Airport Design, is adopted in its entirety. Copies of this publication are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 41-22-9.

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450-9-3-.05 Code of Federal Regulations 14 CFR Part 77 Adopted by Reference.

For the purposes of this chapter the most recent version of the Code of Federal Regulations, 14 CFR Part 77 Safe, Efficient Use, and Preservation of the Navigable Airspace, is adopted in its entirety. Copies of this publication are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Author: William F. Patty, Chief Counsel

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450-9-3-.06 Landing Area Application Procedures.

(1) Any person desiring to construct a proposed new landing area must first be granted permission to do so from the Aeronautics Bureau. Before the Bureau will consider an application for a proposed new landing area, the applicant must receive a determination of no objection from the FAA. To obtain such a determination, the applicant must complete and submit FAA Form 7480-1 ("Notice of Construction, Alteration and Deactivation of Airports") to the appropriate FAA office. Copies of FAA Form 7480-1 may be obtained from the Bureau or the FAA.

(2) An application to construct a new landing area is initiated by a letter addressed to the Chief of Aeronautics Bureau's address. Upon receipt of such letter, the Bureau will furnish the applicant with a booklet entitled "Registration Procedures for Landing Areas in Alabama". This booklet will contain a "State of Alabama Landing Area Registration Form" that must be completed and returned to the Bureau before any construction of the proposed landing area begins. The "State of Alabama Landing Area Registration Form" will constitute a formal application for the proposed new landing area. The application will not be considered without a determination of no objection issued by the FAA.

(3) A drawing depicting the proposed development, property boundaries, and a location map must be submitted to the Bureau with the completed State of Alabama Landing Area Registration Form. The drawing must show the proposed runway location and orientation on the property. All adjacent property owners by name and address must be included on the drawing. Documentation evidencing that local zoning requirements have been met and approval received from the appropriate government agency must be included with the submittal. In the event that no zoning ordinances exist for the proposed location, a written statement of fact from the appropriate government agency must be submitted.

(4) The Bureau will assign an Airport Inspector to visit the proposed site to determine if an airport can be constructed at the location and, if constructed, will conform to standards set forth in this chapter. The site inspection will take into consideration the amount of land available for construction of the runway and the present use of the land contained in the approach and departure paths, primary surface and runway safety area. Other considerations are the type of activities to be conducted at the airport and what obstructions must be removed. The airport owner must control, by ownership or legal contract with the legal owner, the area of land on which the airport is to be constructed and the land described as the approach and departure path for each runway end. (Ref. 450-9-3-.12 (1))

(5) The Airport Inspector will file a report with the Chief of the Aeronautics Bureau after the site visit and recommend that a site approval certificate be issued or denied. A copy of the report will also be forwarded to the applicant of the airport. A recommendation of denial will be accompanied by an explanation of the circumstances that justify this decision. If there are items that can be corrected to meet the requirements for issuance, these will be included in the explanatory statement of denial. If the Chief issues the certificate for approval of the site all adjacent property owners identified on the application will be mailed a Notice of Intent form.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359.

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450-9-3-.07 Construction Requirements.

(1) Once a site approval certificate is issued by the Chief, the owner must submit detailed construction drawings to the Bureau for approval. The drawings must include a summary of quantities sheet that show the materials to be used and the estimated quantities of these materials. A typical section of the proposed construction of the runway, taxiway, and apron along with a layout plan, to scale, of the runway, taxiway and other appurtenances shall be included with the drawings. For public use airports, the physical layout of the runway, taxiway, apron, and appurtenances must meet the standards set forth in the most recent version of FAA Advisory Circular 150/5300-13, Airport Design for geometry and safety design standards. Once the plans and specifications have been approved, the owner may proceed with the construction of the facility.

(2) Once the airport has been completed, the owner must contact the Bureau for a final inspection for licensing. The Bureau will assign an Airport Inspector to conduct the final inspection. The Inspector will determine if the facility was constructed according to the plans and specifications submitted to the Bureau. The inspection will determine what, if any, items must be addressed to be issued an operating license. A final inspection report will be submitted to the Chief with a recommendation to grant or deny the license. In the case of a recommendation to deny the license, the report will specify what items are to be corrected and the necessary corrective action to be taken. Once the facility meets all construction requirements, the license will be issued.

(3) The materials and construction standards for the proposed construction must meet or exceed the requirements of the most recent version of the Alabama Department of Transportation Standard Specifications for Highway Construction.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, §23-1-357(c), 23-1-359, 41-22-9.

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450-9-3-.08 Waivers.

(1) Waivers pertaining to design or minimum licensing standards may be obtained from the Commission on a case by case basis. When considering a waiver request, the Chief will determine if such a modification will have an adverse effect on the safety of the users of the facility or the future plans of the facility or future plans of the facility.

(2) Requests for waivers will be made by written request to the Chief of the Aeronautics.

(3) The specific waiver request must include a justification for the waiver. The request must be accompanied by a report from a licensed professional engineer if waivers from material, construction standards, or testing requirements are desired.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359.

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450-9-3-.09 License Categories And Requirements.

(1) There are two main categories of airport licenses:

(a) Public Use Airport that is publicly or privately owned which meets minimum standards set forth in this chapter and is open to the general flying public with no restrictions. To be licensed in a public use category, an airport shall meet without exception the minimum standards of effective runway length of 2000 feet. The minimum usable runway width of 60 feet shall be applied to all public use airports.

(b) Private Use Airport that is used primarily by the licensee but available for use by others upon specific invitation of the licensee. To be licensed in a private use category, an airport shall meet without exception the minimum standards of effective runway length of 1800 feet. The minimum usable runway width of 60 feet shall be applied to all private use airports. Invitation of licensee refers to a specific offer and acceptance type of invitation, not an invitation offered to the general public. A holder of a private airport license cannot advertise in a newspaper or other publication that all airplane owners or certain aircraft type owners are

invited to be the licensee's guest at this private airport. An invitation to land on or use the facilities of a private airport must consist of an invitation and a response. Communications between individuals, not a general offer to come to the airport, must exist.

(2) Special Licenses. When other license categories are not applicable, the Bureau may issue special-use or restricted licenses on a case-by-case basis. Types of these licenses are:

(a) Special Event - This type of license is issued for specific events that require a license to meet local zoning ordinances. This license is not intended to establish a regularly used airport and is usually restricted to one type of aircraft with a specific date and time of use at a specified site. The use of this type of license must be coordinated with the Bureau in each instance the site is to be used.

(b) Special Use - This type of license is issued for a specific type of operation and limited to a specific type of aircraft. This type of license is primarily used for aerial application or banner towing operations where a permanent site has been constructed but does not meet the construction requirements of any other type of license. This license is issued to the owner of the property where the landing area is situated or a lessee. This license is restricted to use by the licensee's aircraft only. The pilots of these aircraft are required to be employed by or under direct supervision of the licensee.

(c) Limited Use - This type of license is issued for a specific category of aircraft based on the aircraft approach speed. This is the least restrictive type of license issued. The license is issued for one of two categories:

(I) Category A (Approach speed of less than 30 knots) - To be licensed in this category the airport must meet the minimum requirement of a total runway length of 500 feet. The minimum requirement for the runway width is 50 feet. The Primary Surface width shall be the width of the runway plus an additional 25 feet outside of the runway edge markers.

(II) Category B (Approach speed of less than 50 knots) - To be licensed in this category the airport must meet the minimum requirement of a total runway length of 1000 feet. The minimum requirement for the runway width is 50 feet. The Primary Surface width shall be the runway width plus an additional 25 feet outside of the runway edge markers.

(III) Any airport issued a limited-use license is required to maintain a clear approach slope of 15:1 within the boundaries of the approach and departure path. The approach and departure is centered along the extended runway centerline and begins at the end of the marked runway. The approach and departure path dimensions for this type of license are as follows:

INNER WIDTH	OUTER WIDTH	LENGTH	ACREAGE
100 FEET Minimum	300 FEET Minimum	750 FEET	3.44 ACRES Minimum

(IV) In the event the Bureau determines that an airport owner licensed under Category A or B of this subsection has permitted use of the airport by an aircraft with an approach speed greater than that specified by the type licensed issued, the Bureau will deem the airport owner to be in violation of the provisions for licensing and such license may be subject to revocation.

(3) Change of license category - The change of the category of an issued license is permissible if the landing area meets the minimum requirements for that license category to which the change is requested. The request for a change of category will be made in writing to the Chief of the Aeronautics Bureau.

(4) Exemptions from licensing and inspection requirements -

(a) Airports owned or controlled by the Federal government are not required to be licensed.

(b) Personal-Use airports are not required to be licensed. A Personal-Use airport is a restricted landing area on private property, designated for the sole use of the property owner and his or her immediate family.

(c) FAA Certificated Airports - Airports serving certain air carrier operations that are required to be certificated by the FAA under 14 CFR Part 139, Certification of Airports. The operating license will be renewed annually upon a determination by the FAA to issue an Airport Operating Certificate to airports that comply with safety and emergency response requirements specified in Part 139. These airports are not required to be inspected by Department Inspectors.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359.

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450-9-3-.10 Unlicensed Airfields.

The operation of an airfield without a license is a violation of State law, (Code of Ala. 1975, 23-1-375). When an unauthorized or unlicensed airfield is discovered, the Bureau will ascertain the type of operations and aircraft at the site. The Bureau will notify the owner of the property and request that operations cease at the site until licensing requirements have been met. Continued operation of the airfield without a license may result in a court ordered injunction against the owner requiring cessation of operations at the airfield.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359.

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450-9-3-.11 Operating License Renewal.

(1) The license will be renewed on an annual basis, and yearly inspections will determine if the facility has continued to meet licensing requirements. The owner is responsible for maintaining the facility in a safe condition complying with all standards set forth in this Administrative Code.

(2) The airport owner will be provided written notifications - of any violations of the minimum safety requirements set forth in this chapter that are discovered during an annual inspection. The noted violations may result in the suspension of the operating license if the Inspector determines that the nature of the violation(s) may pose a substantial threat to the safety of aircraft operating to, from, or on the airport. Failure to correct these noted violations could result in a Mandatory Closure Notice being issued to the airport. Once the Bureau has been notified that the necessary corrective action has been taken to eliminate these violations, the license will be reissued upon verification the minimum safety requirements have been met.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359, 23-1-372

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450-9-3-.12 Minimum Requirements For Operating License Renewal.

(1) Approach And Departure Paths

All airports are required to maintain approach and departure paths which are free of obstructions for the safe operation of aircraft during landings and take-offs. The approach and departure paths for public and private-use airports are defined as follows:

(a) For all hard surface runways, the approach and departure path will begin 200 feet from the runway end (runway threshold). See section 450-9-3-.12(1)(f) for displaced thresholds.

(b) For all turf or sod runways, the approach and departure path begins at the marked threshold for that runway.

(c) The approach and departure path for all runways is centered along the extended runway centerline and extends for 1000 feet.

(d) Dimensions of approach and departure paths:

APPROACH TYPE	INNER WIDTH	OUTER WIDTH	LENGTH	ACERAGE
VISUAL	250 FEET	450 FEET	1000 FEET	8.04 ACRES

(e) The approach and departure path for all public or private-use runways will slope up at a ratio of 20:1.

(f) All penetrations of the approach and departure paths, whether natural or man made, constitute an obstruction to navigation and must be removed. If the obstruction is not removed the threshold must be placed at a point on the runway that will provide a clear and unobstructed flight path by displacing or relocating the threshold of the runway. The approach path will begin from the point of displacement on runways with a displaced threshold, which will shorten available runway length for landings to that runway end.

(g) No later than January 1, 2005, the land area beneath the approach and departure path controlled by the airport owner. chapter. This is accomplished by ownership of the property in fee simple or by written perpetual agreement with the owner of the land. The use of the land must be restricted to activities that are compatible with the approach and departure of aircraft using the airport. After January 1, 2005, no license will be issued for any publicly owned airport that does not own, or control by legal contract, the area of land beneath the boundaries of the approach and departure path that is required for that particular site.

(h) Dimensions of Approach and Departure Paths for Private Use Airports:

Inner Width: Is the width of the runway's Primary Surface.
Outer Width: Expands out to a width 200 feet greater than the width of the Primary Surface (Inner Width).
Length: 1000 feet.

(i) Federally Obligated Airports licensed in Public-Use Category should conform to the requirements set forth by their federal grant assurances established by the FAA.

(2) Primary Surface

(a) The primary surface is an imaginary surface that surrounds the marked runway. The primary surface is centered along the runway centerline and extends 200 feet past the end of the marked runway for hard surfaced runways and ends at the marked threshold of sod or turf runways. The primary surface is required to be free of all obstructions. Obstructions include objects of natural growth, or man-made objects. The only allowable objects are runway lights, guidance signs, or navigation equipment that by function is required to be within the primary surface boundaries and are frangible.

(b) The required width of the Primary Surface for all Public Use airports shall be 250 feet.

(c) The required width of the Primary Surface for all Private Use airports shall be the runway width plus an additional 30 feet outside of the runway edges along each runway side.

(3) Runway Safety Area

All public use airports are required to maintain a runway safety area. This area is a minimum of 120 feet wide, centered on the runway centerline, and extends for a distance of 200 feet past the runway end. If a public use airport has a runway width greater than 100 feet, then the minimum width of the runway safety area shall extend for 10 feet outside of the runway edge along each runway side. The area must be compacted and graded smooth with no

ruts, humps, depressions, or other potentially hazardous surface variations. The slope along the longitudinal centerline shall not exceed a rise or fall of three percent in elevation relative to the runway end elevation. The lip from the top of the pavement to the grade adjacent to the runway end will be no greater than three (3) inches. Drainage can be by grading or grated inlet connected to storm sewer. No object greater than three (3) inches above grade shall be located within the runway safety area unless the object is frangible. Private use airports should maintain a runway safety area where practical

(4) Airport Marking.

(a) All runways are required to be marked in a manner that identifies the boundaries of the landing area.

(b) MINIMUM MARKINGS FOR HARD SURFACE RUNWAYS:

1. All markings on hard surface runways must be painted. The painted markings must be maintained in legible condition. The paint used must be latex or water based and not based in a petroleum derivative.

2. All airport markings shall be in accordance with the most recent version of FAA Advisory Circular 150/5340-1 ("Standards for Airport Markings"). Copies of this document are available from the Bureau or the FAA.

(c) MINIMUM MARKINGS FOR TURF OR SOD RUNWAYS:

1. Threshold marking - The runway threshold will be marked by L-shapes on each corner of each threshold. The markers must be of a size and shape that is easily and readily recognized from the air and on the ground. The bases (or mounts) for all markers must be frangible

2. Runway - The outer edges of the runway must be delineated with white markers placed at 200-foot intervals along both sides of the runway. The markers must be of a size and shape that is easily and readily recognized from the air and on the ground. The bases (or mounts) for all markers shall be frangible.

3. Displaced thresholds for turf runways shall be marked by placing three markers on each runway side at the displacement point. These markers will be aligned perpendicular to the runway, placed five (5) feet apart with the inner marker on each side in alignment with the runway edge markers.

(5) Wind Direction Indicators

All airports are required to have an operational wind direction indicator. The wind direction indicator must be installed in a highly visible area to be easily recognized from the air and on the ground. It must be located in an area that is free from obstructions to ensure that true wind direction and approximate wind velocity will be indicated. A windsock is recommended, any other type of indicator will need approval of the Bureau prior to installation. Night operations will require that the indicator be lighted. For airports that have installed a segmented circle, the segmented circle should be maintained in a condition that provides maximum visibility to the pilots in the air.

(6) Airport Lighting

(a) Runway lights are required for all airports that conduct night operations. The location, spacing and lens color shall conform to the most recent version of FAA Advisory Circular 150/5340-30 ("Design and Installation Details for Airport Visual Aids").

(b) All runway, threshold, and taxiway lighting must be maintained in operational condition and shall not be obscured by natural growth such as grass or weeds.

(c) All fixtures shall meet the specifications of the Federal Aviation Administration in regard to overall dimensions, intensity, and lens color as described in the most recent version of FAA Advisory Circular 150/5340-30 ("Design and Installation Details for Airport Visual Aids"). Copies of this publication are available from the Department. This provision should not be interpreted as requiring FAA approval for specific manufacturers or voltage requirements.

(d) Airport Beacon - All airports having runways lighted for night operations should have an operational location beacon. An airport beacon has green/white lens to identify the facility as an airport. The beacon should be located at a site on or near the airport at an elevation that will ensure the beacon is not obstructed by objects of natural growth or manmade structures.

(e) Runway and Taxiway Signs - Airports that install runway and taxiway signs should maintain the signs in operational condition and comply with the standards found in the most recent version of FAA Advisory Circular 150/5345-44 ("Specification for Runway and Taxiway Signs").

(7) Runway, Taxiway and Apron Conditions

(a) Runway and Taxiway Requirements

1. The runway and taxiway surface must be kept smooth and free of any defect or obstruction that could damage aircraft during operations. This requirement includes any depressions or humps in the runway or taxiway that could cause loss of directional control.

2. The lip of paved runways or taxiways must not exceed three (3) inches in elevation from the top of the pavement to the shoulder. The drop should be only enough to allow sufficient drainage and not pose a control problem exiting aircraft.

3. Turf runways must be graded smooth and grassed. The grass must be kept mowed and not allowed to grow to a height of more than twelve (12) inches above the graded surface.

4. The runway and taxiway separation standards are contained in the most recent version of FAA Advisory Circular 150/5300-13 ("Airport Design"). The minimum construction requirements pertaining to material, construction, and testing are contained in the State of Alabama Department of Transportation "Standard Specifications for Highway Construction".

(b) Apron Requirements

1. The aircraft apron (parking ramp) is for the operation and parking of aircraft only.

2. The apron surface should be smooth and free of obstructions or defects that could cause damage to aircraft during operation. The lip of paved aircraft parking aprons must not exceed three (3) inches in elevation from the top of the pavement to the shoulder. The drop should be only enough to allow sufficient drainage and not pose a control problem for aircraft maneuvering on the aircraft parking apron.

3. Standards, recommended practices, design considerations, and requirements related to aircraft parking aprons are contained in the most recent version of FAA Advisory Circular 150/5300-13 ("Airport Design"). The minimum construction requirements pertaining to material, construction, and testing are contained in the State of Alabama Department of Transportation "Standard Specifications for Highway Construction".

(8) FUELING AREA REQUIREMENTS

(a) The following items are required at all fueling areas:

1. Legible and clearly placed sign(s) posted to prohibit open flames or smoking in the fueling area.
2. Grounding cables in good and safe operating condition.
3. A fire extinguisher approved for the purpose of extinguishing petroleum product fires available during all fueling operations and meeting the local Fire Marshal requirements.
4. The hoses for the dispensing of fuel shall not be frayed, cracked, or subjected to any condition that could cause a rupture or leaking of fuel.
5. The storage tanks should have clear and legible labels for fuel type and flow direction.
6. Fuel system should have no fuel leaks.
7. Fuel system emergency shut-off should be clearly marked and available.

(9) TIME LIMIT FOR CORRECTING LICENSE DEFICIENCIES

All licensed airports must correct any license deficiency in order for the airport operating license to be in full effect. Upon notification from the Department of an existing condition that does not meet minimum requirements for licensing the airport owner must correct the noted deficiency within 365 days of the notification. The airport will be deemed to be in noncompliance and operating within a probationary period for the 365-day period. If the noted deficiency cannot be corrected within this time period, the owner must contact the Bureau with a written justification for the delay in correction and a timetable for correction of the noted deficiency. Failure to correct the deficiency within two consecutive yearly license inspections may result in the suspension of the operating license for the airport. Once correction of the deficiency has been made, the airport owner must contact the Bureau for a reinspection to determine compliance with licensing requirements.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359

History: New Rule: Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed February 1, 2000; effective March 7, 2000.

Amended: Published April 30, 2026; effective June 14, 2026.

Ed. Note: Alabama Department of Aeronautics has been moved to the Alabama Department of Transportation pursuant to the Code of Ala. 1975, §23-1-359, Act No. 2000-220, S. 404.

450-9-3-.13 Construction Or Alterations Of An Existing Facility.

Any construction or alteration of an existing airport facility shall require the owner to notify the Alabama Department of Aeronautics and the Federal Aviation Administration. The proper form to be submitted ("Federal Aviation Administration Form 7460-1") is available upon request from Aeronautics Bureau. This notification must be made at least 30 days prior to the proposed construction or alteration on an existing airport. The owner must receive approval of the construction or alteration from the Bureau or the FAA before construction begins.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359

History: New Rule: Filed January 28, 1998; effective March 4, 1998. **Amended:** Published April 30, 2026; effective June 14, 2026.

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450-9-3-.14 Notice of Air Missions (NOTAMS).

(1) The airport owner is required to notify the Bureau or the FAA of any circumstance that affects the safe use of the facility by pilots. The subject of the notification will be any planned or unplanned situation of a temporary or long term nature that poses a potential safety hazard to aircraft operating to, from, or on the airport.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Ala. 1975, §§4-2-33, 4-2-37.

History: New Rule: Filed January 28, 1998; effective March 4, 1998. **Amended:** Published April 30, 2026; effective June 14, 2026.

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450-9-3-.15 Airport Closure Procedures.

(1) Any airport may be closed by the Aeronautics Bureau in one of the following ways:

(a) Mandatory Closure - In consultation with the Airport Inspector conducting the most recent annual airport inspection, the Chief is authorized to issue a written "Mandatory Closure Notice" to any airport owner that fails to maintain the licensed landing area within the minimum safety requirements prescribed by this chapter. All landing areas for which an operating license has been issued must be maintained in a condition that meets or exceeds the minimum safety requirements set forth in this chapter. A "Mandatory Closure Notice" will be issued if it is reasonably determined by the Chief that violation(s) of the minimum safety requirements defined by this chapter may pose a substantial and continuing threat to the safety of aircraft operating to, from or on the subject airport. The written notice will contain a specific description of the safety violations giving cause for the closure and the actions that must be taken by the airport owner to correct each specified violation. Unless otherwise appealed by the airport owner, the mandatory closure of an airport will become effective thirty (30) days after the date of issuance of the "Mandatory Closure Notice".

(b) Emergency Closure - In consultation with the Chief, an Airport Inspector is authorized to issue an "Emergency Closure Notice" when he or she reasonably determines, by an on-site visit, a condition exists that constitutes a substantial and immediate threat to the safety of aircraft operating to, from or an airport. An emergency closure will take effect immediately. Upon a determination that an emergency closure is warranted, the Airport Inspector will, without delay, notify the airport owner of the observed safety violation(s) and will immediately contact the FAA for the issuance of a closure NOTAM. It is the airport owner's responsibility to notify all airport tenants of the closure. Within twenty-four (24) hours of the emergency closure, the Airport Inspector will provide the airport owner with written verification of the closure action. The written verification will contain a specific description of the safety violations giving cause for the emergency closure and the actions that must be taken by the airport owner to correct each specified violation. The emergency closure will be rescinded only when the airport owner has taken the necessary corrective actions and verified by the Bureau.

(c) Voluntary Closure - A voluntary closure is an action initiated by the airport owner. The owner of a licensed airport may initiate procedures to permanently close a landing area by notifying the Bureau in writing of an intent to abandon the site as a landing area. The airport owner's written notification of voluntary closure must set forth the reasons for closure and the proposed date of closure. The written notification should also describe how the airport property will be used in the future. It is the airport owner's responsibility to notify all airport tenants and known airport

users of the intent to close the landing area and to show proof to the Bureau that such notification has occurred. If the Chief concurs with the request for voluntary closure, the Bureau will notify the airport owner in writing that the airport may be temporarily closed pending final approval for permanent closure.

(d) Maintenance/Construction Closure - An airport may be temporarily closed by the airport owner for the purpose of performing maintenance or construction work that may interfere with the safety of aircraft operating to, from or on the airport. It is the responsibility of the airport owner to contact the FAA for the purpose of issuing a NOTAM about the airport closure. The airport owner shall also notify the Bureau in writing about the work to be performed and the anticipated beginning and ending dates of the closure.

(2) An airport that becomes subject to either a mandatory, emergency or voluntary closure that is permanent will be deemed in noncompliance with any written grant agreements that the airport owner has entered into with the department during a period of twenty (20) years prior to the closure action. Airport owners that accept a grant or grant from the Bureau and that fail to comply with the terms of the grant agreements may be required to fully reimburse all monies to the Department that have been accepted by the airport within the preceding twenty (20) years of the closure date. Unless otherwise waived by the Department the amount to be reimbursed for noncompliance with the terms of the grant agreements will be for the total amount of all monies granted by the Department within twenty (20) years of the proposed closure action.

(3) All closed airports must place yellow X's on each runway end in accordance with the most recent version of FAA Advisory Circular 150/5340-1. Turf or sod runways must have all runway markings removed.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359

History: New Rule: Filed January 28, 1998; effective March 4, 1998. **Amended:** Published April 30, 2026; effective June 14, 2026.

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450-9-3-.16 Prohibited Activities.

(1) The use of any portion of the aircraft operations area, or airport property within the boundaries of the imaginary surfaces

of a licensed airport for any purpose other than the operation of aircraft shall be deemed a non-aeronautical activity and is prohibited. These activities include, but are not limited to, the following (in addition to those described in the Code of Ala. 1975, 23-1-385 thru 23-1-389):

(a) Unless authorized by the FAA, Bureau, or the airport owner, use of the runway, taxiway, or apron as a running track for pedestrians. In the event authorization is received to use any portion of a runway, taxiway, or apron for a running track for pedestrians, the airport owner should NOTAM that portion of the airport closed for the duration of the activity.

(b) Use of the runway, taxiway, apron, or any area of airport property for the flying of radio controlled model aircraft for recreational purposes.

(c) The discharge of firearms on airport property except by authorized airport personnel as required varmint or bird control.

(d) The use of the runway, taxiway, or apron by unauthorized vehicles or for racing of vehicles (including motorcycles).

(e) Except during airshows, the use of airport property within the Aircraft Operations Area for the seating, or congregating of pedestrians, or the erection of booths for the distribution of goods, food, or beverages. In coordination with the FAA, the airport owner may approve the closure of a portion of the airport to aircraft operations for these activities.

(f) The erection of signs within the Primary Surface of the runway except guidance signs which provide pilot information that meet the requirements of the most recent version of Federal Aviation Regulations Advisory Circular 150/5345-44 ("Specifications for Taxiway and Runway Signs").

(g) The destruction of any part of the aircraft operations area of an airport without the proper notification as described in this chapter.

(h) The removal or destruction of any airport lighting fixtures, directional signs, or navigation equipment without approval of the airport owner.

(i) The erection of any structure or planting of vegetation that meets the definition of an airport hazard.

(j) The closure of, or limiting of access to, any part of the aircraft operations area for the use of certain groups or individuals. The only exceptions are operations requiring exceptional safety or security as deemed appropriate by the airport owner.

(2) Airports are encouraged to provide and maintain security measures to prevent prohibited activities. Airports are also encouraged to take practical steps to reduce wildlife hazards within the aircraft operations area and the airport's imaginary surfaces.

(3) Airports are encouraged to establish minimum standards to promote safety, orderly airport development, fair competition among airport business operations, and reliable service to the public. Minimum standards also assist airports in meeting federal grant assurances

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359

History: New Rule: Filed January 28, 1998; effective March 4, 1998. **Amended:** Published April 30, 2026; effective June 14, 2026.

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450-9-3-.17 Effective Date (Repealed).

(Repealed)

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Ala. 1975, §§4-2-33, 4-2-37

History: New Rule: Filed January 28, 1998; effective March 4, 1998. **Repealed:** Published April 30, 2026; effective June 14, 2026.

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450-9-3-.18 Administrative Appeal Procedures.

Any person affected by a decision of the Bureau granting or denying an airport operating license, or a mandatory or emergency closure, may request a hearing pursuant to the Alabama Administrative Procedure Act, Section 41-22-12, et seq. within 30 days of the Bureau's decision. The request for a hearing must be made in writing and sent to the Chief of the Aeronautics Bureau at the following address:

Alabama Department of Transportation

Aeronautics Bureau

1409 Coliseum Blvd.

Montgomery, Alabama 36110

The airport will remain closed during the appeal process if its operating license has been denied, or in the event of a mandatory or emergency closure. The airport will remain open during the appeal process if the Bureau has granted an operating license.

Author: William F. Patty, Chief Counsel

Statutory Authority: Code of Alabama 1975, 23-1-357(c), 23-1-359.

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