

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:** ADA

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

**History:** Filed October 1, 1982. **Repealed and New Rule:** Filed January 28, 1998; effective March 4, 1998.

**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-.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, §§4-2-3 and 4-6-2 as may be amended.

(a) ADA. The Alabama Department of Aeronautics.

(b) Airport Hazard. Any structure, object of natural growth, or use of land which obstructs the defined approach and departure paths applicable to that particular airport.

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

(d) Approach and Departure Path. An area of navigable airspace defined by the rules and regulations of the Alabama Aeronautics Commission to ensure safe ingress and egress of aircraft to and from an airport by declaring the underlying land an air navigation hazard area.

(e) 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 the displaced threshold can be used for takeoff or rollout of aircraft.

(f) FAA. The Federal Aviation Administration.

(g) 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.

(h) Inspector, Airport. A merit system employee of the ADA charged with the physical inspection of landing areas within the State and enforcement of all rules and regulations of the Commission.

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

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

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

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

(m) Obstruction. Any penetration of the airport imaginary surfaces described in Federal Aviation Regulations Part 77.23 or 77.25, as may be amended.

(n) 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.

(o) 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.

(p) 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.

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

(r) Usable Runway Width. That portion of the runway within marked boundaries that is smooth, level, and designed to support the weight of aircraft.

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

**Author:** ADA

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

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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, Alabama 36130 at a cost of \$11.00 per copy.

**Author:** ADA

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

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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 Federal Aviation Administration's 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:** ADA

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

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**450-9-3-.05      Federal Aviation Regulations Part 77 Adopted By Reference.**

For the purposes of this chapter the most recent version of the Federal Aviation Regulation, Part 77 Objects Affecting 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:** ADA

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

**History:** **New Rule:** Filed January 28, 1998; effective March 4, 1998.

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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 Department. Before the Department 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 Landing Area Proposal") to the appropriate FAA office. Copies of FAA Form 7480-1 may be obtained from the Department.

(2) An application to construct a new landing area is initiated by a letter addressed to the Director of Aeronautics at the Department's address. Upon receipt of such letter, the Department will furnish the applicant with a booklet entitled "Registration Procedures for Landing Areas in Alabama". This booklet will contain a "State Registration Form" that must be completed and returned to the Department before any construction of the proposed landing area begins. The "State 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 Department with the completed State 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 Department will assign an Airport Inspector to visit the proposed site to determine if an airport can be constructed at the location and, that 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. Other considerations are the type of activities to be conducted at the airport and what obstructions must be removed. After the effective date of this chapter, all proposed public use airports 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 Inspector will file a report with the Director 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 by registered mail. 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 Director issues the certificate for approval of the site all adjacent property owners identified on the application will be mailed a Notice of Intent form. The property owners, or any person, affected by a decision of the Director granting or denying the permit has thirty (30) days to file an appeal with the Department for reconsideration. The appeal must be in writing and received at the offices of the Department within thirty (30) days of the Director's decision. A request for a public hearing must be made within fifteen (15) days of the order granting or denying the site approval. If a hearing on the matter becomes necessary, the Director will initiate such a hearing in accordance with applicable state law.

**Author:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

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#### 450-9-3-.07

#### Construction Requirements.

(1) Once a site approval certificate is issued by the Department, the owner must submit detailed construction drawings to the Department 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 of the runway, taxiway, and other appurtenances shall be included with the drawings. The layout plan must be to scale. 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 length, width and restriction lines. 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 Department for a final inspection for licensing. The Department will assign an Inspector to conduct the final inspection. The Inspector will determine if the facility was constructed according to the plans and specifications submitted to the Department. 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 Director and Commission Chairman 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:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

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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 Commission 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.

(2) Requests for waivers will be made by written request to the Commission. The request will be recommended by the Director as an agenda item at the next regularly scheduled meeting of the Commission.

(3) The waiver request must be specific. The 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, constructions standards or testing requirements are desired.

**Author:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

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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 a total runway length of 2000 feet and a primary surface width of 250 feet. The minimum usable runway width of 60 feet shall be applied to hard surface runways and a minimum usable runway width of 60 feet shall be applied to turf or sod runways.

(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 a total runway length of 1800 feet. The minimum usable runway width of 60 feet shall be applied for hard surface runways and a minimum usable runway width of 60 feet shall be applied to turf or sod runways. The primary surface width for private use airports shall extend 30 feet from the sides of the marked runway, which will result in a minimum primary surface width of 120 feet. 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 Department may issue special-use or restricted licenses on a case-by-case basis. Types of these licenses are:

(a) Special Event - This type 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 Department 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 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 issued 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 and a primary surface width of 100 feet. The minimum requirement for the runway width is 50 feet.

(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 and a primary surface width of 100 feet. The minimum requirement for the runway width is 50 feet.

(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 path shall be centered along the extended runway centerline and will begin at the end of the marked runway. The approach and departure path dimensions for this type of license are as follows:

<b>INNER WIDTH</b>	<b>OUTER WIDTH</b>	<b>LENGTH</b>	<b>ACREAGE</b>
<b>100 FEET</b>	<b>300 FEET</b>	<b>750 FEET</b>	<b>3.44 ACRES</b>

(IV) In the event the Department 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 Department will deem the airport owner to be in violation of his or her license 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 Director of Aeronautics at the department's address.

(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 - Any airport meeting the requirements of the FAA Certification Program that are inspected by FAA Certification Inspectors are not required to be inspected by Department Inspectors. The operating license will be renewed annually upon a determination by the FAA that the facility is in compliance with FAA requirements.

**Author:** ADA

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**450-9-3-.10      Unlicensed Airfields.**

The operation of an airfield without a license, or with a license that is not in full effect, is a violation of State law (Code of Ala. 1975, 4-2-73). When an unauthorized or unlicensed airfield is discovered the Department will ascertain the type of operations and aircraft at the site. The Department will notify the owner of the property and request that operations cease at the site until licensing requirements have been met. If the property owner does not comply with this request immediately, the Department may petition a court of competent jurisdiction seeking an injunction ordering that all operations at the airfield be ceased until such time that the airport is in full compliance with the requirements of this chapter and that a license has been issued.

**Author:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

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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. The runway, taxiway, and parking areas for aircraft must be kept free of any object or defect that would cause damage to an airplane during normal operation. Runway and taxiway lights must be kept in working order. Runway markings must be maintained. Approach and departure paths must be maintained to prevent airport hazards from violating the required clearance slopes.

(2) The airport owner will be notified by letter 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 the revocation of the operating license. Once the Department has been notified that the necessary corrective action has been taken to eliminate these violations, the license will be reissued in full effect.

**Author:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

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

(1) Approach And Departure Paths For Public And Private-Use Airports. 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).

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

(c) The approach and departure path for all public-use and private-use airport runways will be centered along the extended runway centerline and extend for 1000 feet beyond the primary surface. Curved or "dog-legged" approaches with a total deflection of no more than fifteen degrees from runway centerline at a point 1,200 feet from the runway end are acceptable.

(d) Repealed

(e) Dimensions of approach and departure paths for private and public use airports:

<b>APPROACH TYPE</b>	<b>INNER WIDTH</b>	<b>OUTER WIDTH</b>	<b>LENGTH</b>	<b>ACERAGE</b>
VISUAL	250 FEET	450 FEET	1000 FEET	8.04 ACRES

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

(g) 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. This will be accomplished by displacing or relocating the threshold of the runway. The approach slope 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.

(h) No later than January 1, 2005, the land area beneath the approach and departure path for all publicly owned runways must be controlled by the airport owner. Ownership of the property may be accomplished by purchase in fee simple or by written perpetual agreement with the owner of the land. Use of the land must be restricted to activities and uses 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. Prior to January 1, 2005, this requirement must be met by any licensed publicly owned airport which extends an existing runway. Any runway extension that would place the approach and departure path over land not controlled or owned by the airport must relocate the runway end to meet the requirements of this chapter.

(i) Dimensions of approach and departure paths for private use airports: The approach and departure path for all private use airports shall meet the following requirements:

Inner Width: Shall conform to the width of the Primary Surface.

Outer Width: Shall be calculated based upon a flare ratio of 10:1.

Length: 1000 feet.

(2) Primary Surface. 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 width of the primary surface will conform to the width of the approach and departure path for that particular runway. The primary surface is required to be free of all obstructions. Obstructions include objects of natural growth, man made objects, or ditches. The only allowable objects are runway lights, guidance signs, or navigation equipment that by function is required to be within the primary surface boundaries.

(3) Runway Safety Area. All runways licensed as public-use are required to maintain an obstruction free area adjacent to each runway end. All runways licensed as private-use are recommended to maintain an obstruction free area adjacent to each runway end. This area is 120 feet wide, centered on the runway centerline, and extends for a distance of 200 feet past the runway end. 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 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.

(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 an petroleum derivative.

2. Visual Runway - Runway centerline and runway identifiers.

3. Nonprecision Runway - Runway centerline, runway identifier, and threshold marking.

4. Precision Runway - Runway centerline, runway identifier, threshold marking, fixed distance marking, touchdown zone marking, side stripes, and holding position markings (for taxiway/runway intersections and ILS critical areas).

5. All markings on the runway are white. All markings on the taxiway are yellow. The size, shape and placement of the markings will be in accordance with the most recent Federal Aviation Regulations Advisory Circular 150/5340 ("Marking of Paved Areas on Airports"). Copies of this document are available from the Department.

6. The following minimum markings are required for turf or sod runways:

(i) Threshold marking - The runway threshold will be marked by L-shapes on each corner of each threshold.

(ii) Runway - The outer edges of the runway must be delineated with 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. These boundary markers shall be white in color. The bases (or mounts) for all markers shall be frangible.

(iii) 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 that will 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 Department prior to installation. Night operations will require that the indicator be lighted.

(6) Airport Lighting. Runway lights are required for all airports that conduct night operations.

(i) Minimum Lighting Requirements

(I) Location and spacing - The location and spacing of runway, threshold, and taxiway lights shall conform to the most recent version of Federal Aviation Administration Advisory Circular 150/5340-24 ("Runway and Taxiway Lighting System"). Copies of this publication are available from the Department.

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

(III) All fixtures shall meet the specifications of the Federal Aviation Administration in regards to overall dimensions, intensity and lens color as described in the most recent version of Federal Aviation Administration Advisory Circular 150/5340-24 ("Runway and Taxiway Lighting System"). Copies of this publication are available from the Department. This provision is not to be interpreted as requiring Federal Aviation Administration approval for specific manufacturers or voltage requirements.

(IV) Airport Beacons. All airports having runways lighted for night operations shall be required to have an operational location beacon. The beacon will have green/white lens to identify the facility as an airport. The beacon shall 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.

(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.

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 on the marked runway

4. The physical requirements of length and width are contained in Section 450-9-3-.09 of this chapter and in Federal Aviation Regulations 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.

3. The physical requirements of length and width are contained in Federal Aviation Regulations 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. Sign(s) posted to prohibit open flames or smoking in fueling area.

2. Grounding cables.

3. A fire extinguisher approved for the purpose of extinguishing petroleum product fires available during all fueling operations.

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.

(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 360 days of the notification. The airport will be deemed to be in noncompliance and operating within a probationary period for the 360 day period. If the noted deficiency cannot be corrected within this time period, the owner must contact the Department 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 revocation of the operating license for the airport. Once correction of the deficiency has been made, the airport owner must contact the Department for a reinspection to determine compliance with licensing requirements.

**Author:** ADA

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

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

**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 or the Federal Aviation Administration. The proper form to be submitted ("Federal Aviation Administration Form 7460-1") is available upon request from the Alabama Department of Aeronautics. This notification must be made at least 30 days prior to the proposed construction or alteration. The owner must receive approval of the construction or alteration from the Department or the FAA before construction begins. Airport owners are not required to notify the Department of construction or alteration projects that are being funded in part under the FAA Airport Improvement Program.

(2) Typical types of construction or alteration that require FAA or ADA notification include, but are not limited to, the following:

- (a) Runway extensions
- (b) Taxiway extension or construction
- (c) Hangar construction
- (d) Construction of any type on, or in the vicinity of an airport that meets the requirements for notification as described in Federal Aviation Regulations Part 77.13.

**Author:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

**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-.14      Notice To Airmen (NOTAMS).**

(1) The airport owner is required to notify the Department 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. The FAA notification will be accomplished by contacting the proper Flight Service Station. The ADA notification will be accomplished by contacting the offices of the Alabama Department of Aeronautics.

(2) An airport owner, the owner's designee, a representative of the FAA, the Director of ADA, or an Airport Inspector are the only persons authorized to issue NOTAMS. An Inspector will issue NOTAMS at any airport where a safety problem is noted during an inspection by contacting the proper Flight Service Station. NOTAMS issued at the direction of an Airport Inspector will be coordinated with the airport owner. The NOTAM can be lifted by the airport owner after corrective action has been taken.

**Author:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

**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-.15      Airport Closure Procedures.**

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

(a) Mandatory Closure - In consultation with the Airport Inspector conducting the most recent annual airport inspection, the Director 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

Director 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 Director, 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 on a licensed 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 will be 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 corrective actions have been taken by the airport owner and verified by the Department.

(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 Department 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 must 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 Department that such notification has occurred. If the Director concurs with the request for voluntary closure, the Department will notify the airport owner in writing that the airport may be temporarily closed pending final approval for permanent closure by the Commission .

(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 Department in writing about the work to be performed and anticipated beginning and ending dates of the closure.

(2) An airport owner may appeal a mandatory or emergency closure by submitting a written request to the Department within thirty (30) days of the date of the closure action. The written appeal must include justification for the airport to remain open and a detailed description of the actions that will be taken by the airport owner to correct the safety violations giving cause for the closure. The appeal will be submitted to the Commission for its consideration at the meeting next scheduled after the closure action. The airport will remain closed during the duration of the appeal to the Commission.

(3) 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 grants from the Commission 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 a unanimous vote of the Commission members present at a duly called meeting, 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 Commission within twenty (20) years of the proposed closure action.

(4) All closed airports must place yellow X's on each runway end. Turf or sod runways must have all runway markings removed.

**Author:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

**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-.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, 4-2-6 through 4-2-11):

(a) Unless authorized by the FAA, ADA, or the airport owner, use of the runway, taxiway, or aircraft parking apron as a temporary running track for pedestrians. In the event that any portion of a runway, taxiway, or aircraft parking apron is used for such purpose, the airport owner shall 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 unless the airport has been NOTAMed closed and all requirements of the ADA or the FAA have been met.

(c) The discharge of firearms on airport property except by authorized airport personnel or other authorized law enforcement personnel.

The use of the runway 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 close a portion of the airport to aircraft operations for airshow 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 a licensed 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 of a public-use airport for the use of certain groups or individuals. The only exceptions being operations requiring exceptional safety or security as deemed appropriate by the airport owner.

**Author:** ADA

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

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**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-.17      Effective Date.**

This chapter shall become effective 30 days from the date of approval of the Alabama Aeronautics Commission. All airports now licensed or licensed after this date shall be required to comply with the provisions of this chapter.

**Author:** ADA

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

**History: New Rule:** Filed January 28, 1998; effective March 4, 1998.

**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.