

CHAPTER 8800
DEPARTMENT OF TRANSPORTATION
INTERMODAL PROGRAMS DIVISION
AERONAUTICS

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8800.0100 DEFINITIONS.

Subpart 1. **Aeronautics instructor.** "Aeronautics instructor" means any individual engaged in giving instruction or offering to give instruction in aeronautics either in flying or ground subjects, or both, for hire or compensation, without advertising such occupation, without calling facilities "air school" or anything equivalent thereto, and without employing or using other instructors and without operating an aircraft for compensation or hire for the purpose of flight instruction.

Subp. 2. **Air carrier operating certificate.** "Air carrier operating certificate" means a certificate issued by the Federal Aviation Administration that entitles the holder to conduct charter operations according to the operating specifications in the certificate.

Subp. 3. **Airport.** "Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

Subp. 4. **Airport elevation.** "Airport elevation" means the established elevation of the highest point on the usable landing area measured in feet above mean sea level.

Subp. 5. **Airport hazard.** "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

Subp. 6. **Balloon.** "Balloon" means a lighter-than-air aircraft that is not engine driven.

Subp. 7. **CAB.** "CAB (Civil Aeronautics Board)" means the agency of the federal government that has regulatory authority over scheduled, supplemental, and charter air carriers providing air transportation.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 9. **Dwelling.** "Dwelling" means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

Subp. 10. **Edge marker.** "Edge marker" means an object or device clearly visible from traffic pattern altitude under normal conditions during daylight hours, which is used to outline the perimeter of a landing area.

Subp. 11. **FAA.** The capital letters "FAA" shall mean the Federal Aviation Administration of the United States.

Subp. 12. **Flight instructor.** "Flight instructor" means a pilot who possesses a valid flight instructor certificate as issued by the FAA.

Subp. 13. **Glider.** "Glider" means a heavier-than-air aircraft that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

Subp. 14. **Gradient.** "Gradient" means the angular degree, from horizontal, of an ascending or descending uniformly smooth slope. With regard to runways, transverse gradient refers to the degree of slope across the width of the runway, and longitudinal gradient refers to the degree of slope along the length of the runway.

Subp. 15. **Height.** "Height": for the purpose of determining the height limits set forth in these rules, the datum shall be mean sea level elevation as determined by U.S. Geological Survey.

Subp. 16. **Helicopter.** "Helicopter" means a rotorcraft, that for its horizontal motion, depends principally on its engine-driven rotors.

Subp. 17. **IFR.** "IFR" means the symbol used to designate instrument flight rules.

Subp. 18. **Letter of authority.** "Letter of authority" shall be included in the term "license" as used herein.

Subp. 19. **Night.** "Night" means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time.

Subp. 20. **Nonprecision instrument runway.** "Nonprecision instrument runway" means a runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities planned or indicated on an approved planning document.

Subp. 21. **Passenger.** "Passenger" means an occupant of an aircraft who is not assigned to perform duty necessary for operating the aircraft.

Subp. 22. **Person.** The term "person" when used herein shall include an individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Subp. 23. **Planned.** "Planned," as used in these rules, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the commissioner.

Subp. 24. **Precision instrument runway.** "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR); also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

Subp. 25. **Rotorcraft.** "Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

Subp. 26. **Runway.** "Runway" means any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and taking off of aircraft.

Subp. 27. **Slope.** "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

Subp. 28. **Structure.** "Structure" means an object constructed or installed by people, including, but without limitations, buildings, towers, smokestacks, earth formations, and overhead transmission lines.

Subp. 29. **Sunset and sunrise.** "Sunset" and "sunrise" mean the mean solar times of sunset and sunrise as published in the American Air Almanac, converted to local time.

Subp. 30. **Traffic pattern.** "Traffic pattern" means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport.

Subp. 31. **Traverse ways.** "Traverse ways" means roads, railroads, trails, waterways, or any other avenue of surface transportation.

Subp. 32. **Tree.** "Tree" means any object of natural growth.

Subp. 33. **Utility runway.** "Utility runway" means a runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less.

Subp. 34. **VFR.** "VFR" is the symbol used to designate visual flight rules.

Subp. 35. **Visual runway.** "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

Subp. 36. **Water surfaces.** For the purpose of these rules, water surfaces shall have the same meaning as land.

Statutory Authority: *MS s 360.015 subd 3*

History: *17 SR 1279*

8800.0300 CONTESTED CASE HEARINGS.

Hearings in contested cases shall be in conformance with Minnesota Statutes, chapters 14 and 360 and in conformance with the rules for contested cases then in effect as promulgated by the Office of Administrative Hearings of the state of Minnesota.

This part does not include hearings in rulemaking and is supplementary to statutory provisions concerning the subject of contested cases.

Statutory Authority: *MS s 14.06*

8800.0400 TAXATION OF CONVERTED MILITARY AIRCRAFT.

When a military aircraft is purchased for civilian use and enters the state of Minnesota, it will be given a base value for taxation purposes according to its age, condition, weight, and performance characteristics.

Statutory Authority: *MS s 360.531*

AIR NAVIGATION OBSTRUCTIONS

8800.1100 REGULATION OF STRUCTURE HEIGHTS.

When a permit is required under Minnesota Statutes, sections 360.81 to 360.91, and amendments made subsequent hereto, application shall be made to the commissioner on a form furnished by the commissioner. The commissioner shall make such investigation as may be necessary.

Any person interested in the granting or denial of a permit may intervene in the matter of the application. A person desiring intervention shall notify the commissioner. Such notification shall be in writing.

Before issuing or denying a permit, the commissioner may request an informal appearance of the applicant or any person who has intervened in the matter of the application.

All hearings, notices, orders, and other procedural rules, regarding this subject shall be in accordance with Minnesota Statutes, chapters 14 and 360, and any other applicable law.

Statutory Authority: *MS s 360.90*

History: *17 SR 1279*

8800.1200 CRITERIA FOR DETERMINING AIR NAVIGATION OBSTRUCTIONS.

Subpart 1. **Application.** An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the heights or surfaces established herein.

Subp. 2. **Traverse ways.** Except for traverse ways whose activities are coordinated with adjacent controlled airports, the standards of this part apply only after the heights of traverse ways are increased by: 17 feet for interstate highways; 15 feet for all other public roadways;

ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

Subp. 3. Notification. Any sponsor who proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site, or any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100:1 from the nearest point of the nearest runway of a public airport shall notify the commissioner at least 30 days in advance.

Subp. 4. General obstructions. The following objects will be considered general obstructions to air navigation:

A. objects extending more than 500 feet above ground level at the site of the object;

B. objects more than 200 feet above the ground or more than 200 feet above the established airport elevation, whichever gives the higher elevation, within three nautical miles of the nearest runway of an airport, and increasing in height in the proportion of 100 feet for each additional nautical mile of distance from the airport but not exceeding a maximum of 500 feet above ground;

C. objects which would increase the minimum obstruction clearance altitude of a federal airway or approved off-airway route;

D. objects whose elevation will increase a precision or nonprecision instrument approach flight altitude minimum or flight visibility minimum.

Subp. 5. Obstructions to public airports. An object will be considered an obstruction to a public airport (excluding heliports) if it is of greater height than any of the following airport imaginary surfaces:

A. **Primary surface:** an imaginary surface longitudinally centered on a runway and extending 200 feet beyond each end of a runway with a specially prepared hard surface or planned hard surface, or coinciding with each end of other runways.

The width of the primary surface is 250 feet for visual utility runways, or 500 feet for nonprecision instrument runways and for visual runways other than utility, or 1,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

B. **Horizontal surface:** an imaginary horizontal surface with its height 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is: 10,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile; or 6,000 feet for all other runways.

When a 6,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 6,000-foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

C. **Conical surface:** an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

D. **Approach surface:** An imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface.

The approach surface inclines upward and outward at a slope of: 20:1 for a horizontal distance of 10,000 feet for visual utility runways, or 40:1 for a horizontal distance of 10,000 feet for nonprecision instrument runways and for all visual runways other than utility.

The approach surface expands uniformly to a width of 2,250 feet for other visual utility runways (10:1 flare ratio), or 2,500 feet for visual runways other than utility (10:1 flare ratio), or 3,500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile (20:3 flare ratio), or 4,000 feet for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile (20:3 flare ratio).

E. Precision instrument approach surface: an imaginary surface longitudinally centered on the extended centerline at the end of a precision instrument runway. The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward for a horizontal distance of 10,000 feet at a slope of 50:1, expanding uniformly to a width of 4,000 feet, then continues upward and outward for an additional horizontal distance of 40,000 feet at a slope of 40:1, expanding uniformly to an ultimate width of 16,000 feet.

F. Transitional surface: an imaginary surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surface for those portions of the instrument approach surface which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the sides of the approach surface and at right angles to the extended instrument runway centerline.

Subp. 6. **Obstructions to public heliports.** An object will be considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces:

A. Heliport primary surface: the primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

B. Heliport approach surface: the heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

C. Heliport transitional surface: the heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subp. 7. **Obstruction marking and lighting.** The standards for marking and lighting structures are contained in FAA Advisory Circular 70/7460-1D, Obstruction Marking and Lighting, and any subsequent changes, except that spherical markers shall be a diameter of not less than 30 inches, and except that the colors of the markers shall be aviation orange, white, and chrome yellow, and be installed in that sequence.

Subp. 8. **References.** See Minnesota Statutes, sections 360.061 et seq. and 360.081 et seq. for airport zoning statutes and for rules of structure height.

Statutory Authority: *MS s 360.015 subd 3*

AIRPORTS

8800.1300 DEFINITIONS.

Subpart 1. **Airport.** The term "airport" as used herein shall also include seaplane bases, heliports, and all other designated areas.

Subp. 2. **Personal-use airport.** A "personal-use airport" shall mean any landing area on land or water from which aircraft are, or will be, regularly based or operated.

Subp. 3. **Private airport.** A "private airport" is a restricted airport. The persons who may use the airport are determined by the owner of the airport.

Subp. 4. **Private heliport.** A "private heliport" is a restricted heliport. The persons who may use this heliport are determined by its owner.

Subp. 5. **Private seaplane base.** A "private seaplane base" is a restricted seaplane base. The persons who may use this seaplane base are determined by its owner.

Subp. 6. **Public airport.** A "public airport" is any airport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control.

Subp. 7. **Public heliport.** A "public heliport" is any heliport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control.

Subp. 8. **Public seaplane base.** A "public seaplane base" shall mean any seaplane base, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the operator or the person having right of access and control.

Subp. 9. **Unlicensed landing area.** An "unlicensed landing area" shall mean any area of land or water, other than a licensed airport which is used or is made available for the landing and takeoff of aircraft for the purpose and in the manner described herein.

Statutory Authority: *MS s 360.015 subd 3*

8800.1400 GENERAL AIRPORT LICENSING PROVISIONS.

Subpart 1. **Approval; exemption.** Every airport before operating as such shall be approved and licensed by the commissioner. Airports owned or operated by public corporations formed pursuant to the Metropolitan Airports Commission Act need not be licensed.

Subp. 2. **Application and fee.** Application for license shall be made on forms supplied by the commissioner and accompanied by the appropriate fee and renewed annually.

Type of License	Fee
Public Airport (privately or publicly owned)	\$15
Private Airport (restricted use)	\$15
Personal-use Airport	None

Subp. 3. **Inspection.** The applicant for any license shall offer full cooperation in respect to any inspection which may be made of the airport premises upon proper demand at reasonable hours by any authorized representative of the commissioner, prior to or subsequent to the issuance of a license.

Subp. 4. **Ownership.** The applicant shall show right of access to and control of the land, or right of access to the water area to be licensed, as owner, co-owner, tenant, or by any other right of entry.

Subp. 5. **Agency approvals.** No airport shall be licensed unless the applicant meets the requirements of other federal or state government agencies or their political subdivisions.

Subp. 6. **License display.** The license issued under this part shall be posted in a prominent place at the airport.

Subp. 7. **Nontransferability.** Licenses shall not be transferable.

Subp. 8. **Restricted operation.** A letter of authority granting temporary or restricted operation may be issued pending full compliance with the provisions of these rules and shall have an expiration date.

Subp. 9. **Change of operational status.** The licensee shall immediately notify the commissioner of any proposed construction, alteration, or change in the operational status of the airport. The licensee is also responsible for properly notifying the Federal Aviation Administration of such alterations or changes.

Subp. 10. **Danger area or closed airport.** Any part of the landing strip or runway which has become temporarily unsafe, or for any reason is not available for use, shall be marked by suitable warning flags and/or flares which shall clearly show the boundaries of the danger area. Upon the closing, abandonment, or cessation of any airport the licensee shall immediately notify the commissioner, return the current license, and mark the landing area in a manner that clearly indicates that the airport is closed to air traffic. All markings indicating a usable runway must be obliterated. An "X" must be placed at a central location, the minimum size to be 3 feet by 30 feet, and of contrasting colors to the surrounding surface where the "X" is placed. In the event that the licensee fails to do the above, then and in such case, and without excusing the licensee, the commissioner may go upon the premises and remove the markings that indicate a usable runway and may also mark the airport as indicated above.

Statutory Authority: *MS s 360.015 subd 3; 360.018 subd 1*

History: *17 SR 1279*

8800.1500 WAIVER OF REQUIREMENTS; LICENSE DENIAL.

In any case where it is determined that the public interest and safety will not be adversely affected, the commissioner may waive any of the requirements stated in parts 8800.1200 to

8800.2400 subject to such conditions or limitations as may be necessary. Conversely, where it is determined that the public interest and safety will be adversely affected, the commissioner may deny the issuance of a license, despite compliance with rules herein.

Statutory Authority: *MS s 360.015 subd 3*

8800.1600 PUBLIC AIRPORT LICENSING.

Subpart 1. **Application.** The requirements of this part do not apply to the licensing of public seaplane bases or public heliports. Specific requirements for the licensing of a public seaplane base are found in part 8800.1700. Specific requirements for the licensing of a public heliport are found in part 8800.1800.

Subp. 2. **Minimum requirements.** A public airport shall be granted a license when it has shown that it has met the general provisions of parts 8800.1400 and 8800.1500 and the following minimum requirements.

Subp. 3. **Size.** At least one runway with a minimum usable length of 2,500 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in part 8800.1200 that are or may create an airport hazard.

Subp. 4. **Surface.** The landing surface shall be smooth and free from hazards or obstructions. The longitudinal gradient on any part of the landing area shall not exceed two percent. The transverse gradient shall not exceed three percent.

In addition, runway grade changes shall be such that any two points five feet above the runway centerline will be mutually visible for the entire runway length.

Subp. 5. **Obstructions.** The minimum obstruction clearance requires that no structure, tree, or mobile object which creates a hazard, other than those necessary and incidental to airport operation, shall penetrate the imaginary airspace surfaces described in part 8800.1200, subpart 5, items A, D, and E. The standards of this part shall also apply to traverse ways only after their heights have been increased as described in part 8800.1200, subpart 2.

Subp. 6. **Edge markers.** Turf runways shall be outlined with effective edge markers and end markers which shall be constructed of a durable material and installed in such a manner so as to be clearly visible from traffic pattern altitude.

Subp. 7. **Buildings.** Buildings and structures on a public airport shall not be closer than 250 feet to the centerline of the runway. For height limitations see part 8800.1200, subpart 5.

Subp. 8. **Wind indicator.** All public airports shall be equipped with a wind sock, 3 feet by 12 feet, blaze orange in color, which must be operable and clearly visible from the pattern altitude when within one mile of the airport during daylight hours. If the airport is lighted for night operations, the wind indicator must also be lighted.

Subp. 9. **Fencing.** Such adequate fencing or barriers shall be constructed as will prevent all persons not engaged in flight activities from having access to a position of danger with relation to aircraft in the vicinity of building areas and on the flight line.

Subp. 10. **Lighting.** If the airport is lighted for night operations and is advertised as lighted for night operations, the lights shall be kept on from dusk to dawn. Any object in the approach zone of a lighted visual utility runway that extends above a slope of 30:1 shall be marked and lighted in accordance with the standards for obstruction marking and lighting where requested by the commissioner in the interest of safety.

Subp. 11. **Tiedowns.** Facilities must be furnished for at least three more aircraft than regularly use the facilities. The tiedowns are to be marked and maintained so as to be readily located.

Subp. 12. **Toilets.** A sanitary public toilet facility shall be provided at all public airports, except where it can be demonstrated that it is impracticable to install such a facility. An enclosed portable chemical toilet, properly maintained and serviced, shall be acceptable.

Subp. 13. **Aviation fuel.** All aviation fuel dispensed on any airport shall be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

Subp. 14. **Fire extinguishers.** At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed. It must be a minimum of 20 B. rating or equivalent.

Subp. 15. **Telephone.** When feasible, a telephone shall be made available for public use. Telephone numbers for the appropriate flight service station, for emergency assistance, and for aircraft servicing shall be prominently posted.

Subp. 16. **Bulletin board.** A weather-protected bulletin board shall be prominently located on the airport. Posted thereon shall be the airport license, safety and traffic rules, and an area map showing danger or restricted areas.

Statutory Authority: *MS s 360.015 subd 3*

8800.1700 PUBLIC SEAPLANE BASE LICENSING.

Subpart 1. **Operation.** In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, to the extent that such rules and regulations do not interfere with the safe operations of aircraft.

Subp. 2. **Separate licenses.** The license issued to a seaplane base shall apply to the land area from which operations are conducted. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

Subp. 3. **Use.** The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of these public waters.

Subp. 4. **Requirements.** A public seaplane base shall be granted a license when it has shown it has met the general provisions of parts 8800.1400 and 8800.1500 and the following minimum requirements of subparts 5 to 14.

Subp. 5. **Size.** The body of water shall have a minimum usable length of at least one mile and shall be of sufficient width and depth to permit the safe operation of aircraft on the surface. All approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

Subp. 6. **Boundary markers.** The outline of that part of the area available for landing, takeoff, and taxiing when required in the interest of safety, shall be marked. All hazards, including underwater obstructions in the landing, approach, departure, and taxi areas shall be marked. All such markers shall be constructed of a durable material and in such a manner so as to be clearly visible from traffic pattern altitude.

Subp. 7. **Wind indicator.** Each public seaplane base shall be equipped with a wind sock 3 feet by 12 feet, blaze orange in color, which must be operable and clearly visible from the pattern altitude when within one mile of the seaplane base during daylight hours. If night operations are conducted at the base, the wind sock must be lighted.

Subp. 8. **Dock.** A dock or float, suitable for the loading and unloading of seaplanes, shall be so located as to afford the maximum degree of operational safety.

Subp. 9. **Ramp.** A ramp, or equivalent substitute, for beaching of aircraft, shall be provided. Tie down or storage area shall be so arranged that the ramp is normally clear for the beaching of incoming aircraft.

Subp. 10. **Toilets.** A sanitary public facility shall be provided at all public seaplane bases, except where it can be demonstrated that it is impracticable to install such facility. An enclosed portable chemical toilet, properly maintained and serviced shall be acceptable.

Subp. 11. **Telephone.** When feasible, a telephone should be made available for public use. Telephone numbers for the appropriate flight service station, for emergency assistance, and for aircraft servicing will be prominently posted.

Subp. 12. **Bulletin board.** A weather-protected bulletin board shall be prominently located on the seaplane base. Posted thereon shall be the seaplane base license, safety and traffic rules, and an area map showing danger or restricted areas.

Subp. 13. **Beaching or mooring.** Beaching or mooring facilities must be provided for at least three more seaplanes than regularly use the facilities.

Subp. 14. **Life preserver.** At least one life preserver shall be immediately available for use at all times.

Subp. 15. **Boat.** A boat and operable motor shall be immediately available for use at all times that flights are in progress.

Subp. 16. **Lines.** An adequate supply of lines for heaving, towing, securing, and rescue operations shall be kept available.

Subp. 17. **Fuel filters.** All aviation fuel dispensed at a public seaplane base shall be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

Subp. 18. **Fire extinguishers.** At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of 20 B. rating or equivalent.

Statutory Authority: *MS s 360.015 subd 3*

8800.1800 PUBLIC HELIPORT LICENSING.

Subpart 1. **Minimum requirements.** A public heliport shall be granted a license when it has met the general provisions of parts 8800.1400 and 8800.1500 and the following minimum requirements of subparts 2 to 11.

Subp. 2. **Landing and takeoff area.** "Landing and takeoff area" means that specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

Subp. 3. **Obstructions.** An object will be considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces:

A. Heliport primary surface: the primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

B. Heliport approach surface: the heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

C. Heliport transitional surface: the heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subp. 4. **Touchdown area.** The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

Subp. 5. **Peripheral area.** A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than ten feet, is recommended as an obstruction-free safety zone.

Subp. 6. **Approach-departure paths.** Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds. Approach-departure paths coincide in size with the imaginary surfaces described in subpart 3, except that an approach-departure path may be curved. If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet. If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

A public heliport must have at least two approach-departure paths which must be separated by an arc of at least 90 degrees. These two paths must be obstruction-free.

Emergency landing areas must be available along the approach-departure paths.

Subp. 7. **Fuel filters.** All aviation fuel dispensed on any public heliport shall be filtered to be free of solid matter in excess of five microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

Subp. 8. **Fire extinguishers.** At least one properly maintained fire extinguisher shall be available. It must be a minimum of 20 B. rating or its equivalent.

Subp. 9. **Wind indicator.** All public heliports shall be equipped with an operable wind sock, three feet by 12 feet, blaze orange in color. If the heliport is lighted for night operations the wind indicator must also be lighted.

Subp. 10. **Safety barriers.** Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in subpart 3.

Subp. 11. **Rooftop egress.** Rooftop heliports should have two exits, one at each side of the landing and takeoff area, which should be provided in accordance with local building codes.

Subp. 12. **Application to IFR and transport.** Subparts 3, 5, and 6 are predicated upon VFR operations by helicopters certificated in the normal category. The commissioner may set additional requirements for heliports which will conduct IFR operations and/or operations by transport category heliports.

Statutory Authority: *MS s 360.015 subd 3*

8800.1900 PRIVATE AIRPORT LICENSING.

Subpart 1. **Restricted facility.** The private airport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

Subp. 2. **Minimum requirements.** A private airport shall be granted a license when it has met the general provisions of parts 8800.1400 and 8800.1500 and the following minimum requirements.

Subp. 3. **Size.** At least one runway with a minimum usable length of 2,000 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in part 8800.1200 that are or may create an airport hazard.

Subp. 4. **Surface.** The landing surface shall be smooth and free from hazards or obstructions.

Subp. 5. **Obstructions.** The minimum obstruction clearance requires that no structure, tree, or mobile object which creates a hazard, other than those necessary and incidental to airport operation, shall penetrate the imaginary airspace surfaces described below:

Primary surface: an imaginary surface longitudinally centered on a runway and at the same elevation as the elevation of the nearest point on the runway centerline, extending to the ends of each runway. The width of the primary surface is 200 feet.

Approach surface: an imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of 20:1 for a horizontal distance of 10,000 feet, expanding uniformly to a width of 2,250 feet.

Subp. 6. **Edge markers.** Turf runways shall be outlined with effective edge markers and end markers which shall be constructed of a durable material and installed in such a manner so as to be clearly visible from traffic pattern altitude.

Subp. 7. **Wind indicator.** All private airports shall be equipped with a wind sock.

Subp. 8. **Aviation fuel.** All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

Subp. 9. **Fire extinguishers.** At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed for sale. It must be a minimum of 20 B. rating or equivalent.

Subp. 10. **Hazards.** A private airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

Subp. 11. **Use.** A private airport may be used for limited commercial operations as provided for in parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

8800.2000 PRIVATE SEAPLANE BASE LICENSING.

Subpart 1. **Restricted facility.** The private seaplane base shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

Subp. 2. **Minimum requirements.** A private seaplane base will be granted a license when it has shown that it has met the following minimum requirements of subparts 3 to 10.

Subp. 3. **Operation.** In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port, or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, to the extent such rules and regulations do not interfere with the safe operation of aircraft.

Subp. 4. **Separate licenses.** The license issued to a seaplane base shall apply to the land area from which operations are conducted. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

Subp. 5. **Use.** The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of public waters.

Subp. 6. **Size.** The body of water shall be of sufficient length, width, and depth to permit safe operation by the aircraft intended to use it. The approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

Subp. 7. **Markers.** All hazards in the approach or landing area, including underwater obstructions, shall be marked.

Subp. 8. **Wind indicator.** All private seaplane bases shall be equipped with a wind sock.

Subp. 9. **Fuel filters.** All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

Subp. 10. **Fire extinguishers.** At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of 20 B. rating or equivalent.

Subp. 11. **Hazards.** A private seaplane base shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

Subp. 12. **Use.** A private seaplane base may be used for limited commercial operations as provided for in parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

8800.2100 PRIVATE HELIPORT LICENSING.

Subpart 1. **Restricted facility.** The private heliport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

Subp. 2. **Minimum requirements.** A private heliport shall be granted a license when it has met the general provisions of parts 8800.1400 and 8800.1500 and the following minimum requirements of subparts 3 to 9.

Subp. 3. **Landing and takeoff area.** That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

Subp. 4. **Touchdown area.** The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

Subp. 5. **Peripheral area.** A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than ten feet, is recommended as an obstruction-free safety zone.

Subp. 6. **Obstructions.** An object will be considered an obstruction to a private heliport if it is of greater height than any of the following heliport imaginary surfaces.

The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subp. 7. **Approach-departure paths.** Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

Approach-departure paths coincide in size with imaginary surfaces described in subpart 6, except that an approach-departure path may be curved. If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet. If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

A private heliport must have at least two approach-departure paths which must be separated by an arc of at least 90 degrees. These two paths must be obstruction-free.

Adequate emergency landing areas must be available along the approach-departure paths.

Subp. 8. **Fuel filters.** All aviation fuel dispensed on any private heliport shall be filtered to be free of solid matter in excess of five microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

Subp. 9. **Fire extinguishers.** At least one properly maintained fire extinguisher shall be available. It must be a minimum of 20 B. rating or its equivalent.

Subp. 10. **Wind indicator.** All private heliports shall be equipped with a wind sock.

Subp. 11. **Safety barriers.** Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in subpart 6.

Subp. 12. **Hazards.** A private heliport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

Subp. 13. **Commercial use.** A private heliport may be used for limited commercial operations as provided in parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

8800.2200 PERSONAL-USE AIRPORT, SEAPLANE BASE, AND HELIPORT LICENSING.

Subpart 1. **Types.** There are three types of licenses: personal-use airport license; personal-use seaplane base license; and personal-use heliport license.

Subp. 2. **Minimum requirements.** Personal-use airports shall be granted a license when they have met the general provisions of parts 8800.1400 and 8800.1500 and the following general requirements.

Subp. 3. **Size.** A personal-use airport shall be of sufficient length and width and the approaches shall be sufficiently clear of obstructions to permit safe operations by the aircraft intended to use it.

Subp. 4. **Surface.** The landing surface shall be smooth and free from hazards or obstructions.

Subp. 5. **Operation.** A personal-use airport shall not interfere with the safe operation of any public airport or with the safety of any federal airways.

Subp. 6. **Restrictions.** A personal-use airport shall not be operated except in accordance with the restrictions set forth below:

A. A personal-use airport shall not be held out as available for public use, nor shall the public use of a personal-use airport be invited, permitted, or tolerated.

B. A personal-use airport shall not be used for commercial activities which include the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing, or other operations deemed similar in character by the commissioner. However, a personal-use airport may be used for commercial activities which include the operation of aircraft for the purpose of aerial spraying and dusting, banner towing, balloon operations, aerial photography, pipeline/powerline patrol, or other operations deemed similar by the commissioner.

C. A personal-use airport shall not be displayed on any chart for public distribution.

Subp. 7. **Hazards.** A personal-use airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

Subp. 8. **Seaplane base or heliport.** In addition to the general requirements listed heretofore for the licensing of personal-use airports, the following specific requirements must be met before a personal-use airport license can be granted for a personal-use seaplane base or a personal-use heliport:

A. For a personal-use heliport license: part 8800.1800, subparts 1 to 11, except that the landing and takeoff area minimum length and width shall be 1.5 times the overall length of the helicopter expected to use the heliport; part 8800.1800, except that a personal-use heliport must have as a minimum one approach-departure path meeting those requirements.

B. A personal-use seaplane base license shall apply to the land area from which operations are conducted. When two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate personal-use seaplane base license. A personal-use seaplane base license will not be granted for those lakes upon which seaplane operations are prohibited by part 8800.2800.

Safety barrier: access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas.

Statutory Authority: *MS s 360.015 subd 3*

8800.2300 UNLICENSED LANDING AREAS.

Subpart 1. **Compliance.** No person shall use or make available an unlicensed landing area except in compliance with the provisions of this part.

Subp. 2. **Temporary operations.** Any area of land or water may be used as an unlicensed landing area for temporary operations by the following for the purpose designated: a person holding a private pilot's certificate, or higher rating, for private use for temporary operations; and a person, firm, or corporation holding a license as a commercial operator for temporary operations in connection with commercial operations.

Subp. 3. **Requirements for use of unlicensed landing areas.** No person shall use or make available the use of an unlicensed landing area except in conformity with the following conditions:

A. Aircraft shall not be stored or regularly based at an unlicensed landing area.

B. The landing area proposed to be used shall be of sufficient length and width and free from obstructions, and the surface shall be in suitable condition to permit the safe operation of the type of aircraft to be used thereon.

C. The aircraft owner or operator shall have the permission of the landowner to use the landing area or any facilities that will be used in the operation for the purpose and time intended.

D. The use of the land and operating area shall in no way endanger persons or property, and suitable safeguards necessary to protect the safety of passengers and public shall be provided.

E. Where it uses an unlicensed water landing area, the aircraft shall carry an approved type of life preserver for the pilot and each passenger.

Subp. 4. **Hazards.** An unlicensed landing area shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

Statutory Authority: *MS s 360.015 subd 3*

History: *17 SR 1279*

8800.2400 AIRPORT ZONING STANDARDS.

Subpart 1. **Standards.** Contained herein are minimum standards for the zoning of public airports as to airspace, land use safety, and noise sensitivity.

Subp. 2. **Airport zoning powers.** Any person or governmental body having airport zoning powers under Minnesota Statutes, sections 360.061 to 360.074 may adopt airport zoning ordinances, orders, or regulations more restrictive than the minimum zoning standards set forth herein or in any other applicable law.

Subp. 3. **Airspace zones.** The following airspace zones are established with relation to an airport and each runway:

A. **Primary zone:** all that land which lies directly under an imaginary primary surface as defined in part 8800.1200, subpart 5, item A.

B. **Horizontal zone:** all that land which lies directly under an imaginary horizontal surface as defined in part 8800.1200, subpart 5, item B.

C. **Conical zone:** all that land which lies directly under an imaginary conical surface as defined in part 8800.1200, subpart 5, item C.

D. **Approach zone:** all that land which lies directly under an imaginary approach surface as defined in part 8800.1200, subpart 5, item D.

E. **Precision instrument approach zone:** all that land which lies directly under an imaginary precision instrument approach surface as defined in part 8800.1200, subpart 5, item E.

F. **Transitional zone:** all that land which lies directly under an imaginary transitional surface as defined in part 8800.1200, subpart 5, item F.

Subp. 4. **Height restrictions.** Except as necessary and incidental to airport operation, no structure or tree shall be constructed, altered, or allowed to grow in any airport zone so as to project above any of the imaginary airspace surfaces as established in subpart 3.

Subp. 5. **Land use safety zones.** The following land use safety zones are established with relation to an airport and each runway:

Safety zone A: in the approach zones of a runway, safety zone A extends outward from the end of the primary surface a distance equal to two-thirds the runway length or planned runway length.

Safety zone B: in the approach zones of a runway, safety zone B extends outward from safety zone A a distance equal to one-third the runway length or the planned runway length.

Safety zone C: all that land which is enclosed within the perimeter of the horizontal zone defined in subpart 3, item B and which is not included in zone A or zone B.

Subp. 6. **Use restrictions.** In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from an airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of accident, the following use restrictions are applied to the land use safety zones.

A. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with

radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

B. Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (nonspectator), cemeteries, and auto parking.

C. Zone B shall be restricted in use as follows. Each use shall be on a site whose area shall not be less than three acres. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage. Each site shall have no more than one building plot upon which any number of structures may be erected.

A building plot shall be single, uniform, and noncontrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

Site Area at Least (Acres)	But Less Than (Acres)	Ratio of Site area to Building Plot Area	Building Plot Area square feet	Maximum Site Population (15 Persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150
	20	6:1		
20	and up	4:1	218,000	300

The following uses are specifically prohibited in zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semipublic assembly.

D. Zone C is subject only to the general restrictions contained in item A.

E. The provisions of items B and C shall not apply to land uses, in "established residential neighborhoods in built up urban areas." Such "established residential neighborhoods in built up areas" shall be subject to the use restrictions contained in this paragraph.

(1) Airport safety zoning balances the public interest involved in safety for persons on the ground, safety of persons traveling in aircraft, and the public interest in maintaining existing land uses. The legislature has mandated special protection for existing land uses in "established residential neighborhoods in built up urban areas." The provisions of items A to D strike the appropriate balance with regard to other land uses and areas and shall therefore be applied in those cases.

(2) Each governmental authority having airport zoning powers shall determine which areas located in safety zones A and B of each airport within its jurisdiction are also located in "established residential neighborhoods in built up urban areas." In making such determination, the factors enumerated in subitem (4) shall be considered. Such neighborhoods located in whole or part in safety zones A or B shall be specifically located on the airport zoning map and shall be legally described in the airport zoning ordinance. Each governmental authority having airport zoning powers shall submit its proposed zoning map and ordinance to the commissioner of transportation for review and approval prior to holding a public hearing or taking other action thereon.

(3) No land use in safety zones A or B and in an area designated as having been an "established residential neighborhood in a built up urban area" shall be prohibited by an airport zoning ordinance except as provided in subitem (5). In addition, any isolated low

density residential building lot or low density residential structure which existed on January 1, 1978, in an "established residential neighborhood in a built up urban area," must either be allowed to continue as a conforming use under the terms of the local zoning ordinance or must be acquired, altered, or removed as provided in subitem (6). For this purpose, a low density residential structure shall mean a single family or two family home and an isolated low density residential building lot shall mean a single lot located in an area which is zoned for single family or two family residences and in which the predominant land use is such type of residences.

(4) In determining what constitutes an "established residential neighborhood in a built up urban area" the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on June 30, 1979:

- (a) location of the airport;
- (b) nature of the terrain within safety zones A and B;
- (c) existing land uses and character of the neighborhood around the airport;
- (d) population of the community;
- (e) that the average population density in all areas within one mile of any point on a runway be equal to or greater than one dwelling unit per acre;
- (f) population density near the airport compared with population density in other areas of the community;
- (g) the age and the economic, political, and social stability of the neighborhood and the community as a whole;
- (h) the proximity of supporting school, commercial, religious, transportation, and other facilities and their degree of integration with residential land uses;
- (i) presence or absence of public utilities including, but not limited to public central sanitary sewer system electric service and gas mains;
- (j) whether or not the factors listed in units (h) and (i) tend to make the community surrounding the airport a self sufficient unit;
- (k) whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and
- (l) other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban, and built up.

(5) Safety hazards: The following land uses if they exist in safety zones A or B and in an "established residential neighborhood in a built up urban area" are considered by the commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air traveling public, or both, that they must be prohibited under local airport zoning ordinances:

- (a) any structure which a person or persons customarily use as a principal residence and which is located entirely within safety zone A and within 1,000 feet of the end of the primary zone;
- (b) any structure which a person or persons customarily use as a principal residence and which is located entirely within safety zone A or B and which penetrates an imaginary approach surface as defined by part 8800.1200, subpart 5, item D;
- (c) any land use in safety zone A or B which violates any of the following standards: the land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft; the land use must not make it difficult for pilots to distinguish between airport lights and other lights; and the land use must not result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport.
- (d) any isolated residential building lot zoned for single family or two family residences on which any structure, if built, would be prohibited by unit (a), (b), or (c). An "isolated" residential building lot is one located in an area in which the predominant land use is single family or two family residential structures; and
- (e) any other land use which presents, in the opinion of the commissioner, a material danger to the landing, taking off, or maneuvering of aircraft or to the safety of

persons on the ground. In making such a determination, the commissioner shall consider the following factors:

- i. possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;
- ii. possibility that the land use may, in case of an aircraft accident, cause an explosion, fire, or the release of harmful or noxious fumes, gases, or substances;
- iii. tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;
- iv. effect of the land use on availability of clear areas for emergency landings; and
- v. flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(6) In the case of any land use prohibited by subpart 6, item E, subitem (5) and which is located in an "established residential neighborhood in a built up urban area" as defined by the local government unit and reviewed and approved by the commissioner, the prohibited land use must be acquired, altered, or removed at public expense by the governmental body which owns the airport. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements, or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

(7) The prohibited uses enumerated in subpart 6, item E, subitem (5) are only those which present the most severe safety hazards to the air traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in safety zones A and B as being unsafe to the public. The use restrictions contained in items A to D provide guidance as to what uses the commissioner deems not to be public interest in these safety zones. See also subitem (5), units (c) and (e). The local governmental unit must note the requirement of Minnesota Statutes 1978, section 360.066, subdivision 1a, paragraphs (a) and (d) that certain prohibited land uses must be acquired, altered, or removed at public expense.

(8) In the event that the provisions of this item, as reflected in a proposed local zoning ordinance, would require the acquisition, alteration, or removal of any land use, then, in such event, at least 60 days prior to the first hearing on adoption of the ordinance, the local zoning authority shall so notify the airport owner. The airport owner shall then consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening, and displaced thresholds and shall then promptly notify the local zoning authority in writing, if it proposes to take any of such alternative actions.

(9) These rules shall be effective June 30, 1979, except as provided above as to isolated, low density residential building lots and low density residential structures.

Subp. 7. Noise sensitivity zones. Land use noise sensitivity zones shall be established when requested by the commissioner or by the governmental unit having airport zoning powers. The governmental unit having zoning powers, when required by the commissioner, shall secure a study as to the boundaries of the area to be zoned for this purpose and the uses permitted therein.

Statutory Authority: *MS s 360.015 subd 3*

8800.2500 FINANCIAL AID FOR MUNICIPAL AIRPORT PROJECTS.

The commissioner will make a substantive decision as to merit or necessity of each project and project application. A substantial aeronautical requirement must be shown by the municipality whereby the contemplated or existing airport is a necessary part of a system of public airports adequate to meet the present and anticipated needs of civil aviation in Minnesota.

The airport must be able to handle air traffic safely and adequately. The public interest and aeronautical progress of the state must be reflected in each project and project application.

The municipality must show that sufficient funds are available for that portion of the project costs to be borne by the municipality and that the project will be completed without

undue delay, and that the municipality submitting the project application has legal authority to engage in the development as proposed.

Statutory Authority: *MS s 360.015 subd 3*

SEAPLANE OPERATIONS

8800.2600 COMPLIANCE WITH MARINE TRAFFIC RULES.

All seaplanes must comply with marine traffic rules to the extent that such rules do not interfere with the safe operations of aircraft.

Statutory Authority: *MS s 360.015 subd 3*

8800.2700 APPROACHES AND TAKEOFFS.

All approaches to and takeoffs from the water area shall be made in such a manner as to clear all structures on the land by at least 100 feet, and wherever the area of the body of water will permit, such landing and takeoffs shall be made at a distance of not less than 300 feet, both laterally and vertically, from any boat or person on the surface of the water, or as near to 300 feet as the area of the water will permit.

Statutory Authority: *MS s 360.015 subd 3*

8800.2800 SEVEN-COUNTY METROPOLITAN REGION SEAPLANE OPERATIONS.

Subpart 1. **Scope.** This part covers seaplane operations on all public waters within the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subp. 2. **Permissible operations.** Seaplane operations are permitted only on the following public waters within the seven-county metropolitan area.

A. Anoka County: Centerville Lake; Clear Lake; Coon Lake; George Watch Lake; Ham Lake; Howard Lake; Lake George; Linwood Lake; Martin Lake; Mississippi River; Mud Lake; Otter Lake; Peltier Lake; Pickerel Lake; Reshenav Lake; Rice Lake; and Round Lake.

B. Carver County: Goose Lake; Hazeltine Lake; Lake Minnewashta; Lake Pettersen; Lake Riley; Lake Waconia; Lundsten Lake; Mud Lake; Oak Lake; Parley Lake; Pierson Lake; and Tiger Lake.

C. Dakota County: Alimagnet; Byllesby Reservoir; Crystal Lake; Lake Marion; Mississippi River; Orchard Lake; and St. Croix River.

D. Hennepin County: Bryant Lake; Diamond Lake; Eagle Lake; Fish Lake; French Lake; Lake Independence; Lake Minnetonka, except: Black Lake, Emerald Lake, French Lake, Forest Lake, Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, and Tanager Lake; Lake Sarah; Medicine Lake; Mississippi River; Ox Yoke Lake; Schmidt Lake; and Whaletail Lake.

E. Ramsey County: Bald Eagle Lake; Lake Owasso; Long Lake; Mississippi River; Turtle Lake; and White Bear Lake.

F. Scott County: Cedar Lake; Geis Lake; Pleasant Lake; Prior Lake East; Prior Lake West; and Spring Lake.

G. Washington County: Big Carnelian Lake; Big Marine Lake; Forest Lake; Lake Elmo; Mississippi River; Oneka Lake; and St. Croix River.

Subp. 3. **Prohibited operations.** Seaplane operations are prohibited on all public waters within the seven-county metropolitan area not listed in subpart 2; also see subpart 5.

Subp. 4. **Further restrictions.** All seaplane operations are prohibited from 11 a.m. (CDST) to 6 p.m. (CDST) on Saturdays, Sundays, and national legal holidays between June 1 and September 15 on the following public waters: Lake Minnetonka and all bays and lakes therein; White Bear Lake and all bays and lakes therein; and Lake Owasso and all bays and lakes therein.

However, this restriction shall not apply to the holder of a private or personal-use seaplane base license issued under parts 8800.2000 and 8800.2200 while operating to and from the licensed base subject to the following conditions: such operations are limited to a maxi-

mum of one takeoff and one landing during these restricted hours, and such operations are authorized only when lake traffic and use permit such operations to be conducted in a safe and reasonable manner.

Subp. 5. **Emergency use.** Nothing in this part shall be construed to prohibit the landing or taking off of a seaplane in case of a bona fide emergency.

Subp. 6. **Ski-equipped aircraft.** When lakes are frozen, aircraft equipped with either wheels or skis may operate on the lakes if such operations can be conducted in a safe and reasonable manner relative to lake traffic and use.

Statutory Authority: *MS s 360.015 subd 3*

History: *13 SR 1154; 17 SR 1279*

COMMERCIAL OPERATIONS

8800.3100 DEFINITION OF COMMERCIAL OPERATIONS.

“Commercial operations” means any operation of an aircraft for compensation or hire, any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received, the servicing, maintaining, and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, aerial photography and surveys, air shows or expositions, and the operation of aircraft for fishing. “Commercial operations” also means brokering or selling of any of the aforesaid services but does not include any operations of aircraft as common carriers by the federal government or the services incidental thereto.

Note: Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defined in parts 8800.3100 to 8800.4600.

Statutory Authority: *MS s 360.015 subd 3*

8800.3200 LICENSING COMMERCIAL OPERATIONS.

Subpart 1. **Prior licensing required.** Every person who does in fact provide or who advertises, represents, or holds themselves out as giving or offering to provide such service, must be licensed by the commissioner. The license shall contain endorsements showing the type or types of commercial operations the licensee is authorized to perform. Such persons must be licensed by the commissioner before they advertise, represent, or hold themselves out as giving or offering to provide such service or services.

Subp. 2. **Application and fee.** Application for license shall be made on forms supplied by the commissioner. The fee shall be \$30 annually and must accompany the application.

Subp. 3. **Duration and renewal.** The license issued under this part shall be effective for one year from the date of issuance thereof and shall be renewed annually. Application for renewal shall be made 30 days before the expiration of the current license.

Subp. 4. **Nontransferability.** The license shall not be transferable to other persons.

Subp. 5. **Display.** The license issued under this part shall be posted in a prominent place in the office of the licensee.

Subp. 6. **Notice of changes.** The licensee shall immediately notify the Department of Transportation in writing of any change in the status of such commercial operation relating to ownership, activities, aircraft, or key personnel.

Subp. 7. **Place of business.** Each applicant for a commercial operations license must have a place of business. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, or aircraft rental and/or leasing, then such applicant’s base of operations shall be on: an airport licensed for public use by the commissioner as provided by law, or an airport owned by the Metropolitan Airports Commission; or a private airport licensed by the commissioner if that airport meets the requirements of part 8800.1600, 8800.1700, or 8800.1800.

If the commercial activity is limited to aircraft servicing, maintaining, and repairing, then such base of operation may be on a public or private airport licensed by the commissioner as provided by law.

A personal-use airport licensed by the commissioner may be used for commercial operations which are not included in this subpart.

Subp. 8. **Airport authorization.** If the applicant does not own the airport, he or she must submit evidence from the owner that he or she meets the airport owner's minimum standards for such commercial operation and is authorized to operate from such airport.

Subp. 9. **Aircraft.** Each aircraft used by a licensee for commercial operations shall be currently registered with the Department of Transportation, or be taxed as flight property by the Department of Revenue, as required by laws of this state. Such flight property tax payments must be current.

Subp. 10. **Records.** Each licensed commercial operator shall maintain basic records which must be kept up-to-date as follows:

Each flight made in equipment owned by a licensee shall be recorded. The register shall show the pilot's name, identification of the aircraft, and the date, time, and duration of the flight.

An accurate list of airman personnel employed by the commercial operator, together with the airman certificate type, number of ratings, address, and date of last physical examination. A list of aircraft used in the commercial operation and the current Minnesota Department of Transportation registration decal number.

Subp. 11. **Compliance with the law.** A person engaged in commercial operations shall comply with all laws, rules of the state of Minnesota and the federal government.

Subp. 12. **Aircraft maintenance.** An applicant whose commercial activity includes the operation of an aircraft and who is also not licensed to perform aircraft servicing, maintaining, and repairing must have a contract or agreement with a commercial operator licensed to perform these services for all aircraft used in the commercial activity, or employ a mechanic certificated by the FAA for the type of servicing, maintaining, and repairing to be performed.

Subp. 13. **Cooperation.** The applicant for a commercial operations license shall offer full cooperation with respect to any inspection which may be made of an operation upon proper demand at reasonable hours by the commissioner or any authorized representative of the commissioner prior to or subsequent to the issuance of a license.

Subp. 14. **Endorsements.** To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of parts 8800.3100 and 8800.3200, unless specifically exempted therefrom, and must also comply with the appropriate regulation for the type or types of commercial operations applied for.

Subp. 15. **Insurance.** Unless otherwise specified in parts 8800.3100 to 8800.4600, the applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts valid and in force for the duration of the license which provide coverage for each aircraft in the types and amounts as specified in the appropriate rule for the type or types of commercial operations applied for.

The applicant shall ensure that the insurance company or companies which hold the insurance contracts are authorized by the commissioner of commerce to do business in the state of Minnesota.

Any contract of insurance to be approved by the commissioner shall carry an endorsement stating that such contract cannot be canceled by the insurer until five days' notice in writing of such cancellation has been given the commissioner by the insurer. In any case, where an insurance contract is canceled, notice of such cancellation shall immediately thereafter be given to the commissioner by the insurer.

Statutory Authority: *MS s 360.015 subd 3; 360.018 subd 1*

History: *L 1983 c 289 s 100,114 subd 1; L 1984 c 655 art 1 s 92; 17 SR 1279*

8800.3300 FLIGHT SCHOOL.

Subpart 1. **Exceptions.** Any person engaged in giving or offering to give dual flight instruction leading to a pilot's certificate or rating or giving or offering to give solo flight instruction leading to a pilot's certificate or rating for hire or compensation, or advertising, representing, or holding out as giving or offering to give such instruction, shall be considered to be operating a flight school, except:

A. company instruction: a company engaged in flight operation giving flight instruction to its own employees in furtherance of their duties in conjunction with that flight operation;

B. public schools: any public school, the University of Minnesota, or any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved by it for carrying on collegiate work; or

C. aeronautics instructor: any individual engaged in giving flying or ground subjects, or both, for hire or compensation, without advertising such occupation, without calling facilities an "air school" or anything equivalent thereto, without employing or using other instructors and without operating an aircraft for compensation or hire for the purpose of flight instruction.

Subp. 2. **Minimum requirements.** To be eligible for a flight school endorsement, an applicant shall show compliance with the following minimum requirements in subparts 3 to 8.

Subp. 3. **Office.** The flight school operator shall show that he or she has an office of adequate size with the necessary facilities and equipment for the operation of the school.

Subp. 4. **Records.** The flight school operator shall keep and maintain complete and adequate records of the flight instruction given to all enrolled students, showing the date, the amount of dual or solo instruction, the maneuvers given, the aircraft used, and the name of the instructor of each dual flight. These records shall be available for inspection at the flight school office and shall be retained for at least one year from the date of the last entry.

Subp. 5. **Curriculum.** The applicant must show a course outline so organized for each course offered as to ensure that the student completing the course of ground and flight instruction will meet all the requirements of the United States Department of Transportation, Federal Aviation Administration (FAA) at Code of Federal Regulations, title 14, section 61. All course outlines shall include a review of Minnesota Statutes and rules relating to aeronautics that are pertinent to that course. In the case of an FAA approved school, the FAA approved course outline is acceptable if the review of Minnesota Statutes and rules is included.

The flight instruction given to each regularly enrolled student shall be in accordance with such course outline, a copy of which shall be made available to each student.

Subp. 6. **Rules.** The flight school operator shall establish and enforce the rules which shall govern the flight school operation, including rules relating to the traffic pattern, practice areas, taxi rules, flight rules, and other safety procedures. A diagram of the traffic pattern and the practice area shall be posted on a bulletin board at the flight school. Other rules and safety procedures of the school shall be readily available to all students. A copy of the rules shall be submitted with the application.

Subp. 7. **Insurance.** The minimum insurance coverage for each aircraft shall be of the following types and amounts: \$75,000 per passenger seat for passenger liability; \$100,000 per person and \$300,000 per occurrence for bodily injury, excluding passengers; and \$100,000 per plane for property damage.

Each flight school operator shall advise the student as to whether or not he or she is specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The flight school operator must then obtain a signed statement of acknowledgment of this disclosure from the student.

Subp. 8. **Performance bond.** The applicant must file with the commissioner a continuous corporate surety bond to the state of Minnesota in the sum of \$5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

The aggregate liability for the surety for all breaches of conditions of the bond in no event shall exceed the principal sum of \$5,000. The surety of any such bond may cancel such bond upon giving 60 days' notice in writing to the commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this part ceases to be in effect for any reason, the flight school license shall be revoked.

The bond form shall be provided by the commissioner. A copy of the executed bond certificate shall be attached to the application.

Subp. 9. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

History: *17 SR 1279*

8800.3400 GROUND SCHOOL AND AERONAUTICAL CORRESPONDENCE SCHOOL.

Subpart 1. **Exceptions.** A ground school or aeronautical correspondence school shall be any person giving or offering to give instruction in aeronautical ground subjects leading to a pilot's certificate or rating, for hire or compensation, except any public school, the University of Minnesota, or any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved by it for carrying on collegiate work.

Subp. 2. **Minimum requirements.** To be eligible for a ground school or an aeronautical correspondence school endorsement, the applicant shall meet the following minimum requirements in subparts 3 to 8.

Subp. 3. **Classroom.** The applicant shall maintain a suitable classroom with adequate seating facilities for the maximum number of students enrolled in each class. Such classrooms shall be properly heated, lighted, and ventilated, and the students shall have access to proper sanitary facilities. This requirement shall not apply to aeronautical correspondence schools.

Subp. 4. **Records.** The applicant shall maintain adequate records of the instruction given, which shall show the date, the hours of attendance, the subjects covered, the examination given and the grade achieved by each student. Such records shall be maintained for at least one year from the date of last entry and shall be available for inspection.

Subp. 5. **Curriculum.** Each school shall show a curriculum so organized as to properly qualify each student completing the particular course for the grade of pilot certificate he or she is seeking. All course outlines shall include a review of the Minnesota Statutes and rules relating to aeronautics that are pertinent to that course. In the case of an FAA approved school, the FAA approved curriculum will be acceptable, if the review of the Minnesota Statutes and rules is included.

Subp. 6. **Performance bond.** The applicant must file with the commissioner a continuous corporate surety bond to the state of Minnesota in the sum of \$5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

The aggregate liability for the surety for all breaches of the conditions of the bond in no event shall exceed the principal sum of \$5,000. The surety on any such bond may cancel such bond upon giving 60 days' notice in writing to the commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the ground school or aeronautical correspondence school license shall be revoked.

The bond form shall be provided by the commissioner. A copy of the executed bond certificate shall be attached to the application.

Subp. 7. **Instructor.** The applicant must have at least one FAA certificated flight or ground instructor to certify training reports.

Subp. 8. **Certification.** The applicant must be able to certify to the student that he or she has satisfactorily completed the course of instruction or home study in the appropriate knowledge areas for the rating sought.

Subp. 9. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

8800.3500 AIRCRAFT CHARTER OPERATIONS.

Subpart 1. **Scope.** Any person engaged in flying persons or property from place to place, or offering to provide such service for hire or compensation, who does not hold a certificate

of public convenience and necessity from the Civil Aeronautics Board or its successor, or who does not hold a license as a commuter air carrier under part 8800.4000, shall be deemed to be engaged in a charter operation and shall have an endorsement on their commercial operations license to certify their authority to engage in charter operations.

Subp. 2. **Air carrier operating certificate.** The applicant shall be the holder of an air carrier operating certificate with operating specifications as issued by the Federal Aviation Administration, and a valid letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

Subp. 3. **Insurance.** The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

Subp. 4. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

8800.3600 AIRCRAFT RENTAL OR LEASING.

Subpart 1. **Endorsement required.** Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or compensation shall be deemed to be in the business of renting or leasing aircraft and must have an endorsement on his or her commercial operations license certifying his or her authority to engage in such activity, except that no commercial operations license shall be required of a person who owns aircraft and leases or rents aircraft to a party who holds a commercial operators license.

Subp. 2. **Records.** The holder of a commercial operations license with an aircraft rental or leasing endorsement shall keep and maintain a complete and adequate set of records to show the following: the name of the pilot renting or leasing an aircraft; the identification of the aircraft rented or leased; and the date, time, and duration of the flight for which the aircraft was rented or leased.

Subp. 3. **Qualifications of lessee.** The commercial operator shall determine before initially renting or leasing any aircraft that the lessee is properly licensed and rated to fly the type of aircraft to be rented or leased. When in the interest of safety, the operator determines that a flight check is necessary or desirable, such flight shall be given the lessee by a person holding an effective commercial pilot, flight instructor, or airline transport pilot certificate. The commercial operator shall assure that a designated person capable of determining an aircraft is properly serviced is present when an aircraft is checked out.

Subp. 4. **Insurance.** The minimum insurance coverage for each aircraft shall be of the following types and amounts: \$75,000 per passenger seat for passenger liability; \$100,000 per person and \$300,000 per occurrence for bodily injury, excluding passengers; and \$100,000 per plane for property damage.

Each commercial operator who rents or leases aircraft shall advise the renter pilot or lessee as to whether or not they are specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The commercial operator must then obtain a signed statement of acknowledgment of this disclosure from the renter pilot or lessee.

Subp. 5. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

History: *17 SR 1279*

8800.3700 AIR AMBULANCE SERVICE.

Subpart 1. **Endorsement required.** Any person engaged in flying ambulance stretcher cases from place to place, or offering to provide such service for hire or compensation, shall be deemed to be engaged in air ambulance service and shall have an endorsement on his or her commercial operations license certifying his or her authority to engage in air ambulance service.

Subp. 2. **Aircraft.** Each aircraft to be used as an ambulance for the purpose of transporting stretcher cases shall have ample area to accommodate a regulation ambulance cot or aircraft ambulance stretcher in a horizontal position, and shall be designed to permit loading without excessive tilting. The aircraft shall be equipped with at least one safety belt for securing the person and cot or stretcher to the aircraft.

Subp. 3. **Department of Health requirements.** The air ambulance services shall comply with Minnesota Department of Health rules and requirements.

Subp. 4. **Insurance.** The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

Subp. 5. **Transportation of human remains.** The provisions contained in this part shall also apply to the transportation of human remains by aircraft. Such remains shall be enclosed in a suitable container as specified by the Minnesota Department of Health and if not casketed shall be transported on the type of cot or stretcher described in subpart 2.

Subp. 6. **Air carrier operating certificate.** The air ambulance service shall be the holder of an air carrier operating certificate with operating specifications as issued by the Federal Aviation Administration and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

Subp. 7. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

8800.3800 AERIAL SPRAYING OR DUSTING.

Subpart 1. **Spraying or dusting.** Any person applying or offering to apply chemicals or other substances from an aircraft shall be deemed to be engaged in aerial spraying or dusting.

Subp. 2. **Emergency provision.** If the governor of the state of Minnesota declares an emergency as a result of a natural disaster affecting agriculture, such as insect infestation, these licensing provisions shall be lifted during the period of the emergency declarations.

Subp. 3. **Department of Agriculture certification.** No commercial operations license to engage in agricultural spraying or dusting will be issued until the applicant furnishes evidence that the requirements of the Minnesota Department of Agriculture are met.

Subp. 4. **Aircraft and pilot safety equipment.** Every aircraft used for aerial spraying or dusting in this state shall be provided with a positive method of shutting off distribution of chemicals or other substances which shall prevent material from leaking or dropping except over the areas of intended application. Each pilot shall wear a seat belt, shoulder harness, and protective headgear during flight operations.

Subp. 5. **Nonresident applicant.** Every nonresident commercial operation applicant shall provide on the application a permanent address for the business.

Subp. 6. **Aircraft.** In the application, the aerial applicator must inform the commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the aerial applicator intends to use within the state.

Subp. 7. **Certificate.** The applicant shall certify that he or she is the holder of an FAA commercial agricultural aircraft operator certificate.

Subp. 8. **Insurance.** The minimum insurance coverage for each aircraft shall be the following types and amounts: \$100,000 per person and \$300,000 per occurrence for bodily injury, excluding passengers; and \$100,000 per plane for property damage.

Subp. 9. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200 unless specifically exempted therefrom.

Statutory Authority: *MS s 360.015 subd 3*

8800.3900 AIRCRAFT SERVICING, MAINTAINING, AND REPAIRING.

Subpart 1. **Endorsement required.** Any person who, for compensation or for hire, provides or offers to provide aircraft maintenance as defined in Code of Federal Regulations, title 14, section 1.1, major or minor repair, alteration to airframes or aircraft power plants or both, shall be deemed to be engaged in the business of aircraft servicing, maintaining, and repairing and shall have a commercial operations license with an endorsement to certify their authority to engage in aircraft servicing, maintaining, and repairing.

Subp. 2. **Minimum requirements.** To be eligible for an aircraft servicing, maintaining, and repairing endorsement, the applicant shall meet the following minimum standards:

A. a building or available shop maintenance facility located on a licensed public or private airport, of adequate size and with sufficient space to work on the aircraft;

B. adequate fire protection equipment to include at least one fully charged fire extinguisher with a minimum of a 20 B. rating or its equivalent maintained in an operational condition and one outward swinging personnel exit door;

C. at least one mechanic certificated by the FAA for the type of servicing, maintaining, and repairing to be performed.

Subp. 3. **Insurance.** The minimum insurance coverage shall be of the following types and amounts: \$100,000 per person and \$300,000 per occurrence for premise hazard for bodily injury; \$100,000 per occurrence for premise hazard for property damage; and products hazard insurance shall be carried.

Each person who provides aircraft servicing, maintaining, and repairing shall advise his or her customer as to whether or not hangar-keepers insurance is in force and the extent of such coverage, if any.

Subp. 4. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

8800.4000 COMMUTER AIR CARRIERS.

Subpart 1. **Air carrier defined.** As used in these rules, "air carrier" means that person owning, controlling, operating, or managing aircraft as a common carrier of either persons or property, or both, for compensation on regularly scheduled flights.

Subp. 2. **Scope.** Any person offering to provide scheduled air transportation in this state must obtain a commercial operations license and a scheduled air carrier certificate of registration from the commissioner before engaging in such activity, and annually thereafter.

No air carrier shall operate aircraft on regularly scheduled flights except in accordance with the provisions of these rules.

These rules do not apply to that portion of an air carrier's operations in this state which is conducted between points named in a then-current certificate of public convenience and necessity issued by the Civil Aeronautics Board or its successor.

Subp. 3. **Minimum requirements.** Any person requesting an endorsement to certify their authority to engage in commuter air carrier service on their commercial operations license must meet the following minimum requirements in subparts 4 to 9.

Subp. 4. **Air carrier operating certificate.** The commuter air carrier shall be the older of an air carrier operating certificate with operation specifications as issued by the Federal Aviation Administration, and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

Subp. 5. **Use agreements.** A copy of current use agreements with owners of each airport to be served in the state shall be attached to the application. Each agreement shall set forth what facilities will be used on the airport.

Subp. 6. **Faithful performance bond.** The commuter air carrier must file with the commissioner, on a form provided by the commissioner, a fully executed copy of a continuous corporate surety bond to the state of Minnesota in the sum of \$10,000 conditioned upon the refund of all unperformed advance ticket sales to passengers made by such commuter air carrier or their agents. The aggregate liability for the surety of all breaches of the conditions of the bond in no event shall exceed the principal sum of \$10,000.

The surety on such bond may cancel such bond upon giving 60 days' notice in writing to the commissioner, and thereafter the surety shall be relieved of the liability for any breach of conditions occurring after the effective date of cancellation. Whenever a bond under this part ceases to be in effect for any reason, the commercial operations license shall be revoked. The bond shall not enlarge upon or alter in any way the ticket contract between the commuter air carrier and its customers.

Subp. 7. **Aircraft.** In the application, the commuter air carrier must inform the commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the commuter air carrier intends to use within the state.

Subp. 8. **Schedules and rates.** The commuter air carrier must submit a copy of its proposed schedules and its proposed passenger and freight rates with each application. No

schedule or rate change shall be made without notifying the commissioner as to such change at least ten days before such change is to go into effect.

Subp. 9. **Filing reports.** The commuter air carrier shall file with the commissioner a copy of all reports which it files with the Civil Aeronautics Board or its successor agencies, such filing to be done within ten days after such reports are filed with said agencies.

Subp. 10. **Insurance.** The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

Subp. 11. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200.

Statutory Authority: *MS s 360.015 subd 3*

History: *17 SR 1279*

FLYING CLUBS

8800.4100 DEFINITIONS.

Subpart 1. **Assets.** "Assets:" the word "assets" when used in parts 8800.4200 to 8800.4600 shall mean property which the flying club owns, in whole or in part, or over which it has control, including the club's interest in any owned, rented, or leased aircraft.

Subp. 2. **Flying club.** "Flying club" means any person other than an individual which neither for profit nor compensation owns, leases, or uses one or more aircraft for the purpose of instruction, business, or pleasure.

Statutory Authority: *MS s 360.015 subd 3*

8800.4200 INTENT.

A flying club is intended as benefiting the members of the group for pilot proficiency or instruction, or personal business use, or pleasure flying.

Statutory Authority: *MS s 360.015 subd 3*

8800.4300 REGISTRATION.

Each flying club which at any time during a preceding calendar year has five or more members shall register annually with the commissioner. This registration shall report conditions as of December 31 of each year, and shall be filed with the commissioner by January 31 of each year. This registration report shall include the following:

A. the name and address of the flying club, the airport or airports at which its aircraft are based, and the make, model year, "N" number, and the current Minnesota registration decal number of the aircraft that the club either owned or used during the past calendar year;

B. the form of organization of the flying club (that is, whether it is a corporation or a partnership);

C. the name, home address and phone number, and business address and phone number of the club safety and operations officer;

D. the name of the club's insurance company, the policy number and its expiration date, and the amounts and types of coverage;

E. the amount or share in club assets held by each member of the club; and

F. a statement describing what remuneration was paid to members of the club, monthly and annually, during the preceding calendar year, or preceding fiscal year, as the case may be, a description of the services rendered by such members to the club, and a description of the goods sold by such member of the club.

Statutory Authority: *MS s 360.015 subd 3*

8800.4400 CLUB SAFETY AND OPERATIONS OFFICER.

Subpart 1. **Appointment.** Every flying club must appoint a club safety and operations officer and set forth his or her duties in their operating rules or bylaws.

Subp. 2. **Responsibilities.** The club safety and operations officer shall be responsible for the record of the club's operation. These records shall be up to date and in an orderly form and shall contain the following information:

- A. names and addresses of all current members;
- B. if the flying club is a corporation, then the articles of incorporation and all amendments thereto, the current bylaws, minutes of corporation, and all shareholder agreements; if the flying club is a partnership, then the current articles of partnership and all current partnership agreements;
- C. all club operating rules;
- D. the share in club assets held by each member, stated by percentage or dollars;
- E. the voting rights of each member, stated by percentage or number of votes;
- F. the rights of each member to the assets of the club, stated by percentage or dollars, in case of dissolution of the club if a corporation, and in case of termination of the club, if a partnership;
- G. a statement of financial condition of the flying club at the end of its preceding fiscal year, or at the end of its preceding calendar year, as the case may be, showing the assets and liabilities of the club; and
- H. an operating statement of the club for the preceding fiscal year, or the preceding calendar year, as the case may be, showing the profits or losses, or a statement of receipts and disbursements, of the club, as the case may be, for that period of time.

Statutory Authority: *MS s 360.015 subd 3*

8800.4500 INSPECTION OF RECORDS.

The commissioner, or any employees of the department designated by the commissioner, shall have the right to inspect the books and records of any flying club, including the records referred to in part 8800.4400.

Statutory Authority: *MS s 360.015 subd 3*

History: *17 SR 1279*

8800.4600 COMMERCIAL OPERATIONS.

Flying clubs can be deemed to be commercial operations as defined in Minnesota Statutes, section 360.013, subdivision 11. A flying club shall be considered to be engaged in commercial operations, and therefore a commercial operations license shall be required:

- A. if any of the club's assets are used by members of the club who: do not have a bona fide and significant percentage of the property interest in the assets of the club; or hold property interest in the club's assets, which property interest is subject to an unreasonable forfeiture; however, a club may set forth in its operating rules and bylaws any reasonable penalties and any reasonable forfeitures so long as the purpose and the actual effect thereof is to enforce valid club rules; or
- B. if the property interest of any member of the club in the club's assets is not transferable; however, the transfer of such property interest may be subject to such reasonable conditions as the club deems reasonably necessary to ensure discipline and payment of dues among its members; or
- C. if any member of the club receives a pecuniary gain or receives any special benefits, which are in excess of the reasonable value of the services rendered to the club by said member, or are in excess of the reasonable value of the goods sold to the club by said member; however, this rule does not prohibit a flying club from paying one or more of its members a reasonable amount for services such as bookkeeping, secretarial, managerial, maintenance, and administrative duties of the flying club; or
- D. if the club charters, leases, or rents their aircraft or any interest in their aircraft to any persons or organizations other than fully qualified members of said club; provided, however, that this item shall not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators; or
- E. if the club provides for, or allows, memberships with a duration of less than 90 days; or
- F. if the club advertises, represents, or holds itself out as giving or offering to give, or does in fact provide or arrange for, "air instruction" as an "air school" (see Minnesota Statutes 1973, section 360.13, subdivisions 16 and 17), provided, however, that this part does not

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prohibit a club from providing or arranging for "air instruction," so long as it is not for compensation or hire directly or indirectly;

G. if a person or persons, who are members of a flying club (lessors) lease an aircraft to that flying club (lessee);

H. if lessor, as described in item G, gives air instruction; whether free or for compensation to members of that flying club.

Statutory Authority: *MS s 360.015 subd 3*