

CHAPTER 54**LICENSING OF AERONAUTICAL AND
AEROSPACE FACILITIES****Authority**

N.J.S.A. 6:1-29, 6:1-43, 6:1-44, 27:1A-5 and 27:1A-6.

Source and Effective Date

R.1998 d.220, effective April 9, 1998.
See: 30 N.J.R. 594(a), 30 N.J.R. 1629(a).

Executive Order No. 66(1978) Expiration Date

Chapter 54, Licensing of Aeronautical and Aerospace Facilities, expires on April 9, 2003.

Chapter Historical Note

Chapter 54, originally Licensing of Aeronautical Facilities, was filed and effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 54, Licensing of Aeronautical Facilities, was readopted as R.1986 d.146, effective April 7, 1986. See: 18 N.J.R. 403(a), 18 N.J.R. 998(b).

Administrative Correction. See: 19 N.J.R. 1240(a).

Pursuant to Executive Order No. 66(1978), Chapter 54, Licensing of Aeronautical Facilities, was readopted as R.1991 d.222, effective April 8, 1991. See: 23 N.J.R. 289(a), 23 N.J.R. 1421(a).

Chapter 54, Licensing of Aeronautical Facilities, was repealed and a new Chapter 54, Licensing of Aeronautical and Aerospace Facilities, was adopted as R.1993 d.348, effective July 6, 1993. See: 24 N.J.R. 2542(a), 25 N.J.R. 2916(c).

Pursuant to Executive Order No. 66(1978), Chapter 54, Licensing of Aeronautical and Aerospace Facilities, was readopted as R.1998 d.220, effective April 9, 1998. See: Source and Effective Date.

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APPENDIX A PUBLIC NOTICE**SUBCHAPTER 1. GENERAL PROVISIONS****16:54-1.1 Scope**

(a) This chapter lists and defines those types of aeronautical and aerospace facilities which must be licensed by the State of New Jersey and includes the ancillary operations thereon as hereinafter defined; outlines the procedures for obtaining license(s); specifies the licensing requirements which applicants must meet; specifies the minimum acceptable design standards for each type of facility; specifies certain operational standards for each type of facility; speci-

fies the liability and penalty for failure to observe the requirements; and describes the procedure for requesting exemption from these rules.

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

16:54-1.2 Applicability

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

1. Fixed wing aeronautical facility:
 - i. Airport—Public Use (land or water);
 - ii. Airport—Restricted Use (land or water); and
 - iii. Airport—Special Use (land or water);
2. Vertical flight aeronautical facility:
 - i. Heliport—Public Use;
 - ii. Helistop—Restricted Use;
 - iii. Helistop—Special Use;
 - iv. Vertiport—Public Use;
 - v. Vertiport—Restricted Use; and
 - vi. Vertiport—Special Use;
3. Lighter than air aeronautical facility:
 - i. Balloonport—Public Use;
 - ii. Balloonport—Restricted Use;
 - iii. Balloonport—Special Use;
 - iv. Airship Base—Public Use;
 - v. Airship Base—Restricted Use; and
 - vi. Airship Base—Special Use;
4. Parachute drop zone aeronautical facility:
 - i. Parachute Drop Zone—Public Use;
 - ii. Parachute Drop Zone—Restricted Use; and
 - iii. Parachute Drop Zone—Special Use;
5. Aerospace facilities (Reserved); and
6. Temporary aeronautical facilities:
 - i. Airship Base;
 - ii. Balloonport;

- iii. Helistop;
- iv. Landing Strip;
- v. Parachute Drop Zone;
- vi. Vertiport; and
- vii. Other.

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

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

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

16:54-1.3 Definitions

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

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

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

1. Aircraft: sales, charter, rental, lease, storage, operation, hangaring, tiedown, and parking; and parachuting operations;
2. Instruction: aircraft flight and ground instruction of all types, license examinations and proficiency checks, crew member training, parachute jumping training,
3. Maintenance: all types of maintenance, repair, inspection, testing, modification, overhaul, corrosion control or painting of aircraft, engines, systems, avionics, parachutes, or ancillary air or ground support equipment; and