

CHAPTER 54

LICENSING OF AERONAUTICAL 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.2003 d.423, effective October 2, 2003. See: 35 N.J.R. 1981(a), 35 N.J.R. 5127(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 54, Licensing of Aeronautical Facilities, expires on March 31, 2009. See: 40 N.J.R. 6413(a).

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Chapter 54, Licensing of Aeronautical Facilities, was repealed and a new Chapter 54, Licensing of Aeronautical and Aerospace Facilities, was adopted as R.1993 d.348, effective July 6, 1993.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: 30 N.J.R. 594(a), 30 N.J.R. 1629(a).

Chapter 54, Licensing of Aeronautical Facilities, was readopted as R.2003 d.423, effective October 2, 2003. As part of R.2003 d.423, effective November 3, 2003, Subchapter 7, Waivers and Exemptions, was recodified as Subchapter 10, Waivers and Exemptions; Subchapter 8, Liability and Penalty, was recodified as Subchapter 11, Liability and Penalty; Subchapter 9, Suspensions and Revocations, was recodified as Subchapter 12, Suspensions and Revocations; Subchapter 10, Powers, was recodified as Subchapter 13, Powers; and Subchapter 7, Ultralight Recreational Facilities, Subchapter 8, Airparks, and Subchapter 9, Aeronautical Facility Security, were adopted as new rules. See: Source and Effective Date. See, also, section annotations.

Chapter 54, Licensing of Aeronautical and Aerospace Facilities, was renamed Licensing of Aeronautical Facilities by administrative correction. See: 39 N.J.R. 1802(b).

Petition for Rulemaking. See: 39 N.J.R. 2662(a), 2662(b), 2663(a), 2663(b), 2664(a), 2664(b), 3570(a), 3571(a), 3571(b), 3572(a), 3573(a), 3573(b).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 16:54-1.1 Scope
16:54-1.2 Applicability
16:54-1.3 Definitions
16:54-1.4 Definitions incorporated by reference

SUBCHAPTER 2. APPLICATION FOR LICENSE

- 16:54-2.1 Application forms for permanent facilities

- 16:54-2.2 Application forms for temporary facilities
16:54-2.3 Notice to the public
16:54-2.4 Public hearing testimony
16:54-2.5 Application processing
16:54-2.6 Approvals
16:54-2.7 Commencement of activities
16:54-2.8 Renewals
16:54-2.9 License transfers
16:54-2.10 Abandonment, deactivation and surrender of license

SUBCHAPTER 3. GENERAL REQUIREMENTS

- 16:54-3.1 General requirements for all aeronautical facilities
16:54-3.2 General requirements for all public use aeronautical facilities
16:54-3.3 General requirements for restricted use aeronautical facilities
16:54-3.4 General requirements for special use aeronautical facilities
16:54-3.5 (Reserved)

SUBCHAPTER 4. DESIGN STANDARDS

- 16:54-4.1 General design standards for all facilities
16:54-4.2 General design standards for public use aeronautical facilities
16:54-4.3 General design standards for restricted use aeronautical facilities
16:54-4.4 General design standards for special use aeronautical facilities

SUBCHAPTER 5. OPERATIONAL STANDARDS

- 16:54-5.1 General operational standards
16:54-5.2 Operational standards for public use aeronautical facilities
16:54-5.3 Operational standards for restricted aeronautical facilities
16:54-5.4 Operational standards for special use aeronautical facilities

SUBCHAPTER 6. TEMPORARY AERONAUTICAL FACILITIES

- 16:54-6.1 Temporary licenses
16:54-6.2 Application for temporary license
16:54-6.3 General requirements for temporary aeronautical facilities
16:54-6.4 Design standards for temporary aeronautical facilities
16:54-6.5 Operational standards for temporary aeronautical facilities

SUBCHAPTER 7. ULTRALIGHT RECREATIONAL FACILITIES

- 16:54-7.1 Ultralight recreational facilities
16:54-7.2 through 16:54-7.4 (Reserved)

SUBCHAPTER 8. AIRPARKS

- 16:54-8.1 Airparks
16:54-8.2 through 16:54-8.5 (Reserved)

SUBCHAPTER 9. AERONAUTICAL FACILITY SECURITY

- 16:54-9.1 Aeronautical facility security
16:54-9.2 through 16:54-9.3 (Reserved)

SUBCHAPTER 10. WAIVERS AND EXEMPTIONS

- 16:54-10.1 General requirements
16:54-10.2 Requests for waiver
16:54-10.3 Petitions for exemption
16:54-10.4 Filing, decisions, and appeals

SUBCHAPTER 11. LIABILITY AND PENALTY

- 16:54-11.1 Compliance with laws, rules and regulations
- 16:54-11.2 License action
- 16:54-11.3 Misrepresentation or false statement
- 16:54-11.4 Actions contrary to the rules
- 16:54-11.5 Penalties for violations

SUBCHAPTER 12. SUSPENSIONS AND REVOCATIONS

- 16:54-12.1 Suspensions
- 16:54-12.2 Revocations; appeal of revocation
- 16:54-12.3 Appeals; generally

SUBCHAPTER 13. POWERS

- 16:54-13.1 Authority

APPENDIX A. PUBLIC NOTICE

SUBCHAPTER 1. GENERAL PROVISIONS

16:54-1.1 Scope

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

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

Amended by R.2003 d.423, effective November 3, 2003.

See: 35 N.J.R. 1981(a), 35 N.J.R. 5127(a).

In (a), in first sentence deleted "and aerospace" after "aeronautical".

16:54-1.2 Applicability

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

1. Fixed wing aeronautical facility:
 - i. Airport—Public Use (land or water);
 - ii. Airport—Restricted Use (land or water); and
 - iii. Airport—Special Use (land or water);
2. Vertical flight aeronautical facility:
 - i. Heliport—Public Use;

- ii. Helistop—Restricted Use;
 - iii. Helistop—Special Use;
 - iv. Vertiport—Public Use;
 - v. Vertiport—Restricted Use; and
 - vi. Vertiport—Special Use;
3. Lighter than air aeronautical facility:
 - i. Balloonspot—Public Use;
 - ii. Balloonspot—Restricted Use;
 - iii. Balloonspot—Special Use;
 - iv. Airship Base—Public Use;
 - v. Airship Base—Restricted Use; and
 - vi. Airship Base—Special Use;

4. Parachute drop zone aeronautical facility:

- i. Parachute Drop Zone—Public Use;
- ii. Parachute Drop Zone—Restricted Use; and
- iii. Parachute Drop Zone—Special Use;

5. Temporary aeronautical facilities:

- i. Airship base;
- ii. Balloonspot;
- iii. Helistop;
- iv. Landing Strip;
- v. Parachute Drop Zone;
- vi. Vertiport; and
- vii. Other.

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

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

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

Amended by R.2003 d.423, effective November 3, 2003.

See: 35 N.J.R. 1981(a), 35 N.J.R. 5127(a).

In (a), substituted "Balloonspot" for "Balloonspot" throughout.