

## SUBCHAPTER 3. GENERAL REQUIREMENTS

**16:54-3.1 General requirements for all aeronautical facilities**

(a) All aeronautical facilities and all operations at aeronautical facilities shall conform to the Federal Aviation Regulations of the United States, the laws of the State of New Jersey, the orders issued by the Commissioner, and the rules promulgated by the Department of Transportation.

(b) All licensed aeronautical facilities shall be maintained in a safe and hazard-free condition.

(c) Licensees shall provide safeguards acceptable to the Division to prevent inadvertent entry by unauthorized persons to the aeronautical operating area of the aeronautical facility. These safeguards shall be sufficient to prevent inadvertent entry at all times when flight operations are in progress or when aircraft are being operated or prepared for operations.

(d) Aircraft capable of meeting FAA certification specifications for landing or takeoff at an aeronautical facility of a specified size may not be prohibited from using any public use aeronautical facility of that size or greater. Such use shall be restricted or prohibited when it violates FAA or Department rules or regulations. Such use may be restricted or prohibited when it would conflict with the aeronautical facility's Facility Management Standards or General Operating Rules prepared by the licensee in accordance with N.J.A.C. 16:54-3.2(a) and as approved by the Division. Licensees who enter into agreements with others, restricting or prohibiting certain aeronautical activities, aircraft operations, or certain types of aircraft at their aeronautical facility shall include all such provisions in their Facility Management Standards and General Operating Rules. The Director may make such limitations a condition of the license.

(e) Licensees shall provide the Division with the current name, home address and telephone numbers of the facility manager or responsible official who may be contacted at any time in case of emergency.

(f) Facility inspections may be conducted at any aeronautical facility or proposed aeronautical facility in accordance with the following procedures:

1. Any duly authorized representative of the Division, upon presentation of Department credentials, will be permitted to enter and inspect the premises at any time during scheduled hours of operation.

2. Any such representative will be permitted to inspect all records and/or equipment related to the aeronautical facility during the inspection. The inspection may include:

- i. An evaluation of compliance with industry standards;
- ii. A review of the Facility Management Standards and General Operating Rules in use or proposed; and/or

- iii. A safety inspection of the physical facility.

(g) The Certificate of License shall be displayed on the premises at all times, and shall be presented for inspection upon demand of any police officer of this State, or any representative of the Division.

(h) Licensees shall not have had more than one suspension of a previously held aeronautical license within the past five years.

(i) Licensees who are not residents of New Jersey shall have an authorized agent registered with the State to act on their behalf. Licensees that are corporations shall be registered to do business in New Jersey.

(j) No buildings, structures, trees, or other permanent or semipermanent obstructions shall be built or located between the building restriction line and the runway.

Amended by R.2003 d.423, effective November 3, 2003.  
See: 35 N.J.R. 1981(a), 35 N.J.R. 5127(a).

**16:54-3.2 General requirements for all public use aeronautical facilities**

(a) Licensees shall establish written aeronautical facility General Operating Rules to ensure the public safety, the safety of the general flying public, and the safety of those using the aeronautical facility. Licensees shall submit their proposed rules to the Director for review and approval. Upon approval, the licensee shall distribute the General Operating Rules to all tenants and make the rules available to other users and the general public at the cost of reproduction. In addition, the licensee shall post the rules in conspicuous places at the aeronautical facility.

(b) Aeronautical activities may be conducted at public use aeronautical facilities. For the purposes of land use and zoning, aeronautical activity(ies) are normally considered permitted uses at public use aeronautical facilities.

(c) Licensees shall establish and enforce written Facility Management Standards to ensure adequate oversight and control of aeronautical activities conducted at their facility. The Facility Management Standards shall be reviewed and approved by the Division, as follows:

1. Licensees shall:

- i. Notify the Division in writing that such aeronautical activities occur at the facility;

- ii. Submit copies of the Facility Management Standards for review; and

- iii. Open the facility to inspections by any duly authorized representative of the Division during scheduled hours of operations. The inspection may include:

- (1) An evaluation of general compliance with industry standards;

(2) A review of the implementation of the Facility Management Standards in use or proposed; and/or

(3) A safety inspection of the facility.

2. Licensees shall be notified by the Division regarding the approval of, or need for revisions to, the Facility Management Standards.

3. Upon approval by the Division of the Facility Management Standards, licensees shall post the Facility Management Standards in a conspicuous place at the aeronautical facility. Licensees shall provide copies of the approved Facility Management Standards to tenants and those others engaged in aeronautical activities at the facility. Licensees shall make copies available to other users of the facility.

4. Revisions to Facility Management Standards which are required because of changes in aeronautical activities must be submitted to the Division in accordance with (c)1 above, within 90 days of any such change.

(d) Licensees shall enforce the approved and posted General Operating Rules and Facility Management Standards.

(e) Compliance with these Facility Management Standards shall not relieve the operator of any aeronautical activity from the responsibility to comply with other regulatory requirements.

(f) Public use telephones or other means of communication must be available at all times for emergency service notification (fire, police, rescue) and for contact with FAA air traffic facilities. Emergency phone numbers or notification procedures shall be conspicuously posted.

Amended by R.2003 d.423, effective November 3, 2003.  
See: 35 N.J.R. 1981(a), 35 N.J.R. 5127(a).

### **16:54-3.3 General requirements for restricted use aeronautical facilities**

(a) Restricted use aeronautical facilities shall not be open to general public use and shall not be utilized, advertised, or represented as such.

(b) Licensees, or their designees, shall be responsible for approving the use into or out of the aeronautical facility for aircraft operations by an individual. Approved users shall be advised of facility conditions or restrictions which may affect aircraft operations.

(c) Aeronautical activities may be conducted on restricted use aeronautical facilities only upon written request to, and after concurrence by, the Division. For the purposes of land use and zoning, aeronautical activities are considered a conditional use at restricted use aeronautical facilities.

(d) Licensees shall establish and enforce written Facility Management Standards for the management and control of all aeronautical activities authorized to be conducted at their

aeronautical facility. Such Standards shall be prepared in accordance with the provisions of N.J.A.C. 16:54-3.2.

(e) Licensees may establish written aeronautical facility General Operating Rules in accordance with the provisions of N.J.A.C. 16:54-3.2.

(f) Restricted use aeronautical facilities which require multiple auxiliary sites shall meet the requirements of N.J.A.C. 16:54-2 for each site, unless such requirements are waived in accordance with N.J.A.C. 16:54-2.1(b). Each approved auxiliary site will be listed on the facility license.

Amended by R.2003 d.423, effective November 3, 2003.  
See: 35 N.J.R. 1981(a), 35 N.J.R. 5127(a).

### **16:54-3.4 General requirements for special use aeronautical facilities**

(a) Special use aeronautical facilities shall be available only to those persons specifically listed on the license, using only that equipment specifically listed on the license and meeting FAA certificated aircraft operating performance manual standards and limitations.

(b) Applicants for, and proposed users of, a special use aeronautical facility may be required to conduct a flight demonstration, at a licensed public use aeronautical facility, to satisfactorily demonstrate their ability to operate in a space of like dimensions to that proposed in the application.

(c) Aeronautical activities shall not be permitted at these facilities, except when specifically authorized by the license.

(d) Special use aeronautical facilities which require multiple auxiliary sites shall meet the requirements of N.J.A.C. 16:54-2 for each site, unless such requirements are waived in accordance with N.J.A.C. 16:54-2.1(b). Each approved auxiliary site will be listed on the facility license.

#### **Case Notes**

Helistop application approved when applicant substantially met requirements of local ordinance and state requirements. In the Matter of Helistop Application of Steffens, Bedminster Township, New Jersey, 97 N.J.A.R.2d (TRP) 12.

### **16:54-3.5 (Reserved)**

## **SUBCHAPTER 4. DESIGN STANDARDS**

### **16:54-4.1 General design standards for all facilities**

All licensed and proposed aeronautical facilities shall be designed, constructed, and maintained in accordance with the provisions of N.J.A.C. 16:54-4.2, 4.3, and 4.4, in order to provide for the public safety, the safety of those participating in aviation, and the safety of those using the aeronautical facility.