

**CHAPTER 56**

**AIRPORT SAFETY IMPROVEMENT AID**

**Authority**

N.J.S.A. 6:1-29, 6:1-44, 27:1A-5, 27:1A-6 and "Airport Safety Act of 1983" P.L. 1983, c.264, effective July 11, 1983 (N.J.S.A. 6:1-89 et seq.).

**Source and Effective Date**

R.1999 d.207, effective June 10, 1999.  
See: 31 N.J.R. 928(a), 31 N.J.R. 1820(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 56, Airport Safety Improvement Aid, expires on December 7, 2004. See: 36 N.J.R. 3340(a).

**Chapter Historical Note**

Chapter 56, Aircraft Registration, was adopted prior to September 1, 1969.

Subchapter 3, Aircraft Registry Log, was repealed by R.1981 d.341, effective September 10, 1983. See: 13 N.J.R. 457(b), 13 N.J.R. 616(b).

Chapter 56, Aircraft Registration, was repealed by R.1983 d.476, effective June 4, 1984.

Chapter 56, Airport Safety Improvement Aid, was adopted as new rules by R.1984 d.207, effective June 4, 1984. See: 16 N.J.R. 694(a), 16 N.J.R. 1372(a). Pursuant to Executive Order No. 66(1978), Chapter 56 expired on June 4, 1989.

Chapter 56, Airport Safety Improvement Aid, was adopted as new rules by R.1989 d.413, effective August 7, 1989. See: 21 N.J.R. 1502(a), 21 N.J.R. 2299(b).

Pursuant to Executive Order No. 66(1978), Chapter 56, Airport Safety Improvement Aid, was readopted as R.1994 d.372, effective June 22, 1994. See: 26 N.J.R. 1607(a), 26 N.J.R. 2916(a).

Pursuant to Executive Order No. 66(1978), Chapter 56, Airport Safety Improvement Aid, was readopted as R.1999 d.207, effective June 10, 1999. See: Source and Effective Date. See, also, section annotations.

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Amended by R.2001 d.274, effective August 6, 2001.

See: 32 N.J.R. 4055(a), 33 N.J.R. 2689(b).

Inserted "Aviation enterprise".

## Case Notes

Airport statute renders property used for or reasonably necessary for or incidental to a municipal airport immune from zoning regulations; municipality cannot invade immunity by inhibiting appropriate uses of such property; township ordinance prohibiting use of airport by commercial air carriers held invalid (citing former rule). Town of Morristown, v. Tp. of Hanover, 168 N.J.Super. 292, 402 A.2d 983 (App.Div. 1979).

## SUBCHAPTER 1. DEFINITIONS

## 16:56-1.1 Definitions

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

"Airport Safety Fund" means the special fund established by the "Airport Safety Act of 1983" to help finance improvements to air safety and travel.

"Applicant" means any person seeking funds from the Airport Safety Fund.

"Aviation enterprise" means any business or enterprise which is principally located within a New Jersey unrestricted public use airport where the Commissioner has determined such business or enterprise has a direct economic or operational benefit to the airport.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation.

"Department" means the Department of Transportation.

"Division" means the Division of Aeronautics.

"Executive Director" means the Executive Director of the Division of Aeronautics.

"Person" means any corporation, company, association, society, firm, partnership, or joint stock company, as well as any individual, the State, and all political subdivisions of the State or any agencies or instrumentalities thereof.

"Sponsor" means any person in receipt of funds from the Airport Safety Fund.

"State Aid" means funds disbursed from the Airport Safety Fund for the purposes of this chapter.

"Unrestricted public use airport" means any area of land, water, or both, either publicly or privately owned, which is licensed for the landing or takeoff of aircraft and open to the public for aeronautical operations that does not have restrictive covenant on operational use by the general public for reasons other than safety.

"Waiver" means relief from application requirements of this rule or temporary relief from other provisions of this rule for a specified time period.

Amended by R.1994 d.372, effective July 18, 1994.

See: 26 N.J.R. 1607(a), 26 N.J.R. 2916(a).

## SUBCHAPTER 2. PURPOSE

## 16:56-2.1 Purpose and general policy

(a) The legislature has found that:

1. New Jersey's public use general aviation airports are an integral part of the State's transportation network and promote mobility and economic activities of common public benefit. These public use general aviation transportation facilities must be improved in order to realize their full benefit.

2. There is a need to improve general aviation airports, which require safety improvements and equipment such as radar, instrument landing aids and weather-reporting equipment to enable them to safely handle modern general aviation aircraft.

3. Many publicly owned general aviation airports are unable to obtain all of the federal funds available to them for airport development because they are unable to raise money for their local matching requirements.

4. Many privately owned public use general aviation airports which are essential to the State's economic development are in danger of conversion to non-aviation uses, and it is in the public interest to provide State assistance to preserve these airports, through acquisition or other means.

5. The long term stability and viability of unrestricted public use airports are greatly dependent upon the economic stability and vitality of the aviation enterprises which are located within them.

6. It is in the public interest for the Department of Transportation to undertake activities which promote aviation safety, promote aviation education, and provide for the promotion of aeronautics.

(b) The Commissioner of Transportation is therefore establishing programs:

1. To provide grants to publicly and privately owned unrestricted public use airports to obtain federal funds for airport assistance. The Commissioner is authorized to provide up to 50 percent of the required local match;

except that the Commissioner is authorized to provide up to 100 percent of the required local match when he deems that an emergency situation exists.