ARTICLE 3. AIRPORTS

Rule 1. Airport Development Funds

105 IAC 3-1-1 Fund requests

Authority: IC 8-9.5-5-8; IC 8-9.5-5-13
Affected: IC 8-21-1-9

Sec. 1. Fund Requests. Applications for airport development funds will be made on forms and in a manner as prescribed by the Indiana department of transportation. The department shall review requests for funds for airport development and after determining that the project is necessary and is an orderly construction or expansion of an airport, shall issue a tentative allocation for the amount of the funds the department deems appropriate, taking into consideration the project priority and the availability of state funds. *(Indiana Department of Transportation; Reg 6, Fund Requests; filed Aug 20, 1973, 11:10 a.m.: Rules and Regs. 1974, p. 30; filed Jun 8, 1988, 10:15 a.m.: 11 IR 3142; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-2-1) to Indiana Department of Transportation (105 IAC 3-1-1) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-1-2 Eligibility of project

Authority: IC 8-9.5-5-8; IC 8-9.5-5-13
Affected: IC 8-21-1-8; IC 8-21-1-9

Sec. 2. Eligibility of Project. The allocation program is designed to optimize the use of the Airport Development Fund. The primary goal of the allocation program is to:

(1) further the proper development and maintenance of a state-wide system of airports,
(2) to further economic development, and
(3) to provide safety of aircraft operations.

This program requires the project to:

(1) Be for the establishment or improvement of a public-use airport.
(2) Be included in the Indiana Airport System Plan, as provided in IC 8-21-1-8.
(3) Be located on a site approved by the Indiana department of transportation.
(4) Follow an airport layout plan approved by the Indiana department of transportation.
(5) Meet the general design criteria of the Federal Aviation Administration Advisory Circulars.

These are examples and guidelines and may be waived by the Indiana department of transportation, where, in the judgment of the department, the public interest is best served by allowing less stringent criteria.

The amount of funds requested may not exceed the amount of funds provided by the project applicant. Previously expended funds may not be used as matching funds with the exception of land acquired and engineering agreements entered into after June 30, 1973.

Engineering agreements for work to be financed in part by the Airport Development Fund shall be reviewed for approval by the Indiana department of transportation.

Airport development items which are typically eligible for funding are:

(1) Land acquisition for development of airport facilities.
(2) Engineering and legal fees for airport planning and development.
(3) Grading, drainage, paving, and miscellaneous items necessary for the construction or reconstruction of runways, taxiways and aprons.
(4) Acquisition of runway clear zones and aviation easements, or other interests in airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an airport.
(5) Removal of obstructions from approach areas.
(6) Installation or relocation of segmented circles; runway, apron and taxiway lights; taxiway guidance signs; obstruction lights; security flood lights; airport beacons; wind and landing direction indicators; auxiliary power units; REIL's (Runway End Identification Lights) and visual glideslope indicator systems.
(7) Grading, drainage, paving and miscellaneous items necessary for the construction or reconstruction of airport access roads

and public auto parking areas.

(8) Construction of airport safety facilities, security fencing, acquisition of aircraft rescue and firefighting (ARFF) vehicles, and snow removal equipment.

(9) Installation of instrument landing systems, approach lighting systems and other approach aids.

(10) Development of master planning grants.

(11) Airport operational buildings, however, additional building projects will not be eligible until the eighth fiscal year after the completion of the previous building project.

(12) Other items may be approved, where, in the judgment of the department, the public interest is best served.

(Indiana Department of Transportation; Reg 6, Eligibility of Project; filed Aug 20, 1973, 11:10 a.m.: Rules and Regs. 1974, p. 30; filed Jun 8, 1988, 10:15 a.m.: 11 IR 3142; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-2-2) to Indiana Department of Transportation (105 IAC 3-1-2) by P.L.112-1989, SECTION 5, effective July 1, 1989.

105 IAC 3-1-3 Conditions for use of funds

Authority: IC 8-9.5-5-8; IC 8-9.5-5-13
Affected: IC 8-21-1-9

Sec. 3. Conditions. An applicant receiving airport development funds will be expected to work diligently towards obtaining airport hazard zoning and compatible land use zoning. Future projects may be delayed if the airport protection is not obtained.

Any applicant receiving airport development funds shall operate the airport facility for a minimum of twenty years. Failure to meet this requirement shall result in a refund to the Airport Development Fund by the applicant. *(Indiana Department of Transportation; Reg 6, Conditions; filed Aug 20, 1973, 11:10 a.m.: Rules and Regs. 1974, p. 31; filed Jun 8, 1988, 10:15 a.m.: 11 IR 3143; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-2-3) to Indiana Department of Transportation (105 IAC 3-1-3) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-1-4 Priorities

Authority: IC 8-9.5-5-8; IC 8-9.5-5-13
Affected: IC 8-21-1-9

Sec. 4. Priorities. The allocation program for the Indiana Airport Development Fund is intended to provide economic development throughout the state and to complete the Indiana Airport System Plan. The principles of the program will be to preserve existing landing facilities, to assist projects involving safety of aircraft operations, and to develop new and additional landing facilities in areas of greatest need. *(Indiana Department of Transportation; Reg 6, Priorities; filed Aug 20, 1973, 11:10 a.m.: Rules and Regs. 1974, p. 32; filed Jun 8, 1988, 10:15 a.m.: 11 IR 3143; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-2-4) to Indiana Department of Transportation (105 IAC 3-1-4) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-1-5 Contractual agreement

Authority: IC 8-9.5-5-8; IC 8-9.5-5-13
Affected: IC 8-21-1-9

Sec. 5. Agreement. A contractual agreement will be prepared by the Indiana department of transportation to establish certain basic general agreements and to provide a detailed breakdown on project costs. *(Indiana Department of Transportation; Reg 6, Agreement; filed Aug 20, 1973, 11:10 a.m.: Rules and Regs. 1974, p. 32; filed Jun 8, 1988, 10:15 a.m.: 11 IR 3143; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE:*

Transferred from Department of Transportation (100 IAC 3-2-5) to Indiana Department of Transportation (105 IAC 3-1-5) by P.L.112-1989, SECTION 5, effective July 1, 1989.

105 IAC 3-1-6 Payments

Authority: IC 8-9.5-5-8; IC 8-9.5-5-13
Affected: IC 8-21-1-9

Sec. 6. Payments. Forms will be provided by the Indiana department of transportation for payment request. Partial payments may be made, but in no case will payments exceed the project applicant's participation. *(Indiana Department of Transportation; Reg 6, Payments; filed Aug 20, 1973, 11:10 a.m.: Rules and Regs. 1974, p. 32; filed Jun 8, 1988, 10:15 a.m.: 11 IR 3143; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-2-6) to Indiana Department of Transportation (105 IAC 3-1-6) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

Rule 2. Preapplication and Project Applications for Airport Aid Program

105 IAC 3-2-1 Definitions

Authority: IC 8-9.5-5-8; IC 8-9.5-5-13
Affected: IC 8-21-1-8

Sec. 1. Definitions. (A) "Municipality"–any political subdivision, district, public corporation or authority in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve or operate airports or other air navigation facilities.

(B) "Public Agency" and "Sponsor"–have the same meaning as set forth in the Federal Airport and Airway Development Act of 1970 Pub. L. 91-258, as amended. *(Indiana Department of Transportation; Reg 7,Sec 1; filed Sep 11, 1978, 4:25 p.m.: 1 IR 637; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-3-1) to Indiana Department of Transportation (105 IAC 3-2-1) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-2-2 Submission of preapplication and project application

Authority: IC 8-9.5-5-8; IC 8-9.5-5-13
Affected: IC 8-21-1-8

Sec. 2. Preapplications and Applications. (A) Any sponsor that desires to implement the Airport Aid Program for airport development or planning grant projects under the Airport and Airway Development Act is required to submit thru the Aeronautics Commission of Indiana the Preapplication and Project Application for its review. These documents shall be in accordance with the Federal Aviation Regulations Part 152.

(B) The Commission, after its review, will forward these documents to the appropriate Airport District Office of the Federal Aviation Administration with comments not later than five working days after the second Commission meeting on the receipt of the said documents. *(Indiana Department of Transportation; Reg 7,Sec 2; filed Sep 11, 1978, 4:25 p.m.: 1 IR 637; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-3-2) to Indiana Department of Transportation (105 IAC 3-2-2) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

Rule 3. Airport Site Approvals and Operating Certificates of Approval

105 IAC 3-3-1 Purpose

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 1. The purpose of this regulation (100 IAC 3-4) *[this rule]* is to further the public interest and aeronautical progress, provide for the protection and promotion of safety in aeronautics, and contribute to the principle of effecting uniform regulations of aeronautics, in order that those engaged in aeronautics of every character may so engage with the least possible restriction consistent with the safety and rights of others. *(Indiana Department of Transportation; 105 IAC 3-3-1; filed Jan 6, 1983, 1:55 p.m.: 6 IR 309; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-1) to Indiana Department of Transportation (105 IAC 3-3-1) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-2 Definitions

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1-10.1

Sec. 2. (a) Aircraft–any contrivance now known, or hereinafter invented, used or designed for navigation of or flight in the air.

(b) Airport–any area, site or location, either on land, water or upon any building, which is specifically adapted and maintained for the landing and taking off of aircraft, and includes its buildings and facilities, if any.

(c) Certificate of Site Approval Holder–the current owner and/or operator of an airport.

(d) Department–the Indiana department of transportation, division of aeronautics.

(e) FAA–Federal Aviation Administration.

(f) Heliport–any area designated and designed for the exclusive use of rotary wing and vertical take off and landing (VTOL) aircraft.

(g) Lighter-Than-Air-Aircraft–a gas or hot air filled free balloon, with or without airborne heaters or engines, or any other type of balloon designed to transport persons or goods.

(h) Municipality–any county, city, or incorporated town, of this state and any other political subdivision, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

(i) Operating Certificate of Approval Holder–the owner and/or operator of a public-use airport.

(j) Overall Runway Length–the distance measured to include the usable runway length plus the area beyond the runway threshold specifically designed as runway for use by aircraft.

(k) Person–any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, including any trustee, receiver, assignee, or other similar representative thereof.

(l) Personal Use Airport–an airport that is used exclusively by the owner.

(m) Private Use Airport–an airport that is for the exclusive use of the owner or other persons specifically authorized by the owner.

(n) Provisional Landing Site–any area, site or location which is not classified as an airport, has no based aircraft, and is only used on an occasional basis with the landowner's permission by helicopters, lighter-than-air aircraft, or aircraft engaged in aerial applications to agricultural lands in accordance with IC 8-21-1-10.1.

(o) Public Use Airport–an airport, whether privately or publicly owned, which the owner or persons having a right of access and control invite, encourage or allow flight operations by the general public without prior authorization, and which usually has commercial operations.

(p) Runway–that portion of an airport, either turf or paved, which is designated for landing and taking off of aircraft.

(q) Runway Safety Area–an area symmetrically located about the runway centerline, the dimensions of which include the runway width, and which is maintained for emergency aircraft operation.

(r) Seaplane Base–an area of water specifically designated for the landing and taking off of seaplanes.

(s) Temporary Airport–an airport which is intended to be used for a period of less than thirty (30) consecutive days for special

events or emergency services.

(t) Threshold–a point at which a minimum 20:1 obstruction clearance is obtained and which is represented by a line perpendicular to the runway centerline indicating the beginning of the usable landing length of the specific runway.

(u) Ultralight–an aircraft that is used only for recreation or sport purposes, and satisfies all criteria and requirements of the Federal Aviation Regulations, Part 103.

(v) Ultralight Flightpark–an area, site, or location which is specifically adapted and used or intended to be used for the landing and taking off of ultralights.

(w) Usable Landing Length–the distance measured from any runway threshold to the opposite end of that runway. *(Indiana Department of Transportation; 105 IAC 3-3-2; filed Jan 6, 1983, 1:55 p.m.: 6 IR 309; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-2) to Indiana Department of Transportation (105 IAC 3-3-2) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-3 Classification of airports

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 3. All airports in Indiana shall be classified as one of the following:

(1) Public-Use
(2) Private-Use
(3) Temporary

Any landing strip, which is specifically adapted and maintained for the landing and taking off of aircraft shall be classified as an airport, whether or not facilities are provided for the shelter, servicing or repair of aircraft.

Unless stated otherwise, the term "airport", as used in this regulation (100 IAC 3-4) *[this rule]*, shall include heliports, seaplane bases, and any area designated for the exclusive use of ultralights. *(Indiana Department of Transportation; 105 IAC 3-3-3; filed Jan 6, 1983, 1:55 p.m.: 6 IR 310; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-3) to Indiana Department of Transportation (105 IAC 3-3-3) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-4 Requirements for public-use airports

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 4. Sections 5 through 16 of this regulation (100 IAC 3-4) *[this rule]* shall apply to all public-use airports in the state, except as hereinafter exempted from the requirements. *(Indiana Department of Transportation; 105 IAC 3-3-4; filed Jan 6, 1983, 1:55 p.m.: 6 IR 310; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-4) to Indiana Department of Transportation (105 IAC 3-3-4) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-5 General policy

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 5. It shall be the policy of the department to certificate all applicable public-use airports meeting the following requirements excepting those requirements which have been waived by the department. *(Indiana Department of Transportation; 105 IAC 3-3-5; filed Jan 6, 1983, 1:55 p.m.: 6 IR 310; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed*

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105 IAC 3-3-6 Establishment of airport without site approval unlawful

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 6. (a) It shall be unlawful for any municipality or person to acquire, establish, construct, activate, or lease any public-use airport without first being issued a certificate of site approval by the department.

(b) A certificate of site approval issued by the department shall remain valid indefinitely, unless it is revoked by the department, pursuant to section 15 of this regulation (100 IAC 3-4) *[this rule]*, or until such time as the airport is closed, whether voluntarily by the owner, or by order of the department or any court of general jurisdiction.

(c) Any person or municipality who desires to open or reactivate any public-use airport which has been closed and/or for which the certificate of site approval has been revoked by the department must apply for a new certificate of site approval pursuant to section 8 of this regulation (100 IAC 3-4) *[this rule]*. *(Indiana Department of Transportation; 105 IAC 3-3-6; filed Jan 6, 1983, 1:55 p.m.: 6 IR 311; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-6) to Indiana Department of Transportation (105 IAC 3-3-6) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-7 Failure to apply for certificate of site approval

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 7. Failure to apply for a certificate of site approval for a public-use airport from the department as required in section 6 *[of this rule]* shall result in appropriate actions by the department to close the airport. The department may invoke the aid of any court of general jurisdiction to carry out its orders by injunction or other legal process. *(Indiana Department of Transportation; 105 IAC 3-3-7; filed Jan 6 1983, 1:55 p.m.: 6 IR 311; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-7) to Indiana Department of Transportation (105 IAC 3-3-7) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-8 Application for certificate of site approval

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 8. (a) Application for a certificate of site approval for a public-use airport shall be made on forms prescribed and furnished by the department, and shall be accompanied by:

(1) A section of a current federal or state sectional aeronautical chart or topographic map depicting an area of at least a 25 nautical mile radius surrounding the plotted position of the proposed public-use airport.

(2) A detailed drawing on forms provided by the department, which shows the proposed site and the immediate adjacent area, prepared in such manner as will clearly indicate the initial and ultimate stages of airport development, airport property lines, obstructions, other general characteristics of the area including distance and direction to the nearest city or town, and depict the air traffic pattern for the proposed public-use airport.

(3) Written consent of the property owner(s) unless the applicant holds title in fee simple to the proposed site.

(4) A statement of the location of any sanitary landfills or open dumps within 2 miles of the proposed public-use airport boundaries.

(5) Evidence that the applicant has obtained approval from the local zoning authority to establish a public-use airport at the proposed site.

(b) In addition to the information required above, FAA Form 7480-1, "Notice of Landing Area Proposal," as required by FAA,

will be furnished by the department and may be filed along with the state application for site approval. *(Indiana Department of Transportation; 105 IAC 3-3-8; filed Jan 6, 1983, 1:55 p.m.: 6 IR 311; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-8) to Indiana Department of Transportation (105 IAC 3-3-8) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-9 Standards for issuing certificate of site approval

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 9. (a) In determining whether it shall issue a certificate of site approval for any proposed public-use airport, the department shall take into consideration its proposed location, size, and layout, the relationship of the proposed airport to the current national and state airport systems plans and any applicable airport master plans, whether there are safe areas available for expansion purposes, whether the adjoining area is free from obstructions based on a proper approach ratio, the nature of the terrain, the nature of the uses to which the proposed airport will be put, the possibilities for future development, and such other factors as, under the circumstances, it regards as having an important bearing thereon, including the minimum safety standards hereinafter prescribed, in section 11(C) *[of this rule]*.

(b) Certificates of site approval may be granted with such restrictions and limitations as the department deems reasonable and necessary for safe airport operations.

(c) A certificate of site approval shall not be issued by the department in the following circumstances:

(1) When the Federal Aviation Administration has issued an objectionable airspace determination,

(2) When the local governing body has not given land use approval to establish a public-use airport at such site, if that body has adopted a zoning ordinance, or

(3) When the proposed airport site is:

(A) Within 10,000 feet of any open dump, waste disposal site or sanitary landfill where the proposed airport would be used by turbojet aircraft, unless the landfill is used exclusively for the disposal of rock and earth.

(B) Within 5,000 feet of any open dump, waste disposal site, or sanitary landfill, where the proposed airport would be used only by piston type aircraft, unless the landfill is used exclusively for the disposal of rock and earth.

(d) In addition to the foregoing requirements, a certificate of site approval for a public-use seaplane base shall not be issued by the department unless any governmental body or authority having jurisdiction over the body of water has given approval for use of the site as a public-use seaplane base.

(e) In addition to the foregoing requirements, a certificate of site approval for a public-use heliport shall not be issued by the department unless the heliport will satisfy all conditions imposed by the FAA in their airspace analysis determination. The heliport should conform, as much as practicable, with the design criteria in the Heliport Design Guide (FAA Advisory Circular 150/5390-1B) and any subsequent amendments. *(Indiana Department of Transportation; 105 IAC 3-3-9; filed Jan 6, 1983, 1:55 p.m.: 6 IR 311; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-9) to Indiana Department of Transportation (105 IAC 3-3-9) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-10 Alteration or expansion of an existing public-use airport

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 10. (a) No municipality or person shall make any alteration or expansion to a public-use airport without prior written approval from the department. Application for approval of an alteration or expansion shall be made by filing a copy of either FAA Form 7480-1, "Notice of Landing Area Proposal" or FAA Form 7460-1, "Notice of Proposed Construction or Alteration", with the department. The department shall not withhold approval for any alteration or expansion project at an airport which holds a valid Air Carrier Operating Certificate issued under Federal Aviation Regulations, Part 139. The phrase "alteration or expansion" shall include,

but not be limited to, any of the following:

(1) any change in the length, width, direction or surface of runways or landing strips;

(2) construction or installation of any building or other obstacle on the airport property; including aircraft parking or tiedown areas;

(3) change in any marking or lighting facilities.

(b) Subsequent evidence shall be given by the applicant that airspace determination is approved by the FAA. This section of the regulation (100 IAC 3-4) *[this rule]* shall not apply to any airport improvement project that is funded in part by federal and/or state funds. *(Indiana Department of Transportation; 105 IAC 3-3-10; filed Jan 6, 1983, 1:55 p.m.: 6 IR 312; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-10) to Indiana Department of Transportation (105 IAC 3-3-10) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-11 Annual operating certificates of approval

Authority: IC 8-23-2-6
Affected: IC 8-21-1

Sec. 11. (a) It shall be unlawful for a municipality or person to initiate operations at a public-use airport without first being issued an operating certificate of approval by the department; however, the department will issue a certificate to an airport which already holds a valid Air Carrier Operating Certificate issued under Federal Aviation Regulations, 14 CFR 139.

(b) It shall be unlawful for a municipality or person to continue to operate a public-use airport for which an annual operating certificate of approval has not been issued by the department, except as otherwise provided in this section.

(c) All public-use airports must be inspected at least once a year by the department and must conform to the minimum safety standards established in this subsection prior to receiving an operating certificate of approval unless the airport already holds a valid Air Carrier Operating Certificate issued under 14 CFR 139. Compliance with these minimum safety standards is required at all times in order to maintain a valid operating certificate of approval. These standards do not apply to public-use heliports, seaplane bases, or ultralight flightparks. Minimum safety standards shall be as follows:

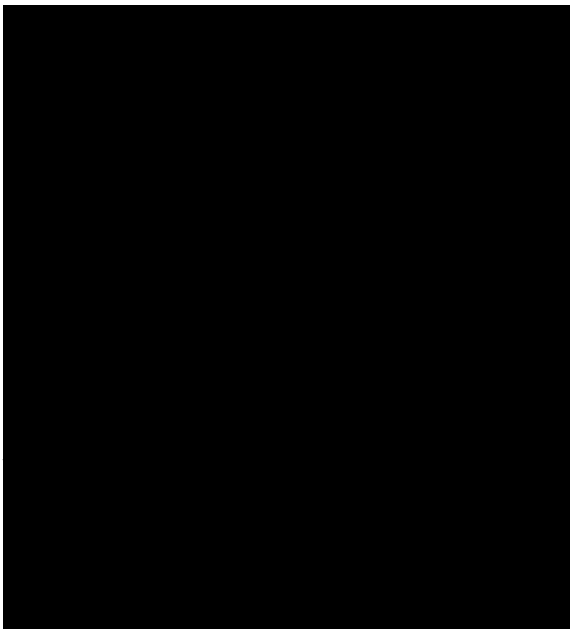
(1) Physical standards as follows:

*Minimum usable runway length	2,000 feet
Minimum width for:	
**Runway safety area	150 feet
Paved runway	40 feet
Turf runway	100 feet
Minimum distance between runway centerline and:	
Building restriction line	150 feet
Edge of tie-down area	125 feet
Taxiway centerline	100 feet
Approach and departure surface width at:	
***Threshold of runway	150 feet
4,000 feet from threshold	350 feet

*If there is more than one (1) runway at the airport, only one (1) runway must meet the two thousand (2,000) feet minimum usable length requirement; however, all other runways must have at least one thousand five hundred (1,500) feet minimum usable length.

**Although the minimum standard width for a runway safety area is one hundred fifty (150) feet, low crops, such as soybeans, alfalfa, and wheat, may be grown within the runway safety area beginning no closer than fifty (50) feet from the runway centerline. High crops, such as corn and sorghum, must not be grown in the one hundred fifty (150) feet runway safety area.

***All crops are considered a ten (10) foot obstruction because of transient farm machinery used in farming the crops. Therefore, no crops may be grown in the area crosshatched in the following illustration:



(2) A public-use airport which has two (2) or more intersecting runways where aircraft must operate out of the sight of each other must have warning signs posted at the departure end of each runway or at the taxiway entrance to the runway. The warning signs must be clearly visible and distinguishable from at least one hundred (100) feet away and shall include language which clearly indicates the inherent danger. The language recommended by the department is "Warning: Aircraft Using Runway 4/22 Cannot Be Seen.".

(3) Airport and runway markings as follows:

(A) All paved runways must be marked in accordance with a marking diagram provided by the department, which will include, at a minimum, runway numbers and centerline.

(B) Boundary markers for turf runways will be required if the usable landing area is not clearly defined as observed from an altitude of one thousand five hundred (1,500) feet above ground level. Markers must consist of orange traffic cones or such other material approved by the department.

(C) Turf runway thresholds must be marked with orange traffic cones or such other material approved by the department and must consist of three (3) cones placed perpendicular to the runway centerline on both sides of the runway, located no further than ten (10) feet from the longitudinal edges of the runway.

(D) Threshold markers for all runways, whether paved or turf, must be located such that they will provide, at a minimum, the following:

(i) Fifteen (15) feet vertical clearance over all public-use roads at a twenty (20) to one (1) glide angle taken from such thresholds.

(ii) Twenty-three (23) feet vertical clearance over all railroads at a twenty (20) to one (1) glide angle taken from such thresholds.

(iii) At a twenty (20) to one (1) glide angle commencing at such thresholds, clearance over all objects within the approach and departure surface symmetrical about the extended centerline of the runway for a distance of four thousand (4,000) feet from such thresholds. (See also subdivision (1).)

(4) Airport and runway lighting as follows:

(A) A public-use airport which is open for nighttime operations must have an operating lighting system which complies with this subdivision and a lighted wind indicator.

(B) The lighting system may be operated:

(i) on a photo cell;

(ii) by radio control; or

(iii) manually based on a prior request.

Operating information must be submitted for publication in the airport facility directory.

(C) Runway lights must meet or exceed the following minimum standards:
(i) Have clear lenses.
(ii) Be located no more than ten (10) feet off of the edge of a paved runway.
(iii) Be located on the edge of a turf runway.
(iv) Be uniformly placed and not exceed two hundred (200) feet between lights except where a taxiway intersects the runway.
(v) Not exceed thirty (30) inches above ground level in height.
(D) Taxiway lights must meet or exceed the following minimum standards:
(i) Be blue in color.
(ii) Be located no more than ten (10) feet off of the edge of a paved taxiway.
(iii) Be located on the edge of a turf taxiway.
(iv) Be uniformly placed and not exceed two hundred (200) feet between lights except where the taxiway intersects another taxiway.
(v) Not exceed thirty (30) inches above ground level in height.
(E) Threshold lights must meet or exceed the following minimum standards:
(i) Be green in color.
(ii) Be located to provide minimum obstruction clearance.
(iii) Consist of a minimum of three (3) lights on each side of the runway perpendicular to the runway centerline.
(F) Lights between the end of a runway and relocated or displaced runway threshold must meet or exceed the following minimum standards:
(i) Be red in color.
(ii) Be located no more than ten (10) feet off of the edge of a paved runway.
(iii) Be located on the edge of a turf runway.
(iv) Not exceed thirty (30) inches above ground level in height.

The minimum standards in clauses (C) through (F) shall not apply to an airport which has an operational lighting system that was funded in whole or in part by federal or state funds.

(5) In addition to complying with the minimum safety standards in subdivision (4), all public-use airport owners and operators shall continuously maintain aircraft operational areas on the airport. All aircraft operational areas on the airport should be inspected at least once a day. In addition, it is the responsibility of the airport owner or operator to identify, assess, and disseminate information by notices to airmen through the appropriate Federal Aviation Administration Flight Service Station concerning conditions on or in the vicinity of the airport that affect, or may affect, the safe operation of aircraft.

(6) All public-use airports must have and maintain the following:
(A) At least one (1) wind direction indicator, so located to show a true indication of the wind on the landing area and readily visible to aircraft. A wind indicator must be lighted if the airport is open for night operations.
(B) A telephone available continuously for emergency use and flight plan closing.
(C) An approved segmented circle with runway turn indicators when a nonstandard traffic pattern is used.
(D) A suitable area for parking automobiles, adequately marked off or fenced to prevent dangerous overrunning on to the landing area and aircraft parking area.
(E) A copy of current airport safety rules and regulations posted conspicuously at the airport and filed with the department. The airport rules and regulations should address the following:
(i) Air traffic patterns.
(ii) Taxi instructions.
(iii) Calm wind runway usage.
(iv) Any emergency readiness programs.

(Indiana Department of Transportation; 105 IAC 3-3-11; filed Jan 6, 1983, 1:55 p.m.: 6 IR 312; filed Jul 18, 1994, 11:00 a.m.: 17 IR 2800; errata filed Oct 17, 1994, 4:00 p.m.: 18 IR 531; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2316; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-11) to Indiana Department of Transportation (105 IAC 3-3-11) by P.L.112-1989, SECTION 5, effective July 1, 1989.

105 IAC 3-3-12 Requirements for annual operating certificates of approval – heliports and seaplane bases

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 12. (a) All public-use heliports shall be inspected at least once a year by the department and shall maintain compliance with all standards that were required by the department as a condition of receiving a certificate of site approval.

(b) All public-use seaplane bases shall be inspected at least once a year by the department and shall maintain compliance with the following minimum requirements:

(1) The body of water shall have a minimum usable area of at least two thousand six hundred seventy-five (2,675) feet by one hundred (100) feet with a two hundred (200) foot diameter turning basin at each end. The turning basin shall be included in the minimum length of two thousand six hundred seventy-five (2,675) feet and shall be of sufficient depth to permit the safe operation of aircraft on the surface.

(2) All approaches to the landing area shall be sufficiently clear of obstruction to permit a 20:1 approach angle to the nearest point of the usable landing area, provided that if any structure on the land is located within three hundred (300) feet of the of the *[sic]* centerline of the approach path, the approach angle shall be computed so as to provide a clearance of at least one hundred (100) feet above the structure.

(3) Any hazards, including underwater obstructions in the landing, approach, departure, and taxi areas, shall be marked with durable markers so as to be clearly visible from traffic pattern altitude.

(Indiana Department of Transportation; 105 IAC 3-3-12; filed Jan 6, 1983, 1:55 p.m.: 6 IR 314; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; filed Jan 2, 2013, 3:38 p.m.: 20130130-IR-105120147FRA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-12) to Indiana Department of Transportation (105 IAC 3-3-12) by P.L.112-1989, SECTION 5, effective July 1, 1989.

105 IAC 3-3-13 Waivers

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 13. (a) The department may, in its discretion, waive strict compliance with the minimum safety standards and requirements set forth in section 11(C) and section 12 *[of this rule]* when it is determined that the public-use airport was in existence at the time this regulation (100 IAC 3-4) *[this rule]* was adopted, and that the owner of the airport held a valid certificate of approval based on compliance with the then existing minimum safety standards.

(b) All petitions for a waiver shall be on forms prescribed and furnished by the department, shall be sworn to by the applicant and shall contain a clear concise statement of the facts together with a request that a certain requirement be waived. Any waiver shall be conditional upon compliance with all other non-waived requirements, and said waiver shall remain valid as long as the conditions and circumstances at the airport remain unchanged. *(Indiana Department of Transportation; 105 IAC 3-3-13; filed Jan 6, 1983, 1:55 p.m.: 6 IR 314; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-13) to Indiana Department of Transportation (105 IAC 3-3-13) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-14 Non-compliance with regulations

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 14. Any public-use airport which is not in compliance with the minimum safety standards (section 11(C) *[of this rule]*) or requirements of section 12 *[of this rule]*, as determined by a department inspection, shall correct the noted deficiencies within 30 days following notice of the deficiencies from the department. The department will provide technical assistance, as requested by any public-use airport owner or operator, to assist the airport in satisfying the minimum safety standards, however, failure to correct the noted deficiencies within the established time element shall result in the department taking appropriate actions to close the airport

pursuant to section 15 of this regulation (100 IAC 3-4) *[this rule]*. The department will consider any request for a time extension to correct the noted deficiencies when it is determined that such an extension is needed and that the deficiencies will not pose a substantial or immediate threat to public safety or safety in the air. *(Indiana Department of Transportation; 105 IAC 3-3-14; filed Jan 6, 1983, 1:55 p.m.: 6 IR 314; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-14) to Indiana Department of Transportation (105 IAC 3-3-14) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-15 Enforcement of department actions

Authority: IC 8-9.5-5-8
Affected: IC 4-21.5; IC 8-9.5; IC 8-21-1

Sec. 15. (a) The department shall after notice and opportunity for hearing to any holder of a certificate of site approval and/or operating certificate of approval, revoke such certificate(s) and order said public-use airport closed when it shall reasonably determine:

(1) that there has been a failure within the time prescribed, or if no time was prescribed, within a reasonable time to develop the site as a public-use airport;

(2) that there has been failure to maintain compliance with the conditions of the certificate(s);

(3) that the physical appearance would indicate that there has been an abandonment of the site as a public-use airport;

(4) that because of change of physical or legal conditions or circumstances that site is no longer suitable for aeronautical purposes for which the approval was granted.

(b) Continued use and operation of a public-use airport without a valid operating certificate of approval shall result in the department invoking the aid of the courts to carry out its orders by injunction or other legal process.

(c) Any person adversely affected by this regulation (100 IAC 3-4) *[this rule]* or any department orders issued under it may appeal the decision according to the procedures for review set forth in the Indiana Administrative Adjudication Act (Indiana Code 4-22-1, et. seq.).

(d) Upon the abandonment, temporary or permanent change in such status or condition of a public-use airport or site, the owner or operator shall notify the department, in writing, of such abandonment or change immediately, and shall notify the appropriate Federal Flight Service Station (FSS) of such change.

(e) When any public-use airport or runway is closed, whether voluntarily or by order of the department, the owner of the airport shall cause it to be marked in accordance with the FAA Advisory Circular 150/5340-1D Appendix 1 and subsequent amendments. *(Indiana Department of Transportation; 105 IAC 3-3-15; filed Jan 6, 1983, 1:55 p.m.: 6 IR 315; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-15) to Indiana Department of Transportation (105 IAC 3-3-15) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-16 Inspections

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 16. An applicant for, or a holder of, a public-use airport operating certificate or site approval shall offer full cooperation to any authorized representative of the department inspecting the airport or airport site. The department is entitled to reasonable access to the lands, buildings, equipment, and operating records of a certificated airport or approved airport site. To fulfill its safety inspection at any airport, state law provides that a person who recklessly prevents or obstructs the department from inspecting an airport commits a Class B misdemeanor. *(Indiana Department of Transportation; 105 IAC 3-3-16; filed Jan 6, 1983, 1:55 p.m.: 6 IR 315; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-16) to Indiana Department of Transportation (105 IAC 3-3-16) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-17 Requirements for private-use airports
Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 17. Sections 18 through 26 of this regulation (100 IAC 3-4) *[this rule]* shall apply to all private-use airports in the state. *(Indiana Department of Transportation; 105 IAC 3-3-17; filed Jan 6, 1983, 1:55 p.m.: 6 IR 315; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-17) to Indiana Department of Transportation (105 IAC 3-3-17) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-18 General policy
Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 18. It shall be the policy of the department to encourage and support the establishment of private-use airports in the state and to issue certificates of site approval to all private-use airports meeting the following requirements excepting those requirements which have been waived by the department. *(Indiana Department of Transportation; 105 IAC 3-3-18; filed Jan 6, 1983, 1:55 p.m.: 6 IR 315; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-18) to Indiana Department of Transportation (105 IAC 3-3-18) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-19 Establishment of airport without site approval unlawful
Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 19. (a) It shall be unlawful for any person to establish, construct, activate or operate any private-use airport without first being issued a certificate of site approval by the department. Depiction of a private-use airport on state aeronautical charts is not required.

(b) A certificate of site approval issued by the department shall remain valid indefinitely, unless it is revoked by the department, pursuant to section 24 of this regulation (100 IAC 3-4) *[this rule]*, or until such time as the airport is closed, whether voluntarily by the owner, or by order of the department or any court of general jurisdiction.

(c) Any person or municipality who desires to open or reactivate any private-use airport which has been closed and/or for which the certificate of site approval has been revoked by the department must apply for a new certificate of site approval pursuant to section 21 of this regulation (100 IAC 3-4) *[this rule]*. *(Indiana Department of Transportation; 105 IAC 3-3-19; filed Jan 6, 1983, 1:55 p.m.: 6 IR 315; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-19) to Indiana Department of Transportation (105 IAC 3-3-19) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-20 Failure to apply for certificate of site approval
Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 20. Failure to apply for a certificate of site approval for a private-use airport from the department as required in section 19 *[of this rule]* shall result in appropriate actions by the department to close the airport. The department may invoke the aid of any court of general jurisdiction to carry out its orders by injunction or other legal process. *(Indiana Department of Transportation; 105 IAC 3-3-20; filed Jan 6, 1983, 1:55 p.m.: 6 IR 316; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed*

Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-20) to Indiana Department of Transportation (105 IAC 3-3-20) by P.L.112-1989, SECTION 5, effective July 1, 1989.

105 IAC 3-3-21 Application for certificate of site approval

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 21. (a) Application for a certificate of site approval for a private-use airport shall be made on forms prescribed and furnished by the department, and shall be accompanied by:

(1) A section of a current federal or state sectional aeronautical chart or topographic map depicting an area of at least a 25 nautical mile radius surrounding the plotted position of the proposed private-use airport.

(2) A detailed drawing on forms provided by the department, which shows the proposed site and the immediate adjacent area, prepared in such manner as will clearly indicate the initial and ultimate stages of airport development, airport property lines, obstructions, other general characteristics of the airport including distance and direction to the nearest city or town, and depict the air traffic pattern for the proposed private-use airport.

(b) In addition to the information required above, FAA Form 7480-1, "Notice of Landing Area Proposal," as required by FAA, will be furnished by the department and may be filed along with the state application for site approval.

(c) The applicant for a private-use airport shall have sole responsibility for notifying and satisfying any requirements of a local governing body that has adopted an applicable zoning ordinance. *(Indiana Department of Transportation; 105 IAC 3-3-21; filed Jan 6, 1983, 1:55 p.m.: 6 IR 316; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-21) to Indiana Department of Transportation (105 IAC 3-3-21) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-22 Standards for issuing certificate of site approval

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 22. (a) In determining whether it shall issue a certificate of site approval for any private-use airport, the department shall take into consideration its proposed location, size and layout, whether there are safe areas available for expansion purposes, whether the adjoining area is free from obstructions based on a proper approach ratio, the nature of the terrain, the nature of the uses to which the proposed airport will be put, the possibilities for future development, and such other factors as, under the circumstances, it regards as having an important bearing thereon.

(b) Certificates of site approval may be granted with such restrictions and limitations as the department deems reasonable and necessary for safe airport operations.

(c) A certificate of site approval shall not be issued by the department when the Federal Aviation Administration has issued an objectionable airspace determination.

(d) The following commercial operations are prohibited at private-use airports unless specifically approved by the department: the carrying of passengers or cargo for hire; student instruction; rental or sales of aircraft; sale of aviation fuel or oil; air meets or exhibitions; advertising for any of the above; or any activity which solicits the general public to use the airport.

(e) In addition to the foregoing requirements, a certificate of site approval for a private-use seaplane base shall not be issued by the department unless any governmental body, authority or person having jurisdiction over the body of water has given approval for use of the site as a private-use seaplane base. *(Indiana Department of Transportation; 105 IAC 3-3-22; filed Jan 6, 1983, 1:55 p.m.: 6 IR 316; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-22) to Indiana Department of Transportation (105 IAC 3-3-22) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-23 Waivers

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 23. (a) The department may, in its discretion, waive strict compliance with the requirements set forth in section 22(C) and (D) *[of this rule]* subject to the following conditions:

(1) When the Federal Aviation Administration has issued an objectionable airspace determination, the department will consider a petition for a waiver if the private-use airport owner changes the airport status to "personal-use" with FAA, and agrees to not have the airport shown on any aeronautical charts. Under no circumstances will the department grant a waiver if the objectionable airspace determination by FAA is due to incompatible air traffic patterns with any other airport, whether private or public-use.

(2) When the owner of a private-use airport petitions the department to issue a waiver concerning the prohibition of commercial operations at the airport, the department will review the request based on the following criteria:

(A) whether the proposed commercial operations are the type that will solicit the general public to use the private-use airport; and

(B) whether the design and layout of the private-use airport would satisfy the minimum safety standards and requirements set forth in sections 11(C) or 12 *[of this rule]* and required of all public-use airports.

Any waiver of commercial operations by the department at a private-use airport does not authorize the use of the airport by any person or municipality other than the owner and persons specifically authorized by the owner of the private-use airport.

(b) All petitions for a waiver shall be on forms prescribed and furnished by the department, shall be sworn to by the applicant and shall contain a clear concise statement of the facts together with a request that a certain requirement be waived. Any waiver granted by the department shall remain valid as long as the conditions and circumstances at the airport remain unchanged. *(Indiana Department of Transportation; 105 IAC 3-3-23; filed Jan 6, 1983, 1:55 p.m.: 6 IR 316; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-23) to Indiana Department of Transportation (105 IAC 3-3-23) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-24 Enforcement of department actions

Authority: IC 8-9.5-5-8
Affected: IC 4-21.5; IC 8-9.5; IC 8-21-1

Sec. 24. (a) The department shall after notice and opportunity for hearing to any holder of a certificate of site approval, revoke such certificate and order said private-use airport closed when it shall reasonably determine:

(1) that there has been a failure within the time prescribed, or if no time was prescribed, within a reasonable time to develop the site as a private-use airport;

(2) that there has been failure to maintain compliance with the conditions of the certificate of site approval;

(3) that the physical appearance would indicate that there has been an abandonment of the site as a private-use airport;

(4) that because of change of physical or legal conditions or circumstances that site is no longer suitable for aeronautical purposes for which the approval was granted.

(b) Any person adversely affected by this regulation (100 IAC 3-4) *[this rule]* or any department orders issued under it may appeal the decision according to the procedures for review set forth in the Indiana Administrative Adjudication Act (Indiana Code 4-22-1, et. seq.). *(Indiana Department of Transportation; 105 IAC 3-3-24; filed Jan 6, 1983, 1:55 p.m.: 6 IR 317; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-24) to Indiana Department of Transportation (105 IAC 3-3-24) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-25 Inspections

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 25. The department may, in its discretion, inspect any private-use airport to determine whether a certificate of site approval should be issued, to investigate any complaints received concerning the airport, to determine whether a petition for a waiver should be granted, or for any other probable cause. An applicant for, or a holder of, a private-use airport certificate of site approval shall offer full cooperation to any authorized representative of the department inspecting the airport or airport site. To fulfill its safety inspection at any airport, state law provides that a person who recklessly prevents or obstructs the department from inspecting an airport commits a Class B misdemeanor. *(Indiana Department of Transportation; 105 IAC 3-3-25; filed Jan 6, 1983, 1:55 p.m.: 6 IR 317; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-25) to Indiana Department of Transportation (105 IAC 3-3-25) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-26 Change of status or abandonment

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 26. (a) Any person who desires to expand and change a private-use airport to a public-use airport must first apply to the department for a new certificate of site approval for a public-use airport as specified in section 6 of this regulation (100 IAC 3-4) *[this rule]*.

(b) Upon the abandonment or closure of any private-use airport, the owner or operator shall notify the department, in writing, of such abandonment or closure immediately, and shall notify the appropriate Flight Service Station (FSS) of such closing. *(Indiana Department of Transportation; 105 IAC 3-3-26; filed Jan 6, 1983, 1:55 p.m.: 6 IR 317; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-26) to Indiana Department of Transportation (105 IAC 3-3-26) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-27 Requirements for temporary airports

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 27. Sections 28 through 31 of this regulation (100 IAC 3-4) *[this rule]* shall apply to all temporary airports in the state. *(Indiana Department of Transportation; 105 IAC 3-3-27; filed Jan 6, 1983, 1:55 p.m.: 6 IR 318; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-27) to Indiana Department of Transportation (105 IAC 3-3-27) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-28 Establishment of temporary airport without approval unlawful

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 28. It shall be unlawful for any municipality or person to establish, construct, use or operate any temporary airport without prior written approval from the department. *(Indiana Department of Transportation; 105 IAC 3-3-28; filed Jan 6, 1983, 1:55 p.m.: 6 IR 318; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-28) to Indiana Department*

of Transportation (105 IAC 3-3-28) by P.L.112-1989, SECTION 5, effective July 1, 1989.

105 IAC 3-3-29 Application for approval of temporary airport

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 29. (a) Application for approval of a temporary airport shall be made on forms prescribed and furnished by the department and shall be accompanied by:

(1) A section of a current federal or state sectional aeronautical chart or topographic map depicting an area of at least a 25 nautical mile radius surrounding the plotted position of the proposed temporary airport.

(2) A detailed drawing on forms provided by the department, which shows the dimensions of the proposed airport facilities, property lines, any obstructions in the approach areas, and the air traffic pattern for the proposed temporary airport.

(3) Written consent of property owner(s) unless applicant holds title in fee simple to the proposed site.

(4) A statement pertaining to the type of temporary use proposed for the site.

(b) Such application must be received by the department at least fifteen (15) days prior to the date the applicant wishes to use the area. This time requirement may be waived where it is clearly shown that an emergency exists. *(Indiana Department of Transportation; 105 IAC 3-3-29; filed Jan 6, 1983, 1:55 p.m.: 6 IR 318; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-29) to Indiana Department of Transportation (105 IAC 3-3-29) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-30 Standards for issuing notices

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 30. (a) The department shall inspect the proposed site for a temporary airport and if it finds the site to be of such size and nature, in the opinion of the department, as to be safe for use by the type of aircraft that will be used in the operations and to have clear and unobstructed approaches to the landing area, the department shall issue an approval notice.

(b) The department may issue an approval notice for a temporary airport for any specified amount of time, not to exceed thirty (30) days. Upon a clear showing by the applicant that an emergency exists, the department may grant time extensions to the approval notice. *(Indiana Department of Transportation; 105 IAC 3-3-30; filed Jan 6, 1983, 1:55 p.m.: 6 IR 318; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-30) to Indiana Department of Transportation (105 IAC 3-3-30) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-31 Failure to apply for approval notice

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 31. Failure to apply to the department for approval notice for a temporary airport at least 15 days prior to beginning operations shall result in appropriate actions by the department to close the airport. The department may invoke the aid of any court of general jurisdiction to carry out its orders by injunction or other legal process. *(Indiana Department of Transportation; 105 IAC 3-3-31; filed Jan 6, 1983, 1:55 p.m.: 6 IR 318; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-31) to Indiana Department of Transportation (105 IAC 3-3-31) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-32 Specific exemptions

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1; IC 15-16-5-48

Sec. 32. This regulation (100 IAC 3-4) *[this rule]* pertaining to the department's authority to issue certificates of site approval, operating certificates of approval, and approval notices does not apply to provisional landing sites.

A provisional landing site is any area, site or location which is not classified as an airport, has no based aircraft, and is only used on an occasional basis with the landowner's permission by helicopters, lighter-than-air aircraft, or aircraft engaged in aerial applications to agricultural lands in accordance with the following statutory restrictions:

(a) Agricultrual *[sic.]* applications if the applicator:

(1) is licensed as a pesticide operator by the state chemist and has met the requirements of Indiana Code 15-3-3.6-6 *[IC 15-3 was repealed by P.L.2-2008, SECTION 83, effective July 1, 2008.]*, and

(2) has received permission to use the land for agricultural aviation purposes from the owner or lessee of the land.

(b) Helicopters if the operator of the helicopter:

(1) meets FAA qualifications for operation of the specific aircraft;

(2) determines that air routes to and from the site are acceptable to the aircraft's limitations and that proposed routes in congested areas provide for emergency landings in the event that an autorotation descent is necessary;

(3) follows all FAA regulations covering landings in the event that an autorotation descent is necessary;

(4) has received permission to use the site from the owner or lessee of the site.

(c) Lighter-than-air aircraft. However, no person may operate a lighter-than-air aircraft from any landing site unless the pilot is in compliance with:

(1) all applicable federal air regulations, and

(2) the department's rules and regulations which relate to the operation of lighter-than-air aircraft (100 IAC 4-1) *[105 IAC 4-1]*. *(Indiana Department of Transportation; 105 IAC 3-3-32; filed Jan 6, 1983, 1:55 p.m.: 6 IR 318; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-32) to Indiana Department of Transportation (105 IAC 3-3-32) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-33 Penalties

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 33. (a) State law provides that any person who does not fall within the exemptions set forth above and who uses a provisional landing site for agricultural applications or helicopter operations commits a Class B infraction.

(b) State law provides that any person who operates a lighter-than-air aircraft in violation of this exemption commits a Class B infraction. *(Indiana Department of Transportation; 105 IAC 3-3-33; filed Jan 6, 1983, 1:55 p.m.: 6 IR 319; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-33) to Indiana Department of Transportation (105 IAC 3-3-33) by P.L.112-1989, SECTION 5, effective July 1, 1989.*

105 IAC 3-3-34 Severability

Authority: IC 8-9.5-5-8
Affected: IC 8-9.5; IC 8-21-1

Sec. 34. The provisions of this regulation (100 IAC 3-4) *[this rule]* are severable, and the finding by any court that any provision is invalid does not affect the validity of the remaining portions. *(Indiana Department of Transportation; 105 IAC 3-3-34; filed Jan 6, 1983, 1:55 p.m.: 6 IR 319; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019,*

9:49 a.m.: 20191030-IR-105190422RFA) NOTE: Transferred from Department of Transportation (100 IAC 3-4-34) to Indiana Department of Transportation (105 IAC 3-3-34) by P.L.112-1989, SECTION 5, effective July 1, 1989.

Rule 4. Ultralight Flightparks

105 IAC 3-4-1 Purpose

Authority: IC 8-23-2-6
Affected: IC 8-21-1

Sec. 1. The purpose of this rule is to provide a voluntary certification program for ultralight flightparks that will provide guidance and standardization for the preferred characteristics desired for modern ultralight flightparks. Ultralight flightparks are areas, sites, or locations specifically adapted and used for the landing and taking off of ultralights. While mandatory standards have been deemed unnecessary and unduly burdensome to the ultralight industry, the continuing development of ultralights has made it desirable to institute this program to make the public user aware of those flightparks that meet the criteria for maximizing safety in operations. Failure to participate in this certification program should not be construed as being deficient, rather those flightparks participating should be considered as meeting all desirable standards for modern ultralight flightparks. *(Indiana Department of Transportation; 105 IAC 3-4-1; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2318; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)*

105 IAC 3-4-2 Application for certified ultralight flightparks

Authority: IC 8-23-2-6
Affected: IC 8-21-1

Sec. 2. Proposed or existing ultralight flightparks that desire to be certified shall file an application on forms and in the manner prescribed by the Indiana department of transportation and shall be accompanied by the following:

(1) A section of a federal or state sectional aeronautical chart depicting an area of at least a twenty-five (25) nautical mile radius surrounding the plotted position of the proposed certified ultralight flightpark.

(2) A detailed drawing on forms provided by the Indiana department of transportation, which will show the proposed site and the immediate adjacent area, prepared in such manner as will:

(A) clearly indicate the initial and ultimate stages of:

(i) flightpark development;

(ii) flightpark property lines;

(iii) obstructions; and

(iv) other general characteristics of the area, including distance and direction to the nearest city or town; and

(B) depict the air traffic pattern for the proposed certified ultralight flightpark.

(3) Written consent of the property owner unless the applicant holds title in fee simple to the proposed site.

(4) A statement of the location of any sanitary landfills or open dumps within two (2) miles of the proposed certified ultralight flightpark boundaries.

(5) Evidence that the applicant has obtained approval from the local zoning authority to establish a certified ultralight flightpark at the proposed site.

(6) Federal Aviation Administration Form 7480-1 "Notice of Landing Area Proposal", as required by the Federal Aviation Administration, is to be filed along with the state application for certification of an ultralight flightpark.

(Indiana Department of Transportation; 105 IAC 3-4-2; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2319; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

105 IAC 3-4-3 Standards for certified ultralight flightparks

Authority: IC 8-23-2-6
Affected: IC 8-21-1

Sec. 3. (a) In determining whether it shall issue certification of an ultralight flightpark, the Indiana department of transportation may take into consideration the following:

(1) The proposed:

(A) location;

(B) size;

(C) layout;

(D) expansion options; and

(E) approach ratios.

(2) The nature of the terrain.

(3) The nature of the uses to which the proposed certified ultralight flightpark will be put.

(4) Such other factors as, under the circumstances, it regards as having an important bearing thereon, including the physical safety standards prescribed in subsection (d) and any Federal Aviation Administration recommendations from an airspace determination.

(b) Certification of an ultralight flightpark may be granted with such restrictions and limitations as the Indiana department of transportation deems reasonable and necessary for safe flightpark operations. Examples could include restrictions on nighttime operations or traffic pattern limitations.

(c) The certification of an ultralight flightpark will not occur if the local governing body has adopted a zoning ordinance and has not given land use approval to establish a certified ultralight flightpark at such site.

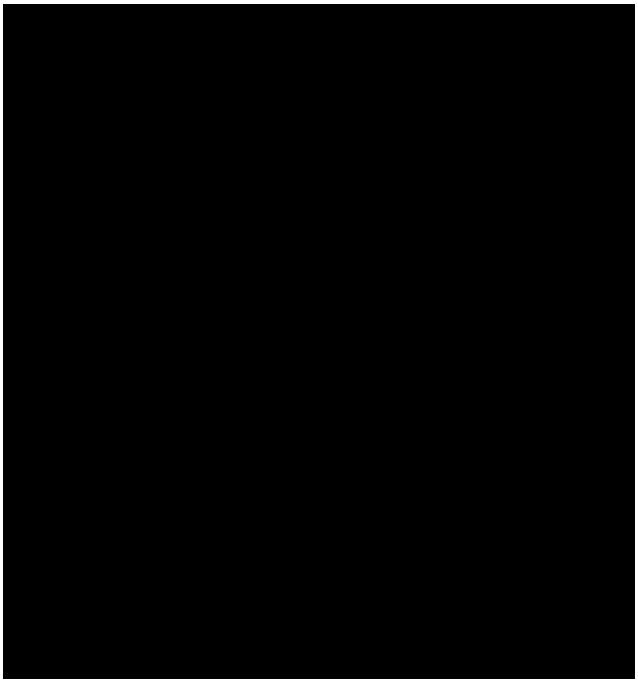
(d) All certified ultralight flightparks must be inspected at every two (2) years by the Indiana department of transportation and must conform to the physical safety standards established in this subsection prior to receiving state certification. Compliance with these minimum safety standards is required at all times in order to maintain state certification. The physical safety standards shall be as follows:

(1) Physical standards as follows:

Minimum usable runway length	1,000 feet
Minimum width for:	
Paved runway	40 feet
Turf runway	60 feet
*Runway safety area	150 feet
Minimum distance between runway centerline and:	
Building restriction line	150 feet
Edge of tie-down area	125 feet
Taxiway centerline	100 feet
Approach and departure surface width at:	
**Threshold of runway	150 feet
3,000 feet from the threshold	350 feet

*Although the minimum safety standard width for a runway safety area is one hundred fifty (150) feet, low crops, such as soybeans, alfalfa, and wheat, may be grown within the runway safety area beginning no closer than fifty (50) feet from the runway centerline. High crops, such as corn and sorghum, must not be grown in the one hundred fifty (150) foot runway safety area.

**All crops are considered a ten (10) foot obstruction because of transient farm machinery used in farming the crops. Therefore, no crops may be grown in the area crosshatched in the illustration below:



(2) A certified ultralight flightpark that has two (2) or more intersecting runways where ultralights must operate out of the sight of each other must have warning signs posted at the departure end of each runway or at the taxiway entrance to the runway. The warning signs must be clearly visible and distinguishable from at least one hundred (100) feet away and shall include language that clearly indicates the inherent danger. The language recommended by the department is "Warning: Ultralights Using Runway 9/27 Cannot Be Seen.".

(3) Ultralight flightpark and runway markings as follows:

(A) All paved runways must be marked with runway numbers and centerline.

(B) Boundary markers for turf runways will be required if the usable landing area is not clearly defined as observed from an altitude of one thousand five hundred (1,500) feet above ground level. Markers must consist of orange traffic cones or such other material approved by the Indiana department of transportation.

(C) Turf runway thresholds must be marked with orange traffic cones or such material approved by the Indiana department of transportation and must consist of three (3) cones placed perpendicular to the runway centerline on both sides of the runway, located no further than ten (10) feet from the longitudinal edges of the runway.

(D) Threshold markers for all runways, whether paved or turf, must be located such that they will provide, at a minimum, the following:

(i) Fifteen (15) feet vertical clearance over all public use roads at a fifteen (15) to one (1) glide angle taken from such threshold.

(ii) Twenty-three (23) feet vertical clearance over all railroads at a fifteen (15) to one (1) glide angle taken from such threshold.

(iii) At a fifteen (15) to one (1) glide angle commencing at such thresholds, clearance over all objects within the approach and departure surface symmetrical about the extended centerline of the runway for a distance of three thousand (3,000) feet from such thresholds. (See also subdivision (1).)

(4) In addition to complying with the physical safety standards set forth in this subsection, all certified ultralight flightpark owners and operators shall continuously maintain ultralight operational areas on the ultralight flightpark. All operational areas on the ultralight flightpark should be inspected at least once a day. In addition, it is the responsibility of the ultralight flightpark owner or operator to identify, assess, and disseminate information by notices to airmen through the appropriate Federal Aviation Administration Flight Service Station concerning conditions on or in the vicinity of the ultralight flightpark that affect the safe operation of ultralights.

(5) No night operations will be permitted at certified ultralight flightparks.

(6) All certified ultralight flightparks must have and maintain the following:

(A) At least one (1) wind direction indicator that shows a true indication of the wind on the landing area and is readily visible to ultralights.

(B) A telephone must be made available during operational hours.

(C) An approved segmented circle with runway turn indicators when a nonstandard traffic pattern is used.

(D) A suitable area for parking automobiles, adequately marked off or fenced to prevent dangerous overrunning of the landing area and ultralight parking area.

(E) A copy of current ultralight flightpark safety rules and regulations posted conspicuously at the ultralight flightpark and filed with the Indiana department of transportation. The ultralight flightpark rules and regulations should address the following:

(i) Air traffic patterns.

(ii) Taxi instructions.

(iii) Calm wind runway usage.

(iv) Any emergency readiness programs.

(Indiana Department of Transportation; 105 IAC 3-4-3; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2319; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

105 IAC 3-4-4 Alteration or expansion of existing certified ultralight flightparks

Authority: IC 8-23-2-6
Affected: IC 8-21-1

Sec. 4. Any alteration or expansion to a certified ultralight flightpark should be approved by the Indiana department of transportation prior to construction to ensure certification can be maintained. Application for approval of an alteration or expansion may be made by filling *[sic., filing]* a copy of either Federal Aviation Administration Form 7480-1, "Notice of Landing Area Proposal" or Federal Aviation Administration Form 7460-1, "Notice of Proposed Construction or Alteration" with the Indiana department of transportation. As used in this section, "alteration or expansion" includes, but is not limited to, any of the following:

(1) Any change in the length, width, direction, or surface of runways or landing strips.

(2) Construction or installation of any building or other obstacle on the certified ultralight flightpark property, including ultralight parking or tie-down areas.

(3) Change in any markings.

(Indiana Department of Transportation; 105 IAC 3-4-4; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2320; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

105 IAC 3-4-5 Noncompliance

Authority: IC 8-23-2-6
Affected: IC 8-21-1

Sec. 5. Any certified ultralight flightpark not in compliance with the minimum safety standards in section 3 of this rule, as determined by an Indiana department of transportation inspection, shall correct the noted deficiencies within thirty (30) days following notice of the deficiencies from the Indiana department of transportation. The Indiana department of transportation will provide technical assistance, as requested by any certified ultralight flightpark owner or operator, to assist the flightpark in satisfying the minimum physical standards; however, failure to correct the noted deficiencies within the established time element shall result in appropriate actions taken by the Indiana department of transportation to revoke state certification under section 6 of this rule.
(Indiana Department of Transportation; 105 IAC 3-4-5; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2321; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)

105 IAC 3-4-6 Enforcement of department actions

Authority: IC 8-23-2-6
Affected: IC 4-21.5-3; IC 8-21-1

Sec. 6. (a) The Indiana department of transportation shall, after notice and opportunity for hearing to any certified ultralight flightpark, revoke such certification when it reasonably determines the following:

(1) There has been failure to maintain compliance with the conditions of the certification.

(2) The physical appearance would indicate that there has been abandonment of the site as a certified ultralight flightpark.

(3) That because of physical or legal conditions or circumstances that site no longer meets the standards by which the approval was granted.

(b) Any person adversely affected by this rule or any orders of the Indiana department of transportation issued under this rule may appeal the decision according to the procedures for review set forth in IC 4-21.5-3.

(c) When any certified ultralight flightpark or runway is abandoned or closed voluntarily, the owner shall file the Federal Aviation Administration Form 7480 with the Federal Aviation Administration and a copy to the Indiana department of transportation. The owner of the flightpark shall also mark the airport in accordance with the Federal Aviation Administration Advisory Circular 150/5340-1G Section 4 "Standards for Airport Markings", effective September 27, 1993, which is hereby incorporated by reference.

(d) If certification is revoked, the ultralight flightpark shall not be construed as deficient, rather the Indiana department of transportation shall no longer endorse the ultralight flightpark as meeting preferred characteristics that maximize the safety of modern ultralight flightparks. *(Indiana Department of Transportation; 105 IAC 3-4-6; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2321; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)*

105 IAC 3-4-7 Inspections

Authority: IC 8-23-2-6
Affected: IC 8-21-1

Sec. 7. An applicant for or the holder of a certificate for an ultralight flightpark shall offer full cooperation to any authorized representative of the Indiana department of transportation inspecting the ultralight flightpark. The Indiana department of transportation is entitled to reasonable access to the lands, buildings, equipment, and operating records of a certified ultralight flightpark. To fulfill safety inspections at any certified ultralight flightpark, state law provides that a person who recklessly prevents or obstructs the Indiana department of transportation from inspecting an ultralight flightpark commits a Class B misdemeanor. *(Indiana Department of Transportation; 105 IAC 3-4-7; filed Feb 18, 1998, 9:45 a.m.: 21 IR 2321; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)*

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