

VIRGINIA AVIATION BOARD

Amend the minimum airport licensing requirements, the conditional licensing process, and update pro

Part I Definitions

24VAC5-20-10. Definitions.

Words or terms defined in § 5.1-1 of the Code of Virginia are incorporated by reference. The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise:

"Aircraft" means any contrivance now known or hereafter invented that is controlled, used, and usually occupied by a person for the purpose of navigation and transportation through the air, excepting "hang glider" as defined in § 5.1-1 of the Code of Virginia. Commonly recognized names for aircraft include, but are not limited to, planes, helicopters, seaplanes, ultralights, and hot air balloons.

"Airline" means an air carrier operation under Federal Aviation Regulations 14 CFR Part 119, 14 CFR Part 121, 14 CFR Part 129, or 14 CFR Part 135 providing scheduled passenger service.

"Airport sponsor" means an entity that is legally, financially, and otherwise able to assume and carry out the certifications, representations, warranties, assurances, covenants, and other obligations required for an airport.

"Antique aircraft" means any aircraft constructed by the original manufacturer, or his licensee, on or before December 31, 1945.

"Approach surface" means a surface longitudinally centered on the extended runway centerline and extending outward and upward. An approach surface is applied to each end of each runway.

"Aviation" means activities and infrastructure related to transportation by air, including but not limited to (i) the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories; (ii) the establishment, design, construction, extension, operation, improvement, repair, or maintenance of airports or landing areas; and (iii) navigable airspace, other air navigation facilities, and air instruction.

"Commercial operator" means a person, except an airline, who operates any aircraft for the purpose of rental or charter or for other purposes from which revenue is derived.

"Contract carrier permit" means a permit issued by the department to contract carriers operating under Federal Aviation Regulations 14 CFR Part 61, 14 CFR Part 135, or 14 CFR Part 141 for transport of passengers or freight on demand by air. Owners of aircraft who contract to provide flight instruction in their aircraft for profit are required to have a contract carrier permit.

"Day/VFR Use Only License" means a conditional airport license issued with the restriction that operations at the airport can only occur between sunrise and sunset and only under Visual Flight Rules (VFR) for the purpose of allowing continuing operations at an airport that is not in compliance with the minimum requirement for approach surfaces.

"Effective runway length" means the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the centerline of the runway and the far end thereof.

"Hazard" means a fixed or mobile structure or object, natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off of aircraft.

"Helipad" means a small designated area, usually with a prepared surface, on an airport, heliport, landing/takeoff area, apron/ramp, or movement area used for the takeoff, landing, or parking of helicopters.

"Heliport" means (i) an identifiable area on land, water, or structure, including a building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters or other rotorcraft or (ii) appurtenant areas that are used, or intended for use, for heliport buildings or other heliport facilities including rights-of-way, easements, and all heliport buildings and facilities located thereon.

"Noncommercial dealer" means a person who owns and offers for sale a minimum of three aircraft during any consecutive 12-month period, which aircraft are not used for personal use, rental, charter, or for a purpose from which revenue is derived.

"Obstacle" means a fixed or mobile object that interferes with the situating or operation of navigational aids or that may control the establishment of instrument procedures. An obstacle could be located on an area intended for the ground movement of aircraft or would extend above the approach surfaces intended to protect aircraft in flight or the runway object free area.

"Obstruction" means an object, obstacle, or structure that penetrates the approach surfaces or runway object free area at an aircraft landing area. The obstruction may be man-made or of natural growth, including trees.

"Obstruction clearance plane" means a plane sloping upward from the runway at a slope meeting the appropriate requirements to clear all obstructions within a specified area as shown in a profile view of that area.

"Private-Use Landing Area License" means a license issued for a facility not open for public use, including airports, heliports, helipads, and seaplane bases, that is within five nautical miles of a licensed public-use airport, in accordance with § 5.1-7 of the Code of Virginia.

"Runway" means a rectangular surface area that may be turf, paved, or water course that is designed specifically for the purpose of approaching and landing and taking-off and departing of aircraft.

"Runway object free area" means an imaginary area centered on the runway centerline that is clear of aboveground objects protruding above the runway centerline, except for allowable objects necessary for air navigation or aircraft ground maneuvering purposes.

"Runway safety area" means a rectangular area symmetrical about the runway centerline, which includes the runway, runway shoulders, and safety overruns, if present. The portion abutting the edge of the runway shoulders, runway ends, and safety overruns is cleared, drained, graded, and usually turfed. Under normal conditions, the runway safety area is capable of supporting snow removal, firefighting, and rescue equipment and of accommodating the occasional passage of aircraft without causing major damage to the aircraft.

"Safety overrun" or "stopway" means an area beyond the takeoff runway, no less wide than the runway and centered upon the extended centerline of the runway, able to support an aircraft during an aborted takeoff without causing structural damage to the aircraft and designated by the airport authorities for use in decelerating the aircraft during an aborted takeoff.

"Seaplane base" means an area of water used or intended to be used for the landing and takeoff of aircraft, together with appurtenant shoreside buildings and facilities.

"Structure" means (i) a man-made object, including a mobile object, constructed or erected by man, including but not limited to buildings, towers, cranes, smokestacks, earth formations, overhead transmission lines, flag poles, and ship masts or (ii) natural objects, including but not limited to trees.

"Threshold" means the beginning of that portion of the runway identified for the landing of aircraft. A threshold may be displaced, or moved down the runway, to provide for adequate safety provisions.

"Ultralight" means an aircraft that (i) is used or intended to be used for manned operation in the air by a single occupant; (ii) is used or intended to be used for recreation and sport purposes only; (iii) does not have a United States or foreign air worthiness certificate; (iv) weighs less than 254 pounds empty weight, excluding floats and safety devices that are intended for deployment in a potentially catastrophic situation; (v) has a fuel capacity not exceeding five United States gallons; and (vi) is not capable of more than 55 knots calibrated airspeed at full power in level flight and has a power-off stall speed that does not exceed 24 knots calibrated airspeed.

Part III Airports and Landing Areas

24VAC5-20-120. Licenses.

A. Airports and landing areas, except private landing areas as set forth in § 5.1-7.2 of the Code of Virginia, shall be licensed by the department pursuant to § 5.1-7 of the Code of Virginia and 24VAC5-20-140. Private landing areas as defined in § 5.1-7.2 of the Code of Virginia shall only be registered as provided for in 24VAC5-20-170.

B. Airports and landing areas that are issued licenses pursuant to § 5.1-7 of the Code of Virginia shall be open to the general public on a nondiscriminatory basis. An application for a license shall be signed by the airport sponsor, under oath, on a form prescribed by the department and submitted to the department accompanied by the required supporting documents as specified on the form. An initial license, or renewal thereof, will be issued following department review and determination of compliance with § 5.1-7 of the Code of Virginia and 24VAC5-20-140. A license shall remain in effect for the period specified until modified, suspended, or revoked by the department.

C. Airport sponsors proposing to add or extend runways of an airport or landing area shall apply for a modified license pursuant to § 5.1-7 of the Code of Virginia.

D. If an airport or landing area should continually cease to be open to the public for one year and the airport sponsor wants to reopen the facility to the public, the airport sponsor must reapply for a license in accordance with § 5.1-7 of the Code of Virginia and this section and must be in compliance with 24VAC5-20-140.

E. Licenses must be renewed every seven years or at the discretion of the department based on demonstrated need. License expirations shall be staggered in accordance with criteria set by the department, which include, but are not limited to, changes in legislation, standards, policy, processes, and procedures.

24VAC5-20-140. Minimum requirements for licensing.

A. The minimum requirements that are required for initial and continued licensing under § 5.1-7 of the Code of Virginia shall provide for:

1. An effective runway length of at least 2,000 feet for each direction of operation;
2. A minimum runway width of 50 feet;
3. A minimum runway safety area length equal to the length of the runway plus 100 feet at each end of the runway;
4. A minimum runway safety area width of 120 feet centered on the runway centerline;
5. A minimum unobstructed approach surface of 15:1 horizontal to vertical slope at each end of the runway;
6. An approach surface that is centered along the runway centerline and that begins at the threshold at a width of 250 feet, expands uniformly for a distance of 2,250 feet to a width of 700 feet, and continues at the width of 700 feet for a distance of 2,750 feet;

7. A minimum unobstructed runway object free area length equal to the length of the runway;
8. A minimum unobstructed runway object free area width of 250 feet centered on the runway centerline; and
9. A displaced threshold, if an approach surface to either physical end of the runway is obstructed and the obstacle cannot be removed, that shall be located down the runway at the point where the obstruction clearance plane intersects the runway centerline.

B. The minimum requirements for the initial and continued licensing of an airport under the conditional Day/VFR Use Only License in accordance with 24VAC5-20-275 shall provide for:

1. An effective runway length of 2,000 feet in each direction of operation;
2. A minimum runway width of 50 feet;
3. A minimum runway safety area length equal to the length of the runway plus 100 feet at each end of the runway;
4. A minimum runway safety area width of 120 feet centered on the runway centerline;
5. A minimum unobstructed approach surface of 15:1 horizontal to vertical slope at each end of the runway; and
6. An approach surface that is centered along the runway centerline and that begins at the threshold at a width of 120 feet, expands uniformly for a distance of 500 feet to a width of 300 feet, and continues at the width of 300 feet for a distance of 2,500 feet.

C. The minimum requirements for the initial and continued licensing of a heliport open for public use under § 5.1-7 of the Code of Virginia shall provide for minimum standard dimensions as provided in the Federal Aviation Administration Advisory Circular 150/5390-2B Heliport Design, effective September 30, 2004.

D. The minimum requirements for the initial and continued licensing of a seaplane base open for public use under § 5.1-7 of the Code of Virginia shall provide for minimum standard dimensions as provided in the Federal Aviation Administration Advisory Circular 150/5395 Seaplane Bases, effective June 29, 1994.

E. In addition to the investigation required for safety provisions as outlined in § 5.1-7 of the Code of Virginia, a detailed consideration of the economic, social, and environmental effects of the airport location shall be conducted for applications for new and modified licenses. These considerations shall include one or more public hearings as required to assure consistency with the goals and objectives of planning as has been carried out by the community.

F. Proof of financial responsibility prescribed in Chapter 8.2 (§ 5.1-88.7 et seq.) of Title 5.1 of the Code of Virginia must be furnished at the time of application of license, and this financial responsibility thereafter must be maintained.

24VAC5-20-145. Waiver of minimum requirements.

A. Upon application by an airport sponsor, setting forth the reason or reasons that one or more requirements sought to be waived cannot be met, the board may waive compliance of requirements of 24VAC5-20-140. In the waiver, the board shall specify the minimum requirement or requirements covered by the waiver and set terms for the waiver, including the time period for the waiver.

B. Considerations for granting the waiver shall be limited to (i) a determination of no hazard based on a Federal Aviation Administration airspace evaluation and implementation of mitigation recommendations if applicable, (ii) a determination of impracticality due to topography, or (iii) a benefit cost analysis proving improvements as financially unfeasible.

C. An airport having a license issued prior to October 1, 1995, and not meeting one or more minimum requirements for licensure in effect on October 1, 1995, shall be exempt from having

to comply with those noncomplying requirements for as long as the airport remains an active public-use facility unless those noncomplying requirements are caused by natural growth.

24VAC5-20-150. Transfer of licenses.

A. No license issued by the department for the operation of an airport or landing area may be transferred by the licensee without first obtaining the approval of the department.

B. Application for approval of a transfer of a license shall be made on the form prescribed by the department and accompanied by the required supporting documents as specified on the form. Approval may be granted only after satisfactory evidence has been submitted that shows the proposed transferee (i) is capable of operating the airport or landing area in accordance with the laws of this Commonwealth and these regulations and (ii) is financially responsible per Chapter 8.2 (§ 5.1-88.7 et seq.) of Title 5.1 of the Code of Virginia and has paid or guaranteed payment of all financial commitments due the Commonwealth under Chapter 1 (§ 5.1-1 et seq.) of Title 5.1 of the Code of Virginia or this chapter.

C. Before a transfer shall be made, the transferee by written agreement shall assume the unfulfilled obligation to the Commonwealth to operate the airport or landing area under any and all agreements executed by any prior licensee or licensees of such airport or landing area to procure state funds for the airport or landing area.

D. Upon conveyance, death, dissolution, or bankruptcy of a licensee, the department should be notified of the occurrence within 60 days, and the airport license may be transferred upon approval of the department.

24VAC5-20-160. Seaplane bases.

Seaplane bases may be established in, over, and upon any waters of this Commonwealth or any submerged land under such waters. Seaplane bases used or intended for public use need to be licensed in accordance with 24VAC5-20-120 and 24VAC5-20-140. Seaplane bases not used or intended for public use need to be registered or licensed in accordance with 24VAC5-20-170.

24VAC5-20-170. Private airports or landing areas.

A. A person establishing or owning a private landing area, including airports, heliports, helipads, and seaplane bases, shall be required only to register the facility if it is more than five nautical miles from a licensed public-use airport.

B. A person establishing or owning a private landing area, including airports, heliports, helipads, and seaplane bases, within five nautical miles of a licensed public-use airport shall be required to secure a Private-use Landing Area License for the facility if the applicant airport does not pose a hazard to the airspace and utilization by aircraft of the licensed public-use airport in question. These licenses shall be issued once and do not have to be renewed.

C. Application for the registration or licensing of a private landing area, including airports, heliports, helipads, and seaplane bases, shall be made on the form prescribed by the department and accompanied by the required supporting documents as specified on the form, including written documentation with respect to zoning, special use permit, or other land use requirements.

D. Aircraft landing at private landing areas, including airports, heliports, helipads, and seaplane bases, shall have prior approval of the landowners or controlling agency when reasonably practical. Aircraft landing at other than licensed public-use airports without prior approval shall not be removed therefrom without the consent of the owner or lessee of the property.

E. Privately-owned or publicly-owned hospitals may establish and maintain airports, heliports, helipads, or landing areas and may restrict the public use of these facilities to the takeoff and landing of aircraft for hospital related uses only.

24VAC5-20-180. Fees.

A. The fee for issuing a license for an airport, heliport, seaplane base, or landing area open for public use in accordance with 24VAC5-20-120 shall be \$25. The fee for a license renewal, modification, or transfer shall be \$25.

B. No fee is charged for licensing a private-use landing area under 24VAC5-20-120 or registering a private-use landing area under 24VAC5-20-170.

Part IV
Obstructions to Airspace

24VAC5-20-190. Determination of hazard.

The airport sponsor shall be responsible for insuring that an aeronautical study is conducted when needed to satisfy the requirements of this regulation to determine the effect of a structure, either man-made or natural, that penetrates the approach surfaces or runway object free area upon the safe and efficient operation of a licensed, military, or government air navigation facility or airport. This determination shall be made based on criteria as defined by 24VAC5-20-200. If a structure constitutes an obstruction in accordance with these criteria, it shall be presumed to be a hazard until determined otherwise by the board.

24VAC5-20-200. Obstruction criteria.

A study required by this chapter shall consider, but not be limited to, at least the following factors: (i) Federal Aviation Regulations 14 CFR 77.25, 14 CFR 77.28, and 14 CFR 77.29; (ii) airport traffic patterns; (iii) Instrument Flight Rules (IFR) airways and routes; (iv) Visual Flight Rules (VFR) routes and designated practice areas; (v) terminal airspace; and (vi) instrument approach procedures.

24VAC5-20-210. Obstruction permit procedure.

A. This process shall not be applicable in those counties, cities, and towns that have satisfied the local ordinance provisions of § 15.2-2294 of the Code of Virginia.

B. A person seeking an obstruction permit from the board, as required by § 5.1-25.1 of the Code of Virginia, pertaining to structures hazardous to air navigation shall provide to the department a copy of Federal Aviation Administration Form 7460-1 Notice of Proposed Construction or Alternation submitted to the Federal Aviation Administration and a copy of the response from the Federal Aviation Administration when available.

C. Upon receipt of a request, the department shall (i) conduct an analysis of the request using the criteria in 24VAC5-20-190 and 24VAC5-20-200 within 120 days from the date of receipt, unless it advises the applicant that the analysis will require additional time; (ii) supply the applicant with available information pertaining to the obstruction analysis and the date and location of the board meeting at which the request will be presented to the board; and (iii) forward to the board its analysis in the form of a staff report with the recommendations regarding the permit request.

D. The board shall consider a permit request at the next regularly scheduled meeting following the completion of the department staff report. Its consideration may include, but is not limited to, the department's staff report, verbal and written testimony of the applicant, analysis

by the Federal Aviation Administration, and comments from the local jurisdiction or jurisdictions where the structure is to be located. All decisions issued by the board shall be issued in writing stating the reasons for same. An affirmative decision may be accompanied by conditions deemed appropriate by the board including, but not limited to, obstruction marking, lighting, and similar safety features.

E. The applicant, if given an affirmative decision by the board, shall not be relieved by that decision of local, state, or federal requirements as to zoning, building, variance, or other permits as may be required.

24VAC5-20-220. Model airport safety zoning ordinance.

A county, city, or town in the Commonwealth seeking to comply with the mandate of § 15.2-2294 of the Code of Virginia to enact local obstruction ordinances shall abide by the following:

1. The Model Airport Safety Zoning Ordinance developed by the department shall be used as a guide by localities. A copy of the model ordinance is found in Appendix A (24VAC5-20-400) of this chapter.
2. The provisions of a locally adopted ordinance shall be in substantial conformity with the Model Airport Safety Zoning Ordinance. Substantial conformity shall include, but not be limited to, protection of airspace from intrusions as described in Articles 3, 4, and 7 of the model.
3. The department may, at the request of a local governing body, review an ordinance submitted prior to adoption by a locality. In conducting its review, the department shall make an evaluation regarding the integrity of an ordinance with respect to the requisites of the Model Airport Safety Zoning Ordinance. The review of the department may include, but not be limited to, the evaluation with respect to the model ordinance, comments of the locality, and its opinion concerning the expected effectiveness of the ordinance as it relates to the general intent of § 15.2-2294 of the Code of Virginia.

Part VI Modification, Suspension, or Revocation of Licenses

24VAC5-20-275. Conditional licenses.

A. If at any time an airport does not meet all of the minimum requirements for licensing as set forth in 24VAC5-20-140, a conditional use license shall be issued for a period of 180 days. Conditional licenses shall specify the requirements with which the airport is not in compliance. Upon receipt of notification of nonconformance, the airport sponsor shall issue the appropriate Notice to Airmen for the noncompliant conditions in accordance with 24VAC5-20-140. The Notice to Airmen shall remain in place until the noncompliant condition is resolved.

B. Within 60 days of notification of nonconformance, the airport sponsor must submit a written mitigation plan to the department that includes, but is not limited to, means of resolving noncompliant conditions, a schedule for the performance of the mitigation, and, if applicable, the cost to the Commonwealth. The airport sponsor or designee must present the mitigation plan to the board at the meeting specified in the notification of nonconformance. In response to the presentation, the board will recommend at least one of the following to the department:

1. Extend the conditional use license for a specified time period;
2. Issue a "Day/VFR Use Only License";
3. Issue a waiver in accordance with 24VAC5-20-145;
4. Revoke the public-use license in accordance with 24VAC5-20-280.

Failure by the airport sponsor or designee to submit a written mitigation plan or failure to present the plan to the board will result in at least one of the actions above being implemented.

C. At any time an airport sponsor may request the department to reclassify its license. Upon reclassification of a license, the airport sponsor shall issue an appropriate Notice to Airmen for a minimum period of 180 days.

24VAC5-20-280. Sanctions, notices, and appeals.

A. The department may immediately temporarily modify or suspend a license or permit issued pursuant to Chapter 1 (§ 5.1-1 et seq.) of Title 5.1 of the Code of Virginia and this chapter for violation of any of the provisions of the aviation laws of Virginia or of this chapter, at the instance of any person, upon duly sworn affidavit of the person, or upon its own motion. A sanction shall be effective upon receipt of written notice of the sanction by the licensee at his last known address as disclosed by the records of the department. A temporary sanction shall be effective for a period not to exceed 90 days.

B. The department may revoke a license or permit issued pursuant to Chapter 1 (§ 5.1-1 et seq.) of Title 5.1 of the Code of Virginia and this chapter for violation of any of the provisions of the aviation laws of Virginia or of this chapter, at the instance of a person, by duly sworn affidavit of the person, or upon its own motion. An action shall be effective 10 days after receipt of written notice of the action by the licensee at his last known address as disclosed by the records of the department, unless the licensee shall, before that time, show cause why the sanction should not be imposed.

C. Suspensions or revocations by the department may be appealed by filing a written notice of appeal with the director of the department within 10 days of receipt of the notice of sanction, requesting an opportunity to be heard and to present evidence in an informal fact finding as defined in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). An opportunity will be afforded by the director within 21 days of receipt by him of the written notice of appeal. The director will give written notice to the licensee of his decision to affirm, modify, or rescind the sanction within 10 days after this hearing.

D. The sanctions enumerated in this regulation shall be cumulative with other enforcement powers conferred upon the department by these regulations or by statute, and no action taken hereunder shall limit the jurisdiction of the department to impose other penalties authorized by these regulations or by statute. From the case decision of the director of the department, an appeal lies as set out in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

24VAC5-20-300. Hazard notification.

Public-use airport and landing area owners, operators, and managers shall maintain vigilance as to airport conditions and shall notify the nearest Federal Aviation Administration Flight Service Station and the department whenever known hazards to aircraft exist at an airport or landing area. Known hazards are conditions that create an unsafe situation.

24VAC5-20-330. Aviation facilities constructed in whole or in part with state funds.

Before funds appropriated by the General Assembly of Virginia for the promotion of aviation or the construction or improvement of aviation facilities at a public-use airport, heliport, or seaplane base owned by a county, city, town, individual, corporation, authority, or commission may be allocated, the airport sponsor thereof shall enter into a written agreement with the department, acting through the director, that shall provide for operation of the airport, heliport, or seaplane base as a public-use facility for a minimum period of 20 years or as specified within a written agreement. The airport sponsor of an aviation facility and its transferees, successors,

and assignees who fail to fulfill the period of operation specified in any such agreement shall be liable for the return of these state funds on a pro rata basis.

FORMS (24VAC5-20)

[Application for Public-Use Airport License or License Modification \(12/2010\)](#)

[Application for Public-Use Airport License Renewal \(12/2010\)](#)

[Application for Private-Use Airport Registration or License \(12/2010\)](#)

[Notice of Proposed Construction or Alteration, FAA Form 7460-1 \(2/2012\)](#)

[Airport License Reclassification Application, 200 DOAVS \(10/13\)](#)

DOCUMENTS INCORPORATED BY REFERENCE (24VAC5-20)

[Advisory Circular, AC No. 150/5390-2B, Subject: Helicopter Design, September 30, 2004, Federal Aviation Administration, U.S. Department of Transportation, 800 Independence Avenue, SW, Washington, DC 20591](#)

[Advisory Circular, AC No.: 150/5395-1, Subject: Seaplane Bases, June 29, 1994, Federal Aviation Administration, U.S. Department of Transportation, 800 Independence Avenue, SW, Washington, DC 20591](#)