

Airport Licensing Regulation Proposals  
Comparison of Current and Proposed Language

Ref	Current Language	Proposed Language
1	<b>24 VAC 5-20-10. Definitions.</b>	<b>24 VAC 5-20-10. Definitions.</b>
2	Whenever used in this chapter, unless the context or subject matter requires otherwise, the following words or terms have the meaning herein ascribed to them, respectively:	<a href="#">Words or terms defined in §5.1-1 of the Code of Virginia are incorporated by reference.</a> Whenever used in this chapter, unless the context or subject matter requires otherwise, the following words or terms have the meaning herein ascribed to them, respectively:
3	"Aircraft" means any contrivance now known or hereafter invented, which 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.	"Aircraft" means any contrivance now known or hereafter invented, which 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. <a href="#">Commonly recognized names for aircraft include, but are not limited to, planes, helicopters, sea planes, ultralights, and hot air balloons.</a>
4	"Airline" means an air carrier operation under Federal Aviation Regulations found in 14 CFR Part 119, 121, 129 or 135 providing scheduled passenger service.	"Airline" means an air carrier operation under Federal Aviation Regulations found in 14 CFR Part 119, 121, 129 or 135 providing scheduled passenger service.
5	"Airman" means any individual, including the person in command, and any pilot, mechanic, or member of the crew, who engages in the navigation of aircraft while under way within Virginia airspace; any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or accessories; and any individual who serves in the capacity of aircraft dispatcher.	<a href="#">[Term removed]</a>
6	"Airport" means any area of land or water which is used or intended for use for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities including rights-of-way, easements and all airport buildings and facilities located thereon.	<a href="#">[Term removed]</a>
7		<a href="#">"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.</a>
8	"Airspace" means all that space above the land and waters within the boundary of this state.	<a href="#">[Term removed]</a>
9	"Antique aircraft" means any aircraft constructed by the original manufacturer, or his licensee, on or before December 31, 1945.	"Antique aircraft" means any aircraft constructed by the original manufacturer, or his licensee, on or before December 31, 1945.
10	"Approach surface" means a surface longitudinally centered on the extended runway centerline and extending outward and upward. For non-Federal Aid Airports, the surface extends at a slope of 15:1 from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of: <ol style="list-style-type: none"> <li>1. 1,200 feet at a distance of 5,000 feet for that end of a runway with only visual approaches.</li> <li>2. 2,000 feet at a distance of 5,000 feet for that end of a runway having or proposing to have a nonprecision instrument approach procedure.</li> </ol> See also 14 CFR 77.25, 77.28, and 77.29 for design standards as they apply to federal aid airports.	"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.
11	"Aviation" means transportation by air; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or landing areas, including but not limited to navigable airspace, or other air navigation facilities, and air instruction.	"Aviation" means transportation by air; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or landing areas, including but not limited to navigable airspace, or other air navigation facilities, and air instruction.

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12	"Board" means the Virginia Aviation Board.	[Term removed]
13	"Civil aircraft" means any aircraft other than a public aircraft.	[Term removed]
14	"Commercial operator" means a person, except an airline, who operates any aircraft for the purpose of rental or charter or for any other purpose from which revenue is derived.	"Commercial operator" means a person, except an airline, who operates any aircraft for the purpose of rental or charter or for any other purpose from which revenue is derived.
15	"Conical surface" for a nonfederal aid airport means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 15:1 for a horizontal distance of 4,000 feet. See also 14 CFR 77.25, 77.28 and 77.29 for standards as they apply to federal aid airports.	
16	"Contract carrier permit" means a permit issued by the department to contract carriers operating under 14 CFR Part 61, 135, or 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.	"Contract carrier permit" means a permit issued by the department to contract carriers operating under 14 CFR Part 61, 135, or 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.
17		"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.
18	"Department" means the Department of Aviation.	[Term removed]
19	"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.	"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.
20	"Hazards" for airports means any fixed or mobile structure, object or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.	"Hazards" for airports means any fixed or mobile structure, object or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.
21	"Helipad" means a rectangular or square specially prepared surface that may be turf or paved, which is designated specifically for the purpose of landing and takeoff of helicopter 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 takeoff, landing or parking of helicopters.
22	"Heliport" means any identifiable area on land, water, or structure, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters, or other rotorcraft, appurtenant areas which 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.	"Heliport" means any identifiable area on land, water, or structure, including any building or facilities thereon, used or intended to be used for the landing and takeoff of helicopters, or other rotorcraft, appurtenant areas which 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.
23	"Heliport approach surface" means a surface beginning at each end of the heliport primary surface with the same width as the primary surface, and extending outward and upward. Reference 14 CFR 77.25, 77.28, and 77.29 for design standards.	[Term removed]

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24	"Helicopter primary surface" means the area of the primary surface coinciding in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.	[Term removed]
25	"Helicopter transitional surface" means a surface extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces. Reference 14 CFR 77.25, 77.28, and 77.29 for design standards.	[Term removed]
26	"Horizontal surface" means a horizontal plane 150 feet above the established airport elevation. Reference 14 CFR 77.25, 77.28, and 77.29 for design standards.	[Term removed]
27	"Imaginary surfaces" are those surfaces as defined herein for nonfederal aid airports and in 14 CFR 77.25. Reference 14 CFR 77.25, 77.28, and 77.29 for the definitions and design standards.	[Term removed]
28	"Intrastate air transportation" means air transportation between two or more airports within Virginia, or air transportation to and from the same airport in Virginia without an intermediate stop outside Virginia.	[Term removed]
29	"Landing area" means any local specific site, whether over land or water, including airports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for the sheltering, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.	[Term removed]
30	"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 any purpose from which revenue is derived.	"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 any purpose from which revenue is derived.
31	"Obstacle" means any fixed or mobile object that is located on an area intended for the surface movement of aircraft, or that extends above a defined imaginary surface intended to protect aircraft in flight, that interferes with the siting or operation of navigational aids, or that may control the establishment of instrument procedures.	"Obstacle" means any fixed or mobile object that is located on an area intended for the surface movement of aircraft, or that extends above the <b>approach surfaces and/or runway object free area</b> intended to protect aircraft, that interferes with the siting or operation of navigational aids, or that may control the establishment of instrument procedures.
32	"Obstruction" means any object, obstacle, or structure, man-made or otherwise, which penetrates any of the imaginary surfaces at an aircraft landing area.	"Obstruction" means any object, obstacle, or structure, man-made or <b>of natural growth, including trees</b> , which penetrates any of the <b>approach surface and/or runway object free area</b> at an aircraft landing area.
33	"Obstruction clearance plane" means a plane sloping upward from the runway at a slope of 15:1 to the horizontal and tangent to or clearing all obstructions within a specified area surrounding the runway as shown in a profile view of that area. For federal aid airports the slope of the plane is 20:1.	"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.
34	"Person" means any individual, corporation, government, political subdivision of the Commonwealth, or governmental subdivision or agency, business trust, estate, trust, partnership, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.	[Term removed]

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35	"Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 100 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The minimum width of a primary surface is 200 feet. See also 14 CFR 77.25, 77.28, and 77.29 for standards as they apply to federal aid airports.	[Term removed]
36	"Public aircraft" means an aircraft used exclusively for the service of any state or political subdivision thereof, or the federal government.	[Term removed]
37		"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.
38	"Runway" means a rectangular surface area that may be turf, paved, or water course, which is designed specifically for the purpose of approaching and landing and taking-off and departing of aircraft.	"Runway" means a rectangular surface area that may be turf, paved, or water course, which is designed specifically for the purpose of approaching and landing and taking-off and departing of aircraft.
39		"Runway object free area" means an imaginary area centered on the runway centerline that is clear of above ground objects protruding above the runway centerline, except for allowable objects necessary for air navigation or aircraft ground maneuvering purposes.
40	"Runway safety area" means a rectangular area, symmetrical about the runway centerline, which includes the runway, runway shoulders, and stopways, if present. The portion abutting the edge of the runway shoulders, runway ends and stopways 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 occasional passage of aircraft without causing major damage to the aircraft.	"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 occasional passage of aircraft without causing major damage to the aircraft.
41		"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.
42	"Stopway" or "overrun" means any area beyond the takeoff runway, no less wide than the runway and centered upon the extended centerline of the runway, able to support the airplane during an aborted takeoff without causing structural damage to the airplane, and designated by the airport authorities for use in decelerating the airplane during an aborted takeoff.	"Safety Overrun", also known as "stopway", means any area beyond the takeoff runway, no less wide than the runway and centered upon the extended centerline of the runway, able to support the aircraft during an aborted takeoff without causing structural damage to the airplane, and designated for use in decelerating the aircraft during an aborted takeoff.
43	"Structure" means any 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.	"Structure" means any man-made or natural 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, ship masts, and trees.
44	"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.	"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.
45	"Transitional surface" for nonfederal aid airports means a surface extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 5 to 1 from the sides of the primary surface and from the sides of the approach surfaces until they intersect the horizontal surface. See also 14 CFR 77.25, 77.28, and 77.29 for standards as they apply to federal aid airports.	[Term removed]

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46	"Ultralight" means any 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, and (iii) does not have any U.S. or foreign air worthiness certificate, and (iv) weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation; and (v) that has a fuel capacity not exceeding 5 U.S. 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 which does not exceed 24 knots calibrated airspeed.	"Ultralight" means any 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, and (iii) does not have any U.S. or foreign air worthiness certificate, and (iv) weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation; and (v) that has a fuel capacity not exceeding 5 U.S. 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 which does not exceed 24 knots calibrated airspeed.
47	<b>24 VAC 5-20-120. Licenses.</b>	<b>24 VAC 5-20-120. <a href="#">Airport licenses.</a></b>
48	<p>Airports and landing areas, except private landing areas as defined 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 24 VAC 5-20-140. Such airports and landing areas or persons operating any airport or landing area proposing to add or extend the runways of such airport or landing area shall apply for an amended license pursuant to § 5.1-7 of the Code of Virginia. An initial license or renewal thereof will be issued following review and determination of the department for compliance with § 5.1-7 of the Code of Virginia and 24 VAC 5-20-140. Private landing areas as defined in § 5.1-7.2 shall only be registered as provided for in 24 VAC 5-20-170. An application for a license shall be executed by the applicant or a duly authorized agent, under oath, on forms prescribed by the department, and shall be filed with the department.</p> <p>Airports and landing areas which 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 such license shall be submitted to the department by the applicant or his duly authorized agent under oath on forms prescribed by the department. Such license shall remain in effect for the period specified until suspended, amended or revoked by the department.</p>	<p>Airports and landing areas, except private landing areas as <a href="#">set forth</a> 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. Airports and landing areas which are issued licenses pursuant to §5.1-7 of the Code of Virginia shall be open to the general public on a nondiscriminatory basis.</p> <p>An application for an <a href="#">airport license</a> shall be <a href="#">executed by the airport sponsor</a>, under oath, on forms prescribed by the department, and shall be <a href="#">submitted</a> to the department <a href="#">accompanied by the required supporting documents as specified on the forms</a>. An initial license, or renewal thereof, will be issued following <a href="#">department review and determination of</a> compliance with §5.1-7 of the Code of Virginia and 24VAC5-20-140. Such license shall remain in effect for the period specified, or until <a href="#">modified</a>, suspended or revoked by the department.</p> <p><a href="#">Airport sponsors</a> proposing to <a href="#">add or extend runways</a> of such airport or landing area shall apply for an amended license pursuant to §5.1-7 of the Code of Virginia.</p> <p><a href="#">If an airport or landing 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 an airport license in accordance with §5.1-7 of the Code of Virginia and 24VAC5-2-120 and must be in compliance with 24VAC5-20-140.</a></p> <p>Private landing areas, as <a href="#">set forth</a> in §5.1-7.2, shall only be registered as provided for in 24VAC5-20-170.</p>
49	Licenses must be renewed every seven years. Starting October 1995, the department will stagger license renewals by regions of the Commonwealth according to Virginia Aviation Board areas of responsibility as follows: Southwest region - September 30, 1996; West Central region - September 30, 1997; Blue Ridge region - September 30, 1998; Northern Virginia region - September 30, 1999; Central region - September 30, 2000; Richmond/Northern Neck region - September 30, 2001; and Hampton Road/Eastern Shore region - September 30, 2002.	<a href="#">Licenses must be renewed every seven years or at the discretion of the department based on demonstrated need. License expirations shall be staggered based on criteria set by the department, which include, but are not limited to, changes in legislation, standards, policy, processes, and procedures.</a>
50	<b>24 VAC 5-20-140. Minimum requirements for licensing.</b>	<b>24 VAC 5-20-140. Minimum requirements for <a href="#">airport</a> licensing.</b>
51	The minimum standards which are required for initial and continued licensing under § 5.1-7 of the Code of Virginia will provide for:	The minimum <a href="#">requirements</a> for the initial and continued airport licensing under § 5.1-7 of the Code of Virginia <a href="#">shall</a> provide for:
52	1. An effective runway length of 2,000 feet, with 100 feet of overrun on each end, and unobstructed approach surfaces of 15:1 horizontal to vertical slope at each end of the runway.	1. A effective runway length of <a href="#">at least</a> 2,000 feet <a href="#">for each direction of operation</a> .
53		2. A minimum runway width of 50 feet.

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54		3. A minimum runway safety area length equal to the length of the runway plus 100 feet at each end of the runway.
55	4. A minimum runway width of 50 feet, and minimum runway safety area width of 120 feet.	4. A minimum runway safety area width of 120 feet.
56		5. A minimum unobstructed approach surface of 15:1 horizontal to vertical slope at each end of the runway.
57		6. The approach surface is centered along the runway centerline and 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.
58	2. An unobstructed primary surface(s) which is 2,200 feet in length and 200 feet in width.	7. A minimum unobstructed runway object free area length equal to the length of the runway.
59		8. A minimum unobstructed runway object free area width of 250 feet.
60	3. An unobstructed transition surface(s) of 5:1 slope on either side of the primary and approach surfaces.	[Requirement removed]
61	5. Aerial ingress and egress shall be available from both ends of the rectangular dimension of a runway.	[Requirement removed]
62	6. A displaced threshold, if an approach surface to either physical end of the runway is obstructed and the obstacle cannot be removed, shall be located down the runway at the point where the obstruction clearance plane intersects the runway centerline.	9. A displaced threshold, if an approach surface to either physical end of the runway is obstructed and the obstacle cannot be removed, shall be located down the runway at the point where the obstruction clearance plane intersects the runway centerline.
63		10. 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 will provide for:  a. An effective runway length of 2,000 feet in each direction of operation; b. A minimum runway width of 50 feet; c. A minimum runway safety area length equal to the length of the runway plus 100 feet at each end of the runway; d. A minimum runway safety area width of 120 feet; e. A minimum unobstructed approach surface of 15:1 horizontal to vertical slope at each end of the runway; and f. An approach surface centered along the runway centerline and beginning at the threshold at a width of 120 feet, expanding uniformly for a distance of 500 feet to a width of 300 feet, and continuing at the width of 300 feet for a distance of 2,500.
64	7. An airport runway licensed specifically and solely for the purpose of accommodating short-takeoff-and-landing aircraft may, at the discretion of the department, be less than 2,000 feet in length; however, all other dimensional standards will apply.	[Requirement removed]
65	8. A heliport used for commercial public use purposes will provide for minimum dimensions of 75 feet by 75 feet. The heliport will have unobstructed primary, approach, and transition surfaces in accordance with their definitions in this chapter.	11. A heliport open for public use shall provide for minimum standard dimensions as provided in the Federal Aviation Administration Advisory Circular 150/5390-2B, dated September 30, 2004.
66		12. A seaplane base open for public use must provide for minimum design standards as provided in the Federal Aviation Administration Advisory Circular 150/5395, dated June 29, 1994.

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67	9. 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. These considerations shall include public hearings as required to assure consistency with the goals and objectives of such planning as has been carried out by the community.	13. 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, <b>except for the renewal of an existing airport license</b> . These considerations shall include public hearings as required to assure consistency with the goals and objectives of such planning as has been carried out by the community.
68	10. 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 such financial responsibility thereafter must be maintained.	14. 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 such financial responsibility thereafter must be maintained.
69	<b>24 VAC 5-20-145. Waiver of minimum requirements.</b>	<b>24 VAC 5-20-145. Waiver of minimum requirements.</b>
70	Subdivisions 1, 2, 3, 4, and 5 of 24 VAC 5-20-140 may be waived upon application to the board setting forth the reasons that these standard(s) sought to be waived cannot be met.	<b>Upon application by any airport sponsor, setting forth the reason(s) that the requirement(s) sought to be waived cannot be met, the board may waive compliance of requirements of 24VAC 5-20-140. In the waiver, the board shall specify the minimum requirement(s) covered by the waiver and set terms, including the time period for the waiver.</b>
71	Considerations for granting the waiver shall be limited to topographical impossibility, possible financial expense to the Virginia Aviation Fund, volume and type of traffic and safety experience at the airport.	Considerations for granting the waiver shall be limited to: <b>determination of "no hazard" based on a Federal Aviation Administration airspace evaluation and implementation of mitigation recommendations if applicable, determination of impracticality due to topography, or benefit cost analysis proving improvements as financially unfeasible.</b>
72	Any airport having a license issued prior to October 1, 1995, and not meeting one or more minimum standards for licensure in effect for that period shall be exempt from having to comply with those noncomplying standards for as long as the airport remains an active public-use facility. Should such airport cease to be open to the public for one year, and subsequently reopen, it shall be required to comply with all applicable minimum standards for licensure.	Any airport having a license issued prior to October 1, 1995, and not meeting one or more minimum <b>requirements</b> for licensure in effect <b>on October 1, 1995</b> , shall be exempt from having to comply with those noncomplying standards for as long as the airport remains an active public-use facility <b>unless those noncomplying standards are caused by natural growth</b> .
73	All airports or landing areas that hold licenses as of September 30, 1995, that do not meet the minimum standards in effect on September 30, 1995, do not need to apply for a waiver in order to be relicensed. In compliance with § 5.1-7 of the Code of Virginia, the department shall issue a conditional license to all airports which were licensed as public-use airports on October 1, 1995, which did not meet the minimum standards for licensure in effect on that date.	[Text removed]
74	<b>24VAC5-20-150 Transfer of licenses.</b>	<b>24VAC5-20-150 Transfer of <b>airport</b> licenses.</b>
75	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.	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.
76	Application for approval of a transfer of a license shall be made on forms prescribed by the department and may be granted only after satisfactory evidence has been submitted which shows that 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 Title 5.1 of the Code of Virginia or this chapter.	Application for approval of a transfer of a license shall be made on forms prescribed by the department <b>and accompanied by the required supporting documents as specified on the forms</b> . Approval may be granted only after satisfactory evidence has been submitted which shows that 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 Title 5.1 of the Code of Virginia or this chapter.

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77	Before such 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 such airport or landing area.	Before such 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 such airport or landing area.
78	Upon conveyance, death, dissolution, or bankruptcy of a licensee, the airport license may be transferred. Transfer shall be effected within 180 days after death or dissolution of the licensee or the airport license shall become null and void.	Upon conveyance, death, dissolution, or bankruptcy of a licensee, <a href="#">the department should be notified of such occurrence within 60 days, and the airport license may be transferred upon approval of the department.</a>
79	<b>24VAC5-20-160. Public waters landing rights.</b>	<b>24VAC5-20-160. <a href="#">Seaplane bases.</a></b>
80	Counties, cities, and towns shall have the power to establish, maintain, and operate airports and landing areas and other navigation facilities in, over, and upon any public waters of this Commonwealth, or any submerged land under such public waters, within the limits or jurisdiction of or bordering on such counties, cities or towns. Any such areas established shall follow all the applicable permitting and licensing requirements of Part III of this chapter (24VAC5-20-120 et seq.).	<a href="#">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.</a>
81	<b>24VAC5-20-170. Private or personal airports.</b>	<b>24VAC5-20-170. <a href="#">Private landing areas.</a></b>
82	Any person owning property utilized for landing aircraft that is solely for private or personal use, and which is not open to the general public, shall be required only to register the landing area if it is not within five nautical miles of a licensed public-use airport. Registration shall be accomplished on forms provided by the department.	Any person <a href="#">establishing or owning a private landing area, including airports, heliports, helipads, and seaplane bases,</a> shall be required only to register the <a href="#">facility</a> if it is not within five nautical miles of a licensed public-use airport.
83	Any person establishing private or personal airports within five nautical miles of a licensed public-use airport shall be licensed if the applicant airport does not pose a hazard to the airspace and utilization by aircraft of the licensed public-use airport in question. Licenses for private-use airports that are within five nautical miles of a licensed public-use airport shall be issued once, and do not have to be renewed.	Any person <a href="#">establishing or owning a private landing area, including airports, heliports, helipads, and seaplane bases,</a> within five nautical miles of a licensed public-use airport shall be required to <a href="#">secure a Private Use Landing Area license for the facility</a> if the applicant airport does not pose a hazard to the airspace and utilization by aircraft of the licensed public-use airport in question. Such licenses shall be issued once, and do not have to be renewed.
84	Prior to final registration or licensing of a private or personal airport, the applicant airport shall provide to the department written information from the local government having jurisdiction over such airport that such airport has received approval from the locality with respect to zoning, special use permit, or any other land use requirements.	Application for the registration or licensing approval of a <a href="#">private landing area, including airports, heliports, helipads, and seaplane bases</a> shall be made on forms prescribed by the <a href="#">department</a> and <a href="#">accompanied by the required supporting documents as specified on the forms,</a> including written documentation with respect to zoning, special use permit, or any other land use requirements.
85	Aircraft landing at these landing areas and nonpublic-use airports shall have prior approval of the landowners or controlling agency when reasonably practical. Aircraft landing at other than licensed airports without such prior approval shall not be removed therefrom without the consent of the owner or lessee of such property.	Aircraft landing at <a href="#">private landing area, including airports, heliports, helipads, and seaplane bases</a> shall have prior approval of the landowners or controlling agency when reasonably practical. Aircraft landing at other than licensed <a href="#">public-use</a> airports without such prior approval shall not be removed therefrom without the consent of the owner or lessee of such property.
86		Privately-owned or publicly-owned hospitals may establish and maintain airports, <a href="#">heliports, helipads or landing areas</a> and may restrict the public use of such <a href="#">facilities</a> to takeoff and landing of any aircraft for <a href="#">hospital related uses</a> only.
87	<b>24VAC5-20-180. Fees.</b>	<b>24VAC5-20-180. <a href="#">Fees for airport licenses.</a></b>
88	The fee for issuing a license of a public-use airport or landing area in accordance with 24VAC5-20-120 shall be \$25. The fee for each license renewal or amendment shall be \$25.	The fee for issuing a license for <a href="#">an airport, heliport, seaplane base or landing area open for public use</a> in accordance with 24VAC5-20-120 shall be \$25. The fee for each license renewal or amendment shall be \$25.

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Comparison of Current and Proposed Language

Ref	Current Language	Proposed Language
89	No fee is charged for licensing a private use airport under 24VAC5-20-120 or registering a private use airport under 24VAC5-20-170.	No fee is charged for licensing a <a href="#">private use landing area</a> under 24VAC5-20-120 or registering a <a href="#">private use landing area</a> under 24VAC5-20-170.
90	<b>24 VAC 5-20-190. Determination of hazard.</b>	<b>24 VAC 5-20-190. Determination of hazard.</b>
91	The Department of Aviation shall conduct an aeronautical study, when needed to satisfy the requisites of this regulation, and to determine the effect of any structure that penetrates any imaginary surface upon the safe and efficient operation of any licensed, military, or government air navigation facility or airport. This determination shall be made based on criteria as defined by 24 VAC 5-20-200. If a structure constitutes an "obstruction" in accordance with these standards, it shall be presumed to be a "hazard" until determined otherwise the by Virginia Aviation Board.	The <a href="#">airport sponsor</a> shall <a href="#">be responsible for insuring that an aeronautical study is conducted</a> when needed to satisfy the <a href="#">requirements</a> of this regulation to determine the effect of any structure (natural or manmade) that penetrates the <a href="#">approach surfaces and/or runway object free area</a> upon the safe and efficient operation of any 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 <a href="#">criteria</a> , it shall be presumed to be a "hazard" until determined otherwise <a href="#">by the board</a> .
92	<b>24 VAC 5-20-200. Obstruction criteria.</b>	<b>24 VAC 5-20-200. Obstruction criteria.</b>
93	In conducting any study required by this chapter the department may consider, but not be limited to, at least the following factors: Federal Aviation Regulations 14 CFR 77.25, 77.28, and 77.29; Airport Traffic Patterns; IFR Airways and Routes; VFR routes and designated practice areas; and terminal airspace and instrument approach procedures.	<a href="#">Any study required by this chapter shall</a> consider, but not be limited to, at least the following factors: Federal Aviation Regulations 14 CFR 77.25, 77.28, and 77.29; Airport Traffic Patterns; IFR Airways and Routes; VFR routes and designated practice areas; and terminal airspace and instrument approach procedures.
94	<b>24VAC5-20-210. Obstruction permit procedure.</b>	<b>24VAC5-20-210. Obstruction permit procedure.</b>
95	This process shall not be applicable in those counties, cities, and towns which have satisfied the local ordinance provisions of §15.1-491.02 of the Code of Virginia. See 24VAC5-20-220.	This process shall not be applicable in those counties, cities, and towns which have satisfied the local ordinance provisions of <a href="#">§15.2-2294</a> of the Code of Virginia. See 24VAC5-20-220.
96	Any 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 submit to the department a permit request on such forms as prescribed by the department, including any ancillary data required by the department.	Any 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 <a href="#">provide to the department a copy of FAA Form 7460 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</a> .
97	Upon receipt of such request, the department shall (i) notify the applicant of said receipt and supply available information pertaining to the obstruction analysis, with the date and location of the applicable board meeting; (ii) conduct an analysis of the request using the criteria in 24VAC5-20-190 and 24VAC5-20-200 within 90 days from the date of receipt, unless it advises the applicant that such analysis will take longer; (iii) shall forward to the board its analysis in the form of a staff report with the concurrent recommendations regarding the permit request.	Upon receipt of such request, the department shall (i) conduct an analysis of the request using the criteria in 24VAC5-20-190 and 24VAC5-20-200 within <a href="#">120</a> days from the date of receipt, unless it advises the applicant that such analysis will take longer; (ii) supply the applicant with available information pertaining to the obstruction analysis, and the date and location of the applicable board meeting; <a href="#">and</a> (iii) forward to the board its analysis in the form of a staff report with recommendations regarding the permit request.
98	The board shall consider each 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, any verbal and written testimony of the applicant, any analysis of the Federal Aviation Administration, and any 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. Any affirmative decision may be accompanied by conditions deemed appropriate by the board including, but not limited to, obstruction marking, lighting, and similar safety features.	The board shall consider each 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, any verbal and written testimony of the applicant, any analysis of the Federal Aviation Administration, and any 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. Any affirmative decision may be accompanied by conditions deemed appropriate by the board including, but not limited to, obstruction marking, lighting, and similar safety features.
99	The applicant, if given an affirmative decision by the board, shall not be relieved by that decision of any local requirements as to zoning, building, variance, or other permits as may be required.	The applicant, if given an affirmative decision by the board, shall not be relieved by that decision of any <a href="#">requirements of local, state, or federal</a> as to zoning, building, variance, or other permits as may be required.

Airport Licensing Regulation Proposals  
Comparison of Current and Proposed Language

Ref	Current Language	Proposed Language
100	<b>24VAC5-20-220. Model airport safety zoning ordinance.</b>	<b>24VAC5-20-220. Model airport safety zoning ordinance.</b>
101	Any county, city, or town in the Commonwealth seeking to comply with the mandate of § 15.1-491.02 of the Code of Virginia to enact local obstruction ordinances shall abide by the following:	Any 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:
102	1. The Model Airport Safety Zoning Ordinance developed by the Department of Aviation shall be used as a guide by localities. A copy of such ordinance is found in Appendix A (24VAC5-20-400) of this chapter.	1. The Model Airport Safety Zoning Ordinance developed by the department shall be used as a guide by localities. A copy of such ordinance is found in Appendix A (24VAC5-20-400) of this chapter.
103	2. The provisions of any 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.	2. The provisions of any 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.
104	3. The department may, at the request of a local governing body, review any ordinance submitted prior to adoption by such locality. In conducting its review the department shall make an evaluation regarding the integrity of such 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, any comments of the locality, and its opinion concerning the expected effectiveness of the ordinance as it relates to the general intent of § 15.1-491.02 of the Code of Virginia.	3. The department may, at the request of a local governing body, review any ordinance submitted prior to adoption by such locality. In conducting its review the department shall make an evaluation regarding the integrity of such 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, any 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.
105	<b>24 VAC 5-20-275. Conditional licenses.</b>	<b>24 VAC 5-20-275. Conditional airport licenses.</b>
106	If an airport or landing area cannot meet the requirements for licensure that have been adopted by the department, or having met those requirements cannot maintain compliance, the department may issue conditional licenses to allow time for the airport or landing areas to take steps to meet those requirements. Such conditional licenses shall specify the nonstandard requirements and dictate the time allowable for the standards to be brought into compliance, that time being the same as the duration of the conditional license.	<p>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 by the department for a period of 180 days. Such conditional license 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 Section 140.</p> <p>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 issues, schedule for the performance of such mitigation, and cost to the Commonwealth if applicable. 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 which, the board will recommend at least one of the following to the department:</p> <ol style="list-style-type: none"> <li>1. Extend the conditional use license for a specified time period;</li> <li>2. Issue a "Day/VFR Use Only" license;</li> <li>3. Issue a waiver in accordance with 24VAC5-20-145;</li> <li>4. Reclassify the license from public-use to private-use; or</li> <li>5. Revoke the license in accordance with 24VAC5-20-280.</li> </ol> <p>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.</p> <p>At any time an airport sponsor may request the department to reclassify its license. Upon reclassification of a license, the airport sponsor shall issue appropriate Notice to Airmen.</p>

Airport Licensing Regulation Proposals  
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Ref	Current Language	Proposed Language
107	<b>24VAC5-20-280. Sanctions, notice and appeals.</b>	<b>24VAC5-20-280. Sanctions, notice and appeals.</b>
108	The department may immediately temporarily suspend or modify any license or permit issued pursuant to Chapter 1 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 such person, or upon its own motion. Such 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. Such temporary sanction shall be effective for a period not to exceed 90 days.	The department may immediately temporarily <b>modify or suspend</b> any license or permit issued pursuant to Chapter 1 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 such person, or upon its own motion. Such 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. Such temporary sanction shall be effective for a period not to exceed 90 days.
109	The department may permanently suspend or revoke any license or permit issued pursuant to Chapter 1 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, by duly sworn affidavit of such person, or on its own motion. Such 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 such sanction should not be imposed.	The department may revoke any license or permit issued pursuant to Chapter 1 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, by duly sworn affidavit of such person, or on its own motion. Such 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 such sanction should not be imposed.
110	Temporary or permanent 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, § 9-6.14:1 et seq. of the Code of Virginia. Such an opportunity will be afforded by the director not later than 21 days after 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.	Temporary 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, <b>§2.2-4019</b> et seq. of the Code of Virginia. Such an opportunity will be afforded by the director not later than 21 days after 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.
111	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, § 9-6.14:1 et seq. of the Code of Virginia.	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, <b>§2.2-4019</b> et seq. of the Code of Virginia.
112	<b>24VAC5-20-300. Airport hazards.</b>	<b>24VAC5-20-300. Airport hazards.</b>
113	Commercial, 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 of Aviation whenever any known hazards to aircraft exist at such airport or landing area. Known hazards are any conditions which create an unsafe situation and include uncut grass on any runway in excess of eight inches in height.	<b>Public-use airport and landing area owners</b> , operators and managers shall maintain vigilance as to airport conditions and shall notify the nearest Federal Aviation Administration Flight Service Station and the <b>department</b> whenever any known hazards to aircraft exist at such airport or landing area. Known hazards are any conditions which create an unsafe situation.

Airport Licensing Regulation Proposals  
Comparison of Current and Proposed Language

Ref	Current Language	Proposed Language
114	<b>24VAC5-20-330. Aviation facilities constructed in whole or in part with state funds.</b>	<b>24VAC5-20-330. Aviation facilities constructed in whole or in part with state funds.</b>
115	Before any funds appropriated by the General Assembly of Virginia for the promotion of aviation, the construction or improvement of aviation facilities at any county, municipal or privately-owned, commercial, public-use airport or heliport, the owner thereof shall enter into a written agreement with the department, acting through the director, which shall provide for operation of such airport or heliport as a public-use facility for a minimum period of 20 years. The owner of any such aviation facility and his or its transferees, successors and assignees who fails to fulfill the period of operation specified in any such agreement shall be liable for the return of any such funds on a pro rata basis.	Before any funds appropriated by the General Assembly of Virginia for the promotion of aviation, the construction or improvement of aviation facilities at any <a href="#">public-use airport or heliport owned by ownership by a county, city, town, individual, corporation, authority, or commission</a> , the owner thereof shall enter into a written agreement with the <a href="#">department</a> , acting through the director, which shall provide for operation of such airport or heliport as a public-use facility for a minimum period of 20 years <a href="#">or as specified within a written agreement</a> . The owner of any such aviation facility and his or its transferees, successors and assignees who fails to fulfill the period of operation specified in any such agreement shall be liable for the return of any such funds on a pro rata basis.
116	Privately owned or publicly owned hospitals may establish and maintain airports and may restrict the public use of such airports to takeoff and landing of any aircraft for medical emergencies only; such airports may be funded in accordance with this chapter.	<a href="#">[Portion of text removed; portion of text moved]</a>

24VAC5-20-400 Appendix A: Airport Safety Zoning Ordinance is not included as it deals with zoning ordinances for airport and does not address airport licensing.