

## CHAPTER 8800

### DEPARTMENT OF TRANSPORTATION

### AERONAUTICS

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#### 8800.0100 DEFINITIONS.

*[For text of subps 1 and 2, see M.R.]*

Subp 2a **Aircraft dealer.** “Aircraft dealer” or “dealer” means a person regularly engaged in the business of manufacturing or selling, purchasing, and generally dealing in new or used aircraft; having an established place of business for the trade, sale, and display of aircraft, and having in possession new or used aircraft for the purpose of sale or trade.

Subp. 3. **Airport.** “Airport” means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any. The term “airport” includes restricted landing areas as defined in Minnesota Statutes, section 360.013. Seaplane bases and heliports are also included in the term “airport.”

*[For text of subps 4 to 16, see M.R.]*

Subp. 16a **Heliport.** A “heliport” is an area of land or water, or a structure, used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities. A heliport is an airport as defined in subpart 3.

*[For text of subps 17 to 19, see M.R.]*

Subp. 20. **Nonprecision instrument runway.** “Nonprecision instrument runway” means a runway with a straight-in instrument approach procedure using either ground-based or satellite-based air navigation facilities.

Subp 20a. **Other than utility runway.** “Other than utility runway” means a runway that

A. is constructed for and intended to be used by jet aircraft or aircraft of more than 12,500 pounds maximum gross weight; or

B. is 4,900 feet or more in length

*[For text of subps 21 and 22, see M.R.]*

Subp 22a. **Personal-use airport.** A “personal-use airport” is a restricted airport that meets the criteria of part 8800.2200. A personal-use airport is intended for the personal use of the owner of the airport.

*[For text of subp 23, see M.R.]*

Subp 24. **Precision instrument runway.** “Precision instrument runway” means a runway with an instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), a Precision Approach Radar (PAR), a Transponder Landing System (TLS), or a satellite-based system capable of operating to the same level of precision guidance provided by the other included systems.

Subp 24a. **Private airport.** A “private airport” is a restricted airport, whether privately or publicly owned. The persons who may use the airport are determined by the owner of the airport. A private airport may not be held out for public use nor may it be displayed on aeronautical charts except as a restricted facility.

Subp 24b. **Public airport.** A “public airport” is any airport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control.

*[For text of subps 25 and 26, see M R]*

Subp 26a. **Seaplane base.** A “seaplane base” is an area of water used or intended to be used for the landing and takeoff of aircraft, together with appurtenant shoreside buildings and facilities. A seaplane base is an airport as defined in subpart 3.

*[For text of subps 27 to 32, see M R]*

Subp. 32a. **Unlicensed landing area.** “Unlicensed landing area” means any area of land or water, other than a public, private, or personal-use airport, that is used or made available for the landing and takeoff of aircraft. Unlicensed landing areas must meet the criteria of part 8800.2300.

Subp 33 **Utility runway.** “Utility runway” means a runway that

A. is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less, and

B. is less than 4,900 feet in length.

*[For text of subp 34, see M R]*

Subp 35 **Visual runway.** “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure.

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

## **8800.1100 REGULATION OF STRUCTURE HEIGHTS.**

When a permit is required under Minnesota Statutes, sections 360 81 to 360 91, application must be made to the commissioner. The commissioner shall make such investigation as may be necessary.

Minnesota Statutes, sections 360 81 to 360 91, do not apply to a structure for which an erection permit is required by the federal government.

Any person interested in the granting or denial of a permit may intervene in the matter of the application. A person desiring intervention shall notify the commissioner of the person's interest. Notification must be in writing.

Before issuing or denying a permit, the commissioner may request an informal appearance of the applicant or any person who has intervened in the matter of the application.

All hearings, notices, orders, and other procedural rules, regarding this subject must be in accordance with Minnesota Statutes, chapters 14 and 360, and any other applicable law.

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

## **8800.1200 CRITERIA FOR DETERMINING AIR NAVIGATION OBSTRUCTIONS.**

*[For text of subps 1 to 4, see M.R.]*

Subp. 5. **Obstructions to public airports.** An object will be considered an obstruction to a public airport (excluding seaplane bases and heliports) if it is of greater height than any of the following airport imaginary surfaces:

A. Primary surface, an imaginary surface longitudinally centered on a runway and extending 200 feet beyond each end of a runway with a specially prepared hard surface or coinciding with each end of other runways.

The width of the primary surface is 120 feet for visual runways at special-purpose airports, 250 feet for visual utility runways, or 500 feet for nonprecision instrument runways and for visual runways other than utility, or 1,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile.

The primary surface for each end of a runway has the same arithmetical value. The value is the highest determined for either end of the runway.

The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**B Horizontal surface** an imaginary horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual; and

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway has the same arithmetical value. The value is the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc must be disregarded in the construction of the perimeter of the horizontal surface.

*[For text of item C, see M.R.]*

**D Approach surface** an imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface.

The approach surface inclines upward and outward at a slope of 15:1 for a horizontal distance of 3,000 feet for visual runways at special-purpose airports, 20:1 for a horizontal distance of 5,000 feet for utility runways and visual other than utility runways, or 34:1 for a horizontal distance of 10,000 feet for all nonprecision instrument runways other than utility.

The approach surface expands uniformly to a width of 1,020 feet at a distance of 3,000 feet from the end of the primary surface for visual runways at special-purpose airports, or 1,250 feet for visual utility runways, or 1,500 feet for visual runways other than utility, or 2,000 feet for utility runways with a nonprecision instrument approach, or 3,500 feet for nonprecision instrument runways other than utility, having visibility minimums greater than three-fourths statute mile, or 4,000 feet for nonprecision instrument runways other than utility, having visibility minimums as low as three-fourths of a statute mile.

*[For text of item E, see M.R.]*

**F Transitional surface** an imaginary surface extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 4:1 for visual runways at special-purpose airports, or 7:1 for all other runways. The transitional surfaces incline upward and outward from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surface for those portions of the instrument approach surface that project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the sides of the approach surface and at right angles to the extended instrument runway centerline.

*[For text of subp. 6, see M.R.]*

**Subp. 7 Obstruction marking and lighting.** The standards for marking and lighting structures are contained in FAA Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, and any subsequent changes. These standards are incorporated by reference, are not subject to frequent change, and are conveniently available to the public through the Minitex interlibrary loan system.

*[For text of subp 8, see MR ]'*

**Statutory Authority:** *MS s 360 015, 360 018, 360 03; 360 90*

**History:** *30 SR 215*

**8800.1300** [Repealed, 30 SR 215]

**8800.1400 GENERAL AIRPORT LICENSING PROVISIONS.**

Subpart 1. **Approval and licensing; exemptions.** Every airport, before operating as an airport, must be approved and licensed by the commissioner, except as set forth in items A and B

A airports owned or operated by the Metropolitan Airports Commission, organized and existing under Minnesota Statutes, chapter 473;

B personal-use airports located more than five miles from the nearest public airport

Subp. 2. **Application and fee.** Application for license must be made on forms supplied by the commissioner, accompanied by the appropriate fee, and renewed annually or triennially.

*[For text of subps 3 to 10, see M.R.]*

**Statutory Authority:** *MS s 360 015, 360 018; 360 03, 360 90*

**History:** *30 SR 215*

**8800.1600 PUBLIC AIRPORT LICENSING.**

Subpart 1 **Application.** The requirements of this part do not apply to licensing public special-purpose airports, public seaplane bases, or public heliports. Specific requirements for the licensing of a public special-purpose airport are found in part 8800 1650. Specific requirements for licensing a public seaplane base are found in part 8800 1700. Specific requirements for licensing a public heliport are found in part 8800 1800

Subp. 2. **Minimum requirements.** A public airport must be granted a license when it has shown that it has met the general provisions of parts 8800.1400 and 8800.1500 and the minimum requirements described in subparts 3 to 16

Subp 3 **Size.** A public airport must have at least one runway with a minimum usable length of 2,000 feet. The minimum width of a turf runway must be 75 feet. The minimum width of a hard-surfaced runway must be 60 feet. Other than utility runways must be at least 75 feet wide

*[For text of subp 4, see MR ]*

Subp. 5. **Obstructions.** The minimum obstruction clearance requires that a structure, tree, or mobile object that creates a hazard, other than those necessary and incidental to airport operation, must not penetrate the imaginary airspace surfaces described in part 8800 1200, subpart 5, items A, D, and E. The standards of this part also apply to traverse ways only after their heights have been increased as described in part 8800.1200, subpart 2.

*[For text of subps 6 and 7, see MR ]*

Subp 8 **Wind sock.** All public airports must be equipped with a wind sock, 3 feet by 12 feet, blaze orange in color, which must be operable and clearly visible from the pattern altitude when within one mile of the airport during daylight hours. If the airport is lighted for night operations, the wind sock must also be lighted.

*[For text of subps 9 to 12, see MR ]*

Subp 13. **Fuel.** All fuel dispensed on the airport for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel

*[For text of subps 14 to 16, see MR ]*

**Statutory Authority:** *MS s 360.015, 360 018, 360 03; 360 90*

**History:** *30 SR 215*

**8800.1650 PUBLIC SPECIAL-PURPOSE AIRPORT LICENSING.**

**Subpart 1 Application.** A “public special-purpose airport” is a public airport, as defined in part 8800 0100, and is intended for use by aircraft issued an FAA special airworthiness certificate in the light sport category.

**Subp. 2 Minimum requirements.** A public special-purpose airport must be granted a license when it has met the general provisions of parts 8800 1400 and 8800.1500 and the minimum requirements described in subparts 3 to 15.

**Subp. 3. Size.** The longest runway must have a maximum usable length of less than 2,000 feet. The minimum allowable runway length must be 1,000 feet. The minimum width of a turf runway must be 60 feet. The minimum width of a hard surface runway must be 50 feet.

**Subp. 4 Surface.** The landing surface must be smooth and free from hazards or obstructions. The longitudinal gradient on any part of the landing area must not exceed two percent. The transverse gradient must not exceed three percent. In addition, runway grade changes must be such that any two points five feet above the runway centerline will be mutually visible for the entire runway length.

**Subp. 5. Obstructions.** The minimum obstruction clearance requires that any structure, tree, or mobile object that creates a hazard, other than those necessary and incidental to airport operation, must not penetrate the imaginary surfaces at special-purpose airports as described in part 8800 1200, subpart 5, items A, D, and E. The standards of this part also apply to traverse ways only after their heights have been increased as described in part 8800 1200, subpart 2.

**Subp. 6. Edge markers.** Turf runways must be outlined with effective edge markers and end markers, which must be constructed of a durable material and installed in a manner so as to be clearly visible from traffic pattern altitude.

**Subp. 7. Buildings.** Buildings and structures on a public special-purpose airport must not be closer than 50 feet from the side of the runway and must not penetrate the surfaces defined in part 8800 1200, subpart 5.

**Subp. 8 Wind sock.** All public special-purpose airports must be equipped with a wind sock, a minimum of 18 inches by eight feet, fluorescent yellow in color, which must be operable and clearly visible from the pattern altitude when within one mile of the airport during daylight hours. If the airport is lighted for night operations, the wind sock must also be lighted.

**Subp. 9. Lighting.** If the airport is lighted for night operations and is advertised as lighted for night operations, the lights must be kept on from dusk to dawn. Any object in the approach zone of a lighted visual runway that extends above a slope of 20:1 must be marked and lighted in accordance with the standards for obstruction marking and lighting where requested by the commissioner in the interest of safety.

**Subp. 10 Tie-downs.** Facilities must be furnished for at least three more aircraft than regularly use the airport. Tie-downs are to be marked and maintained so as to be readily located.

**Subp. 11 Toilets.** A sanitary public toilet facility must be provided at all public special-purpose airports, except where it can be demonstrated that it is impractical to install the facility. An enclosed portable chemical toilet, properly maintained and serviced, is acceptable.

**Subp. 12 Fuel.** All fuel dispensed on the airport for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

**Subp. 13. Fire extinguishers.** At least one properly maintained fire extinguisher must be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed. It must be a minimum of 20-B rating or equivalent.

**Subp. 14 Telephone.** When feasible, a telephone must be made available for public use. Telephone numbers for the appropriate flight service station, for emergency assistance, and for aircraft servicing must be prominently posted.

Subp 15. **Bulletin board.** A weather-protected bulletin board must be prominently located on the airport and must display the public special-purpose airport license, safety and traffic rules, and a location map showing danger or restricted areas.

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

#### 8800.1700 PUBLIC SEAPLANE BASE LICENSING.

*[For text of subps 1 and 2, see MR]*

Subp 3. **Application.** A “public seaplane base” is a public airport as defined in part 8800 0100. The use of a body of water for a public seaplane base does not impair or deny the right of the public to the use of these public waters.

*[For text of subps 4 to 6, see MR.]*

Subp. 7. **Wind sock.** Each public seaplane base must be equipped with a wind sock 3 feet by 12 feet, blaze orange in color, which must be operable and clearly visible from the pattern altitude when within one mile of the seaplane base during daylight hours. If night operations are conducted at the base, the wind sock must be lighted.

*[For text of subps 8 to 14, see MR]*

Subp 15. **Boat.** A boat and operable motor must be immediately available for use at all times that the seaplane base is attended.

*[For text of subp 16, see MR]*

Subp 17. **Fuel.** All fuel dispensed at the public seaplane base for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

*[For text of subp 18, see MR]*

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

#### 8800.1800 PUBLIC HELIPORT LICENSING.

Subpart 1. **Application.** A “public heliport” is a public airport as defined in part 8800 0100. For public heliports, the minimum design helicopter characteristics are a rotor diameter of 37 feet, an overall length of 43 feet, and an undercarriage length and width of ten feet.

Subp. 1a. **Minimum requirements.** A public heliport must be granted a license when it has met the general provisions of parts 8800 1400 and 8800.1500 and the following minimum requirements of subparts 2 to 12.

Subp 2 [Repealed, 30 SR 215]

Subp 3. **Obstructions.** An object is considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces:

A heliport primary surface that coincides in size and shape with the designated final approach and takeoff area (FATO) as defined in the latest edition of the FAA Heliport Design Advisory Circular No. 150/5390-2B, which is incorporated by reference, is not subject to frequent change, and is conveniently available to the public at the state law library in St. Paul,

B heliport approach surface as defined in Code of Federal Regulations, title 14, part 77, and, for heliports with instrument approaches, the latest edition of the FAA Heliport Design Advisory Circular,

C heliport transitional surface as defined in Code of Federal Regulations, title 14, part 77, for heliports without instrument approach procedures and the latest edition of the FAA Heliport Design Advisory Circular for heliports with instrument approaches;

D heliport safety area as defined in the latest edition of the FAA Heliport Design Advisory Circular; or

E traverse ways, but only after their heights have been increased as described in part 8800 1200, subpart 2.

Subp 4. **Touchdown and liftoff area (TLOF).** The touchdown and liftoff area (TLOF) is a load-bearing, generally paved area, normally centered in the FATO, on which the helicopter lands or takes off. The TLOF minimum size is as defined in the latest edition of the FAA Heliport Design Advisory Circular.

Subp 5. [Repealed, 30 SR 215]

Subp 6 **Approach-departure paths.** Approach-departure paths must be selected with consideration for prevailing winds and the availability of emergency landing areas along the paths. These paths begin at the edge of the FATO and extend outward and upward as described in subpart 3, item B. A visual approach surface may be curved. If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet and the curved portion of the path must begin at a distance not less than 300 feet from the FATO.

A public heliport must have at least two approach-departure paths, which must be separated by an arc of at least 90 degrees.

Subp 7 **Fuel.** All fuel dispensed on the public heliport for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

Subp 8 **Fire extinguishers.** At least one properly maintained fire extinguisher must be available if fuel is dispensed. It must be a minimum of 20-B rating or its equivalent.

Subp 9 **Wind sock.** All public heliports must be equipped with an operable wind sock, three feet by 12 feet, blaze orange in color. If the heliport is lighted for night operations, the wind sock must also be lighted.

Subp. 10 **Safety barriers.** Access to the FATO and the heliport safety area, if any, must be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors must be prominently displayed in pedestrian access areas. If a fence is used, it must not penetrate the heliport imaginary surfaces described in subpart 3.

Subp. 11 **Rooftop egress.** Rooftop heliports must have exits on different sides of the TLOF.

Subp 12 [Repealed, 30 SR 215]

Subp 13 **Transport heliports.** A "transport heliport" is a heliport intended to accommodate air carrier operators providing scheduled or unscheduled service with large helicopters. Transport heliports must meet the standards for transport heliports in the latest edition of the FAA heliport design advisory circular.

**Statutory Authority:** *MS s 360 015, 360 018, 360 03; 360 90*

**History:** *30 SR 215*

## 8800.1900 PRIVATE AIRPORT LICENSING.

Subpart 1 **Application.** The requirements of this part do not apply to licensing private seaplane bases or private heliports. Specific requirements for licensing a private seaplane base are found in part 8800.2000. Specific requirements for licensing a private heliport are found in part 8800 2100.

*[For text of subp 2, see MR]*

Subp 3 **Size.** At least one runway with a minimum usable length of 1,000 feet. At airports where the longest runway is 2,000 feet or longer, the minimum width of a turf runway must be 75 feet and the minimum width of a hard-surfaced runway must be 60 feet. At airports where the longest runway is less than 2,000 feet, the minimum width of a turf runway must be 60 feet and the minimum width of a hard-surfaced runway must be 50 feet.

*[For text of subp 4, see MR]*

Subp 5 **Obstructions.** The minimum obstruction clearance requires that no structure, tree, or mobile object that creates a hazard, other than those necessary and incidental to airport operation, may penetrate the imaginary airspace surfaces described in items A and B:

A. Primary surface. an imaginary surface longitudinally centered on a runway and at the same elevation as the elevation of the nearest point on the runway centerline, extending to the ends of each runway. At airports where the longest runway is 2,000 feet or longer, the width of the primary surface is 200 feet. At airports where the longest runway is less than 2,000 feet, the width of the primary surface is 120 feet.

B. Approach surface. an imaginary surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. At airports where the longest runway is 2,000 feet or longer, the approach surface inclines upward and outward at a slope of 20:1 for a horizontal distance of 5,000 feet, expanding uniformly to a width of 1,200 feet. At airports where the longest runway is less than 2,000 feet, the approach surface inclines upward and outward at a slope of 15:1 for a horizontal distance of 3,000 feet, expanding uniformly to a width of 1,020 feet.

*[For text of subp 6, see MR]*

Subp. 7. **Wind sock.** All private airports must be equipped with a wind sock.

Subp. 8. **Fuel.** All fuel dispensed on the airport for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel.

*[For text of subps 9 to 11, see MR]*

**Statutory Authority:** *MS s 360 015, 360 018; 360 03, 360 90*

**History:** 30 SR 215

#### **8800.2000 PRIVATE SEAPLANE BASE LICENSING.**

Subpart 1. **Application.** A "private seaplane base" is a private airport as defined in part 8800.0100

*[For text of subps 2 to 7, see MR.]*

Subp 8. **Wind sock.** All private seaplane bases must be equipped with a wind sock

Subp 9 **Fuel.** All fuel dispensed on the airport for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content less than 30 parts per million parts of fuel

*[For text of subps 10 to 12, see MR]*

**Statutory Authority:** *MS s 360 015; 360 018, 360 03, 360 90*

**History:** 30 SR 215

#### **8800.2100 PRIVATE HELIPORT LICENSING.**

Subpart 1. **Application.** A "private heliport" is a private airport as defined in part 8800 0100

Subp. 2. **Minimum requirements.** A private heliport must be granted a license when it has met the general provisions of parts 8800.1400 and 8800 1500 and the following minimum requirements of subparts 3a to 9

Subp. 3. [Repealed, 30 SR 215]

Subp. 3a. **Obstructions.** An object is considered an obstruction to a private heliport if it is of greater height than any of the following heliport imaginary surfaces

A. heliport primary surface, that coincides in size and shape with the final approach and takeoff area (FATO) as defined in the latest edition of the FAA Heliport Design Advisory Circular, which is incorporated by reference in part 8800 1800, subpart 3;



B heliport approach surface as defined in Code of Federal Regulations, title 14, part 77, and for heliports with instrument approaches, the latest edition of the FAA Heliport Design Advisory Circular,

C heliport safety area as defined in the latest edition of the FAA Heliport Design Advisory Circular, or

D. traverse ways, but only after their heights have been increased as described in part 8800 1200, subpart 2

Subp. 4 **Touchdown and liftoff area (TLOF).** The touchdown and liftoff area (TLOF) is a load-bearing, generally paved area, normally centered in the FATO, on which the helicopter lands or takes off. The TLOF minimum size is as defined in the latest edition of the FAA Heliport Design Advisory Circular.

Subp. 5 [Repealed, 30 SR 215]

Subp. 6 [Renumbered subp 3a]

Subp. 7. **Approach-departure paths.** Approach-departure paths must be selected with consideration for prevailing winds and the availability of emergency landing areas along the paths. These paths begin at the edge of the FATO and extend outward and upward as described in subpart 3a, item B.

A visual approach surface may be curved. If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet and the curved portion of the path must begin at a distance not less than 300 feet from the FATO.

A private heliport must have at least two approach-departure paths, which must be separated by an arc of at least 90 degrees.

Subp. 8. **Fuel.** All fuel dispensed on the heliport for aircraft use must be filtered to be free of solid matter in excess of five microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

Subp. 9. **Fire extinguishers.** At least one properly maintained fire extinguisher must be available if fuel is dispensed. It must be a minimum of 20-B rating or its equivalent.

Subp. 10 **Wind sock.** All private heliports must be equipped with a wind sock.

Subp. 11 **Safety barriers.** Access to the FATO and the safety area, if any, must be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors must be prominently displayed in pedestrian access areas. If a fence is used, it must not penetrate the heliport imaginary surfaces described in subpart 3a.

Subp. 11a. **Rooftop egress.** Rooftop heliports must have exits on different sides of the TLOF.

*[For text of subps 12 and 13, see MR.]*

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

## 8800.2200 PERSONAL-USE AIRPORT LICENSING.

Subpart 1 **Application.** There are three types of licenses: personal-use airport license; personal-use seaplane base license, and personal-use heliport license.

*[For text of subps 2 to 7, see MR.]*

Subp. 8 **Seaplane base.** In addition to the general requirements listed in subparts 1 to 7 for licensing personal-use airports, the following specific requirements must be met before the commissioner grants a license for a personal-use seaplane base.

A personal-use seaplane base license applies to the land area from which operations are conducted. When two or more bases located on the same body of water are under different ownership or control, each base must obtain a separate personal-use seaplane base license. The commissioner may not grant a personal-use seaplane

base license for those lakes upon which seaplane operations are prohibited by part 8800.2800.

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

#### 8800.2300 UNLICENSED LANDING AREAS.

Subpart 1 **Application.** The following persons may use an unlicensed landing area only for temporary operations for the purpose designated:

A. a person holding a private pilot's certificate, or higher rating, for private use for temporary operations, or

B a person, firm, or corporation holding a license as a commercial operator for temporary operations in connection with commercial operations

Subp. 1a. **Compliance.** No person shall use or make available an unlicensed landing area except in compliance with the provisions of this part

Subp 2 **Temporary operations.** "Temporary operations" are operations conducted at sites that are used or intended to be used for periods of less than 30 days.

Subp 3 **Requirements for use of unlicensed landing areas.** No person shall use or make available the use of an unlicensed landing area except in conformity with the following conditions:

*[For text of items A and B, see MR ]*

C. The aircraft owner or operator must have the permission of the landowner to use the landing area or any facilities for the purpose and time intended

*[For text of items D and E, see MR ]*

*[For text of subp 4, see MR ]*

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

#### 8800.2800 SEVEN-COUNTY METROPOLITAN REGION SEAPLANE OPERATIONS.

Subpart 1 **Scope.** This part covers only seaplane operations on all public waters within the following counties Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. This part does not apply to aircraft equipped with either skis or wheels when public waters are frozen

Subp 2. **Permissible operations.** Seaplane operations are permitted only on the following public waters within the seven-county metropolitan area.

A Anoka County Centerville Lake, Coon Lake; George Watch Lake; Ham Lake, Howard Lake; Lake George; Linwood Lake; Martin Lake; Mississippi River, Mud Lake; Otter Lake; Peltier Lake, Pickerel Lake; Reshenau Lake, Rice Lake, and Round Lake

B Carver County Goose Lake; Hazeltine Lake, Lake Mmnewashta; Lake Pettersen, Lake Riley; Lake Waconia; Lunsten Lake, Mud Lake, Oak Lake, Parley Lake, Pierson Lake; and Tiger Lake.

*[For text of item C, see MR.]*

D Hennepin County Bryant Lake, Diamond Lake, Eagle Lake; Fish Lake, French Lake, Lake Independence; Lake Sarah; Medicine Lake; Mississippi River; Ox Yoke Lake, Schmidt Lake, Whaletail Lake, and Lake Minnetonka, except for the following lakes and bays within or adjacent to Lake Minnetonka Black Lake, Emerald Lake, French Lake, Forest Lake, Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, and Tanager Lake.

*[For text of items E and F, see MR ]*

G Washington County. Big Carnelian Lake, Big Marine Lake; Clear Lake, Forest Lake; Lake Elmo; Mississippi River; Oneka Lake; and St. Croix River.

*[For text of subp 3, see MR]*

Subp. 4. **Further restrictions.** All seaplane operations are prohibited from 11 a.m (CDST) to 6 p.m (CDST) on Saturdays, Sundays, and national legal holidays between June 1 and September 15 on the following public waters: Lake Minnetonka and all bays and lakes therein, White Bear Lake and all bays and lakes therein, and Lake Owasso and all bays and lakes therein

However, this restriction does not apply to the holder of a private or personal-use seaplane base license issued under parts 8800.2000 and 8800.2200 while operating to and from the holder's licensed base, subject to the following conditions. Such operations are limited to a maximum of one takeoff and one landing during these restricted hours and are authorized only when lake traffic and use permit operations to be conducted in a safe and reasonable manner

*[For text of subps 5 and 6, see MR]*

**Statutory Authority:** *MS s 360.015; 360.018, 360.03, 360.90*

**History:** *30 SR 215*

#### **8800.3100 DEFINITION OF COMMERCIAL OPERATIONS.**

"Commercial operations" means any operation of an aircraft for compensation or hire, or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received including, but not limited to, the servicing, maintaining, and repairing of aircraft; the rental or charter of aircraft; the operation of flight or ground schools; the operation of aircraft for the application or distribution of chemicals or other substances; aerial photography and surveys; air shows or expositions; and the operation of aircraft for fishing. "Commercial operations" also means the brokering or selling of any of these services but does not include any operations of aircraft as common carriers certificated (certified) by the federal government or the services incidental to certificated operations.

Note. Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defined in parts 8800.3100 to 8800.4600

**Statutory Authority:** *MS s 360.015, 360.018, 360.03, 360.90*

**History:** *30 SR 215*

#### **8800.3200 LICENSING COMMERCIAL OPERATIONS.**

Subpart 1 **Prior licensing required.** Every person who does in fact provide or who advertises, represents, or holds themselves out as giving or offering to provide service as defined in part 8800.3100, must be licensed by the commissioner. The commercial operations license must contain an endorsement for each type of commercial operation the licensee is authorized to perform. These persons must be licensed by the commissioner before they advertise, represent, or hold themselves out as giving or offering to provide this service

Subp. 1a. **Endorsements.** To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of this part and part 8800.3100, unless specifically exempted from these parts, and must also comply with the appropriate rule for the type of commercial operations applied for, which is found in parts 8800.3300 to 8800.3950.

*[For text of subps 2 to 6, see MR]*

Subp. 7 **Place of business.** Each applicant for a commercial operations license must have a place of business. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, flight instruction, or aircraft rental or leasing, then the applicant's base of operations must be on an airport licensed for public use by the commissioner as provided by law, or an airport owned by the Metropolitan Airports Commission; or a private airport licensed by the commissioner if that private airport meets the requirements of part 8800.1600, 8800.1650, 8800.1700, or 8800.1800

If the commercial activity is limited to aircraft servicing, maintaining, and repairing, then the base of operation may be on a public or private airport licensed by the commissioner as provided by law.

A personal-use airport licensed by the commissioner may be used for commercial operations that are not included in this subpart.

Subp. 8. **Airport authorization.** If the applicant does not own the airport, the person must submit evidence from the owner that

A the person meets the airport owner's minimum standards for such commercial operation, and

B the person is authorized to operate from that airport

Subp. 9. **Aircraft.** Each aircraft used by a licensee for commercial operations must be currently registered with the Minnesota Department of Transportation, or be taxed as flight property by the Minnesota Department of Revenue, as required by laws of this state. The flight property tax payments must be current.

Subp. 10. **Records.** Each licensed commercial operator shall maintain basic records, which must be kept up-to-date as follows:

A Each flight made in equipment owned by a licensee must be recorded. The register shall show the pilot's name, identification of the aircraft, and the date, time, and duration of the flight.

B An accurate list must be maintained of (1) airman personnel employed by the commercial operator, together with the airman certificate type and ratings, address, and date of last physical examination, and (2) aircraft used in the commercial operation.

Subp. 11. **Compliance with the law.** A person engaged in commercial operations shall comply with all laws, rules, and regulations of the state of Minnesota and the federal government.

*[For text of subs 12 to 14, see MR]*

Subp. 15. **Insurance.** Unless otherwise specified in parts 8800.3100 to 8800.4600, the applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts valid and in force for the duration of the license. The insurance must provide coverage for each aircraft in the type and amount specified in the appropriate rule in parts 8800.3300 to 8800.3950 for the type of commercial operations applied for.

An insurance certificate must be submitted with the application for the commercial operations license and a current insurance certificate must be on file with the commissioner before a commercial operations license is renewed.

Any contract of insurance required under this subpart must carry an endorsement stating that the contract cannot be canceled by the insurer until five days' notice in writing of cancellation has been given the commissioner by the insurer. In any case, when an insurance contract is canceled, notice of cancellation must immediately thereafter be given to the commissioner by the insurer.

**Statutory Authority:** *MS s 360.015, 360.018; 360.03; 360.90*

**History:** *30 SR,215*

## **8800.3300 FLIGHT SCHOOL.**

Subpart 1. **Endorsement required.** Any person engaged in giving or offering to give flight instruction leading to a pilot's certificate or rating for hire or compensation, or advertising, representing, or holding out as giving or offering to give such instruction, is considered to be operating a flight school, except under the following conditions for which an endorsement is not required:

*[For text of item A, see M R ]*

B. public schools any public school or any institution of higher learning accredited by the North Central Association of Colleges and Secondary Schools and approved by it for carrying on collegiate work, or

C. aeronautics instructor: any individual engaged in giving flight or ground instruction, or both, for hire or compensation, without advertising the individual's occupation, without calling facilities an "air school" or anything equivalent to that term, without employing or using other instructors, and without operating an aircraft for compensation or hire for the purpose of flight instruction

*[For text of subps 2 to 4, see M R ]*

Subp. 5. **Curriculum.** The applicant must show a course outline so organized for each course offered as to ensure that the student completing the course of ground and flight instruction will meet all the requirements of the FAA. All course outlines must include a review of Minnesota Statutes and rules relating to aeronautics that are pertinent to that course. In the case of an FAA-approved school, the FAA-approved course outline is acceptable if the review of Minnesota Statutes and rules is included.

The flight instruction given to each regularly enrolled student must be in accordance with the course outline. A copy of the course outline must be made available to each student

*[For text of subp 6, see M.R.]*

Subp. 7. **Insurance.** The minimum insurance coverage for each aircraft must be of the following types and amounts: \$100,000 per passenger and \$500,000 per occurrence for bodily injury and property damage

Each flight school operator shall advise the student as to whether or not the student is specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The flight school operator shall then obtain a signed statement of acknowledgment of this disclosure from the student. A current copy of the advisory form used for this disclosure must be submitted with the application for a commercial operations license or license renewal

*[For text of subps 8 and 9, see M R ]*

**Statutory Authority:** *MS s 360.015, 360.018, 360.03, 360.90*

**History:** *30 SR 215*

**8800.3400** [Repealed, 30 SR 215]

## **8800.3600 AIRCRAFT RENTAL OR LEASING.**

Subpart 1 **Endorsement required.** Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or compensation is deemed to be in the business of renting or leasing aircraft and must have an endorsement on his or her commercial operations license certifying his or her authority to engage in such activity.

Subp. 1a. **Exceptions.** No commercial operations license is required of:

A. a person owning an aircraft and leasing or renting that aircraft to a party who holds a commercial operations license, or

B. either party to an exclusive lease in excess of 30 days

*[For text of subp 2, see M R ]*

Subp. 3. **Qualifications of lessee.** The commercial operator shall determine before initially renting or leasing any aircraft that the lessee is properly licensed and rated to fly the type of aircraft to be rented or leased. When in the interest of safety, the operator determines that a flight check is necessary or desirable, the flight must be given the lessee by a person holding an effective commercial pilot, flight instructor, or airline transport pilot certificate. The commercial operator shall ensure that a designated person capable of determining an aircraft is properly serviced is present when an aircraft is checked out

Subp. 4. **Insurance.** The minimum insurance coverage for each aircraft must be of the following types and amounts: \$100,000 per passenger and \$500,000 per occurrence for bodily injury and property damage

Each commercial operator who rents or leases aircraft shall advise the renter pilot or lessee as to whether or not they are specifically covered under the commercial operator's insurance policy and the type and extent of coverage, if any. The commercial operator shall then obtain a signed statement of acknowledgment of this disclosure from the renter pilot or lessee. A current copy of the advisory form used for this disclosure must be submitted with the application for a commercial operations license or license renewal

*[For text of subp 5, see M.R.]*

**Statutory Authority:** *MS s 360 015, 360 018; 360.03, 360 90*

**History:** *30 SR 215*

#### **8800.3800 AERIAL SPRAYING OR DUSTING.**

*[For text of subps 1 to 7, see M.R.]*

Subp. 8. **Insurance.** The minimum insurance coverage for each aircraft shall be the following types and amounts. \$100,000 per person and \$300,000 per occurrence for bodily injury and property damage.

*[For text of subp 9, see M.R.]*

**Statutory Authority:** *MS s 360 015, 360.018, 360 03, 360 90*

**History:** *30 SR 215*

#### **8800.3900 AIRCRAFT SERVICING, MAINTAINING, AND REPAIRING.**

Subpart 1 **Endorsement required.** Any person who, for compensation or for hire, provides or offers to provide aircraft maintenance as defined in current federal aviation regulations found in Code of Federal Regulations, title 14, part 43, major or minor repair, or alteration to airframes or aircraft power plants or both, is deemed to be engaged in the business of aircraft servicing, maintaining, and repairing and must have a commercial operations license with an endorsement to certify the person's authority to engage in aircraft servicing, maintaining, and repairing.

Subp 2 **Minimum requirements.** To be eligible for an aircraft servicing, maintaining, and repairing endorsement, the applicant must meet the following minimum standards

A. a building or available shop maintenance facility located on a licensed public or private airport, of adequate size and with sufficient space to work on the aircraft;

B. at least one mechanic certificated by the FAA for the type of servicing, maintaining, and repairing to be performed.

Subp 3. **Insurance.** The minimum insurance coverage must be of the following types and amounts. \$100,000 per person and \$500,000 per occurrence for bodily injury and property damage. In addition, products hazard and completed operations insurance must be carried

Each person who provides aircraft servicing, maintaining, and repairing shall advise each customer in writing if the service provider does not have hangar-keepers insurance in force

*[For text of subp 4, see M.R.]*

**Statutory Authority:** *MS s 360 015, 360 018, 360.03, 360 90*

**History:** *30 SR 215*

#### **8800.3950 OTHER ENDORSEMENTS.**

Subpart 1 **Endorsement required.** Any person engaged in providing air rides, aerial advertising, aerial photography, or other operations indicated in part 8800.3100 for which specific requirements are not indicated, and any person who for hire or

compensation advertises, represents, or holds out as providing or offering such service, is required to have an endorsement on a commercial operations license. This endorsement is not required of operations of aircraft as common carriers certificated (certified) by the federal government.

Subp. 2. **Minimum requirements.** To be eligible for one or more of these endorsements, the applicant must show compliance with the requirements of part 8800.3200

**Statutory Authority:** *MS s 360.015, 360.018, 360.03, 360.90*

**History:** *30 SR 215*

#### 8800.4100 DEFINITIONS.

Subpart 1 **Assets.** "Assets," when used in parts 8800.4300 to 8800.4600, means property that the flying club owns, in whole or in part, or over which it has control, including the club's interest in any owned, rented, or leased aircraft

Subp. 2 **Flying club.** "Flying club" means a person other than an individual that neither for profit nor compensation owns, leases, or uses one or more aircraft for the purpose of instruction, business, or pleasure.

Note: Commercial operations that call themselves flying clubs shall adhere to the rules for commercial operations contained in parts 8800.3100 to 8800.3950. They are not considered a flying club under this part.

**Statutory Authority:** *MS s 360.015, 360.018, 360.03, 360.90*

**History:** *30 SR 215*

#### 8800.4300 REGISTRATION.

Each flying club that any time during a preceding calendar year has five or more members shall register annually with the commissioner. This registration must report conditions as of December 31 of each year, and must be filed with the commissioner by January 31 of each year. This registration report must include the following

A. the name and address of the flying club, the airport or airports at which its aircraft are based, and the make, model year, "N" number, and current Minnesota registration decal number of the aircraft that the club either owned or used during the past calendar year,

B. the form of organization of the flying club (for example, a corporation or partnership),

C. the name and title, home address and telephone number, and business address and telephone number of the contact person for the club,

*[For text of items D and E, see MR.]*

F. a statement describing what remuneration was paid to members of the club, monthly and annually, during the preceding calendar year, or preceding fiscal year, as the case may be, a description of the services rendered by remunerated members to the club; and a description of the goods sold by remunerated members of the club.

**Statutory Authority:** *MS s 360.015, 360.018, 360.03, 360.90*

**History:** *30 SR 215*

#### 8800.4400 FLYING CLUB RECORDS.

*[For text of subpart 1, see MR.]*

Subp. 2. **Records.** Every flying club shall keep records of the club's operation. These records must be up to date, be in an orderly form, and contain the following information:

A. names and addresses of all current members;

B. if the flying club is a corporation, then the articles of incorporation and all amendments to it, the current bylaws, the minutes of the corporation, and all shareholder agreements, or, if the flying club is a partnership, then the current articles of partnership and all current partnership agreements,

[For text of items C to H, see MR]

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

#### **8800.4600 COMMERCIAL OPERATIONS.**

If a person engages in any of the following activities, the person is deemed to be conducting a commercial operation as defined in Minnesota Statutes, section 360.013, subdivision 11, not a flying club as defined in part 8800.4100, and therefore a commercial operations license issued under parts 8800.3100 to 8800.3950 is required:

A. if any of the club's assets are used by members of the club who do not have a bona fide and significant percentage of the property interest in the assets of the club or hold in the club's assets a property interest that is subject to an unreasonable forfeiture; however, a club may set forth in its operating rules and bylaws any reasonable penalties and any reasonable forfeitures so long as the purpose and the actual effect is to enforce valid club rules;

B. if the property interest of any member of the club in the club's assets is not transferable, however, the transfer of this type of property interest may be subject to reasonable conditions as the club deems reasonably necessary to ensure discipline and payment of dues among its members,

C. if any member of the club receives a pecuniary gain or receives any special benefits that are in excess of the reasonable value of the services rendered to the club by that member, or are in excess of the reasonable value of the goods sold to the club by that member, however, this item does not prohibit a flying club from paying one or more of its members a reasonable amount for services such as bookkeeping, secretarial, managerial, aircraft maintenance, and administrative duties of the flying club;

D. if the club charters, leases, or rents its aircraft or any interest in its aircraft to any persons or organizations other than fully qualified members of the club, provided, however, that this item does not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators;

E. if the club provides for, or allows, memberships with a duration of less than 90 days;

F. if the club advertises, represents, or holds itself out as giving or offering to give, or does in fact provide or arrange for, "air instruction" as an "air school" (see Minnesota Statutes, section 360.13, subdivisions 16 and 17); provided, however, that this item does not prohibit a club from providing or arranging for "air instruction," so long as it is not for compensation or hire directly or indirectly,

G. if an individual who is a member of a flying club (lessor) leases an aircraft to that flying club (lessee), or

H. if a lessor, as described in item G, gives air instruction, whether free or for compensation, to members of that flying club.

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360 90*

**History:** *30 SR 215*

#### **8800.4800 LICENSING AIRCRAFT DEALERS.**

**Subpart 1 Applicability.** An aircraft dealer is not required to obtain an aircraft dealer license. An aircraft dealer license is required by any dealer who desires to withhold the dealer's aircraft from the Minnesota aircraft registration tax or to obtain a commercial use permit issued by the Minnesota Department of Revenue. Aircraft listed with the commissioner on an aircraft withholding form must not be used to conduct commercial operations, including but not limited to aircraft rental or flight training.

**Subp 2 Application and fee.** Applications for license must be made on forms supplied by the commissioner and accompanied by the appropriate fee. The dealer license must be renewed annually.

**Subp 3 Nontransferability.** The license is not transferable to other persons



Subp. 4 **Display.** The license issued under this part must be prominently posted at the place of business of the licensee

Subp. 5. **Aircraft operations.** For water operations the aircraft must be demonstrated from a body of water not restricted from seaplane use. For all other operations the aircraft must be demonstrated from an airport licensed for public or private use by the commissioner or owned by the Metropolitan Airports Commission.

Subp. 6 **Airport authorization.** If the applicant does not own the airport on which the aircraft in the applicant's possession are based, the applicant must submit evidence from the airport owner that the applicant:

A. has met the airport owner's minimum requirements for an aircraft dealer, and

B. is authorized to base those aircraft on that airport.

**Statutory Authority:** *MS s 360 015, 360 018, 360 03, 360.90*

**History:** *30 SR 215*