

8800.0100 DEFINITIONS.

Subpart 1. **Aeronautics instructor.** "Aeronautics instructor" means any individual engaged in giving instruction or offering to give instruction in aeronautics either in flying or ground subjects, or both, for hire or compensation, without advertising such occupation, without calling facilities "air school" or anything equivalent thereto, and without employing or using other instructors and without operating an aircraft for compensation or hire for the purpose of flight instruction.

Subp. 2. **Air carrier operating certificate.** "Air carrier operating certificate" means a certificate issued by the Federal Aviation Administration that entitles the holder to conduct charter operations according to the operating specifications in the certificate.

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."

Subp. 4. **Airport elevation.** "Airport elevation" means the established elevation of the highest point on the usable landing area measured in feet above mean sea level.

Subp. 5. **Airport hazard.** "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

Subp. 6. **Balloon.** "Balloon" means a lighter-than-air aircraft that is not engine driven.

Subp. 7. [Repealed, L 2003 1Sp19 art 2 s 79]

Subp. 7a. **Building.** "Building" means any structure utilized or intended for supporting or sheltering any occupancy.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 9. **Dwelling.** "Dwelling" means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

Subp. 10. **Edge marker.** "Edge marker" means an object or device clearly visible from traffic pattern altitude under normal conditions during daylight hours, which is used to outline the perimeter of a landing area.

Subp. 11. **FAA.** "FAA" means the Federal Aviation Administration of the United States.

Subp. 12. **Flight instructor.** "Flight instructor" means a pilot who possesses a valid flight instructor certificate as issued by the FAA.

Subp. 13. **Glider.** "Glider" means a heavier-than-air aircraft that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

Subp. 14. **Gradient.** "Gradient" means the angular degree, from horizontal, of an ascending or descending uniformly smooth slope. With regard to runways, transverse gradient refers to the degree of slope across the width of the runway, and longitudinal gradient refers to the degree of slope along the length of the runway.

Subp. 15. **Height.** "Height": for the purpose of determining the height limits set forth in this chapter, the datum must be mean sea level elevation as determined by U.S. Geological Survey.

Subp. 16. **Helicopter.** "Helicopter" means a rotorcraft, that for its horizontal motion, depends principally on its engine-driven rotors.

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.

Subp. 17. **IFR.** "IFR" means instrument flight rules.

Subp. 18. **Letter of authority.** "Letter of authority" is included in the term "license" as used in this chapter.

Subp. 19. **Night.** "Night" means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time.

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.

Subp. 21. **Passenger.** "Passenger" means an occupant of an aircraft who is not assigned to perform a duty necessary for operating the aircraft.

Subp. 22. **Person.** "Person" includes an individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Subp. 22a. **Personal-use airport.** "Personal-use airport" means 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.

Subp. 23. **Planned.** "Planned" means only those proposed future airport developments that are so indicated on a planning document approved by the commissioner.

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.** "Private airport" means 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.** "Public airport" means 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 the right of access and control.

Subp. 25. **Rotorcraft.** "Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

Subp. 26. **Runway.** "Runway" means any existing or planned paved surface or turf covered area of the airport that is specifically designated and used or planned to be used for the landing and taking off of aircraft.

Subp. 26a. **Seaplane base.** "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. A seaplane base is an airport as defined in subpart 3.

Subp. 27. **Slope.** "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

Subp. 28. **Structure.** "Structure" means an object constructed or installed by people, including but not limited to buildings, towers, smokestacks, earth formations, and overhead transmission lines.

Subp. 29. **Sunset and sunrise.** "Sunset" and "sunrise" mean the mean solar times of sunset and sunrise as published in the American Air Almanac, converted to local time.

Subp. 30. **Traffic pattern.** "Traffic pattern" means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport.

Subp. 31. **Traverse ways.** "Traverse ways" means roads, railroads, trails, waterways, or any other avenue of surface transportation.

Subp. 32. **Tree.** "Tree" means any object of natural growth.

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.

Subp. 34. **VFR.** "VFR" means visual flight rules.

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.

Subp. 36. [Repealed, L 2003 1Sp19 art 2 s 79]

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

History: *17 SR 1279; L 2003 1Sp19 art 2 s 79; 30 SR 215; 49 SR 1348*

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