

8800.2500 FINANCIAL AID FOR MUNICIPAL AIRPORT PROJECTS.

Subpart 1. **Airport projects.** The commissioner must make a substantive decision as to the merit or necessity of each project and project application. A substantial aeronautical requirement must be shown by the municipality whereby the contemplated or existing airport is a necessary part of a system of public airports adequate to meet the present and anticipated needs of civil aviation in Minnesota.

Subp. 2. **Project requirements.** The airport must be able to handle air traffic safely and adequately. The public interest and aeronautical progress of the state must be reflected in each project and project application. The municipality must show that:

A. sufficient funds are available for that portion of the project costs to be borne by the municipality;

B. the project will be completed without undue delay; and

C. the municipality submitting the project application has legal authority to engage in the development as proposed.

Subp. 3. **Clear zone.** To be eligible for funding for the construction, improvement, or maintenance of airports or for air navigation facilities for an airport, each airport licensed as a public airport by the commissioner must comply with the clear zone provisions established in this part or provide written notice to the commissioner that demonstrates the airport's good faith efforts to make progress toward compliance.

Subp. 4. **Clear zone dimensions.** Clear zone dimensions must be based on an airport's planned build-out conditions. The dimensions of each clear zone are established for and based on the type of existing or planned approach for each runway end.

A. The inner edge of the clear zone is the same width as, and coincides with, the end of the primary surface, as defined in part 8800.1200, subpart 5, item A.

B. The clear zone extends outward under the approach surface, as defined in part 8800.1200, subpart 5, item D. The clear zone expands uniformly from the end of the primary surface, following the approach surface to a terminal distance of:

(1) 1,000 feet for a utility runway;

(2) 1,700 feet for a runway end of an other than utility runway with a visual or nonprecision instrument approach except those with visibility minimums as low as three-fourths of a statute mile; or

(3) 2,500 feet for a runway end of an other than utility runway with a nonprecision instrument approach lower than three-fourths of a statute mile or a precision instrument approach.

Subp. 5. **Clear zone ownership.** To provide for the safety of aircraft operations and populations in runway approach zones, airports must meet the requirements in item A or B:

A. an airport sponsor must own one hundred percent of all clear zones in fee simple based on planned build-out conditions in accordance with the dimensions provided in subpart 4; or

B. the airport sponsor must prepare a clear zone acquisition plan as provided in subpart 6.

Subp. 6. **Clear zone acquisition plan.** The airport sponsor must prepare a clear zone acquisition plan that documents the plan for acquiring all clear zones in fee simple and obtain approval from the commissioner as required under Minnesota Statutes, section 360.305, subdivision 5.

Subp. 7. **Exceptions.** In cases where it is not feasible to own the entire clear zone in fee simple due to airport-specific constraints, such as cost burdens that present a hardship for the airport sponsor; the need to obtain a parcel that is not readily severable from other land; or natural features of the terrain, such as a river that make acquisition impracticable, the airport sponsor may request an exception. To request an exception, a clear zone acquisition plan must be prepared and include:

A. a list of property interests currently owned and property interests identified for future acquisition;

B. any natural and manmade features within clear zones based on the dimensions provided in subpart 4, items A and B, including those that may result in congregations of people or exceed height standards defined by part 8800.1200;

C. factors limiting clear zone acquisition;

D. existing or proposed future land use control strategies to support airport-compatible land uses within clear zones; and

E. an explanation of any potential negative safety impacts that not owning the entire clear zone in fee simple may have on aircraft operations and populations in runway approach zones.

Subp. 8. **Evaluation of clear zone acquisition plan.** The commissioner must evaluate the clear zone acquisition plan and the information required by subpart 7. If the commissioner approves the clear zone acquisition plan, the airport sponsor must be notified in writing. If the commissioner does not approve the clear zone acquisition plan, the commissioner must notify the airport sponsor in writing and provide the reasons for disapproval. The commissioner must disapprove a plan upon finding that a requested exception does not adequately provide for the safety of aircraft operations and populations in the runway approach zones. The airport sponsor may revise and resubmit the clear zone acquisition plan within 90 days of the disapproval for further evaluation until the plan is approved.

Subp. 9. **Applicability.** Airports with airport layout plans approved under Minnesota Statutes, section 360.305, subdivision 5, on or after the effective date of this part must meet the criteria in subpart 5, item A or B. Airports without approved airport layout plans or airports with airport layout plans approved before the effective date of this part must meet the criteria in subpart 5, item A or B, when they next complete a full update of their airport layout plan.

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