

Title 6

Aeronautics Commission

Article

- 6-01 General Administration
- 6-02 Aeronautics Commission
- 6-03 Weather Modification Board [Repealed]

Article 6-01

General Administration

Chapter

[6-01-01](#) Organization of Commission

ARTICLE 6-01

GENERAL ADMINISTRATION

Chapter
6-01-01 Organization of Commission

CHAPTER 6-01-01 ORGANIZATION OF COMMISSION

Section
6-01-01-01 Organization and Functions of Aeronautics Commission

6-01-01-01. Organization and functions of aeronautics commission.

1. Organization.

- a. History. The 1947 legislative assembly established the aeronautics commission by legislation codified as North Dakota Century Code chapter 2-05. This chapter requires the governor to appoint a five-member aeronautics commission.
- b. Commission membership. The commission consists of five commissioners appointed by the governor. Members of the commission serve five-year terms.
- c. Director. The director of aeronautics is appointed by the commission to serve at the pleasure of the commission and as executive officer of the commission is responsible for the administration of the commission and its activities.

2. Functions. The aeronautics commission is to:

- a. Encourage the establishment of airports and air navigation facilities.
- b. Cooperate with and assist the federal government, the municipalities of this state, and other persons in the development and coordination of all aeronautical activities.
- c. Represent the state in aeronautical matters before state and federal agencies.
- d. Participate as party plaintiff or defendant or as intervenor on behalf of the state or any municipality or citizen thereof in any controversy which involves the interest of the state in aeronautics.

- e. Distribute the proceeds of aviation fuel taxes levied by North Dakota Century Code chapter 57-43.3 to political subdivisions of the state for airport construction and improvements, in accordance with North Dakota Century Code section 57-43.3-06.
- f. Register aircraft operating in the state in accordance with North Dakota Century Code section 2-05-11.
- g. License all aircraft used for aerial spraying in the state in accordance with North Dakota Century Code section 2-05-18.
- h. Construct and operate public airports in the state in accordance with North Dakota Century Code sections 2-06-01.1 and 2-06-01.2.
- i. Accept federal or other moneys for the construction and improvement of airports in accordance with North Dakota Century Code sections 2-05-06.1 and 2-05-06.2.
- j. Enforce aeronautics laws in accordance with North Dakota Century Code section 2-05-14.

3. **Inquiries.** Inquiries regarding the commission may be addressed to the aeronautics commission. All requests for hearings, declaratory rulings, and for participation in rulemaking may be addressed to the director of the commission.

Director
North Dakota Aeronautics Commission
Box 5020
Bismarck, North Dakota 58502-5020
(701) 328-9650
ndaero@nd.gov

History: Amended effective October 1, 1989; April 1, 1994, July 2013, April 1, 2014

General Authority: NDCC 28-32-02.1

Law Implemented: NDCC 28-32-02.1, NDCC 2-05, NDCC 2-06, NDCC 57-43.3.

ARTICLE 6-02

AERONAUTICS COMMISSION

Chapter	
6-02-01	Practice and Procedure
6-02-02	Aerial Applicators
6-02-03	Airport Runway Approach Hazards
6-02-04	Intrastate Air Carriers [Repealed]
6-02-05	Airport Grants

CHAPTER 6-02-01 PRACTICE AND PROCEDURE

Section	
6-02-01-01	General Provisions
6-02-01-02	Liberal Construction [Repealed]
6-02-01-03	Suspension of Chapter [Repealed]
6-02-01-04	Definitions [Repealed]
6-02-01-05	Case Numbers and Title [Repealed]
6-02-01-06	Personal Appearances [Repealed]
6-02-01-07	Practice Before the Commission [Repealed]
6-02-01-08	Parties [Repealed]
6-02-01-09	Investigation on Commission's Own Motion [Repealed]
6-02-01-10	Informal Complaint [Repealed]
6-02-01-11	Formal Complaints [Repealed]
6-02-01-12	Answers [Repealed]
6-02-01-13	Application [Repealed]
6-02-01-13.1	Denial of Application or Suspension or Revocation of Authorization, Permission, Certificate, or License [Repealed]
6-02-01-13.2	Immediate Suspension or Revocation of Common Carrier Certificate [Repealed]
6-02-01-14	Intervention [Repealed]
6-02-01-15	Extensions of Time [Repealed]
6-02-01-16	Amendments [Repealed]
6-02-01-17	Withdrawal of Pleading [Repealed]
6-02-01-18	Motions [Repealed]
6-02-01-19	Prehearing Conferences [Repealed]
6-02-01-20	Conference Results Stipulated [Repealed]
6-02-01-21	Consolidation [Repealed]
6-02-01-22	Notice [Repealed]
6-02-01-23	Waiver of Hearing - Shortened Procedure [Repealed]
6-02-01-24	Continuance [Repealed]
6-02-01-25	Examiners [Repealed]
6-02-01-26	Appearance [Repealed]
6-02-01-27	Order of Procedure [Repealed]

6-02-01-28	Appeal to Commission from Ruling of Examiner - Offer of Proof [Repealed]
6-02-01-29	Oral Argument [Repealed]
6-02-01-30	Briefs [Repealed]
6-02-01-31	Evidence [Repealed]
6-02-01-32	Witnesses[Repealed]
6-02-01-33	Subpoena [Repealed]
6-02-01-34	Depositions [Repealed]
6-02-01-35	Stipulations [Repealed]
6-02-01-36	Documentary Evidence [Repealed]
6-02-01-37	Exhibits [Repealed]
6-02-01-38	Official Notice [Repealed]
6-02-01-39	Petition to Reopen [Repealed]
6-02-01-40	Petition for Rehearing [Repealed]
6-02-01-41	Appeal [Repealed]

6-02-01-01. General provisions. The principal office of the North Dakota aeronautics commission shall be located at Bismarck, North Dakota. If a person is aggrieved by a denial, suspension, revocation of a license, cease and desist order, registration denial, or imposition of a civil penalty by the aeronautics commission, the aggrieved person may file a complaint or an appeal pursuant to the Administrative Agencies Practice Act.

History: Amended effective April 1, 2014

General Authority: NDCC 2-05-13, NDCC 2-05-19, NDCC 2-05-20, NDCC 2-05-21,
NDCC 28-32

Law Implemented: NDCC 2-05-13, NDCC 2-05-19, NDCC 2-05-20, NDCC 2-05-21,
NDCC 28-32

The remaining statutes will be limited to their names followed by "Repealed effective [date]"

**CHAPTER 6-02-02
AERIAL APPLICATORS**

Section	
6-02-02-01	General Provisions
6-02-02-02	Application for Aerial Applicator License - Fees
6-02-02-03	Inspection and Duration of Aerial Applicator's License
6-02-02-04	Commercial Pilot Safety Standards
6-02-02-04.1	Aerial Applicator Safety Instruction
6-02-02-05	Private Pilot Aerial Sprayer Applicator Who Obtains a Commercial Federal Aviation Administration License [Repealed]
6-02-02-06	Private Pilot's Safety Standards for Aerial Application on One's Own Property or Land Farmed Under a Bona Fide Lease
6-02-02-07	Grandfather Rights
6-02-02-08	Registration as Certified Agricultural Chemical Applicator Requirements [Repealed]
6-02-02-09	Registration and License of Aircraft and Equipment Standards
6-02-02-10	Application Knowledge and Procedures [Repealed]
6-02-02-11	Aerial Application in Vicinity of Turkey Farms
6-02-02-12	Reports Available to Aeronautics Commission
6-02-02-13	Unsettled Claims and Court Judgments
6-02-02-14	License Reciprocity Between States – Nonresidents [Repealed]
6-02-02-15	Shoulder Harness Must Be Installed and in Use by Pilot [Repealed]
6-02-02-16	Airworthiness Certificate Required [Repealed]
6-02-02-17	Crash Helmet Required for Safety of Pilots [Repealed]
6-02-02-18	Revocation of Aerial Applicator License - Refusal of License
6-02-02-19	Penalty for Violation of the Rules and Regulations

6-02-02-01. General provisions. The following air traffic rules, orders, regulations, procedures, knowledge of agricultural chemicals, and minimum standards governing aerial application are necessary for the public safety, the safety of those engaged in such activities, and for protection of property, are adopted by the North Dakota aeronautics commission, after a public hearing, pursuant to authority set forth in North Dakota Century Code section 2-05-18.

History: Amended effective April 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18, NDCC 2-05-19, NDCC 2-05-20

6-02-02-02. Application for aerial applicator license - Fees. No person may engage in the activity or business of aerial application without first obtaining an aerial applicator's license from the North Dakota aeronautics commission. The application for an aerial applicator's license shall include a fee as established by the commission and shall be completed and filed on forms furnished by the commission.

History: Amended effective June 1, 2002; September 1, 2005, April 1, 2014.

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-03. Inspection and duration of aerial applicator's license. North Dakota aerial applicator's license shall be presented for inspection upon request of any authorized representative of the state of North Dakota or of the federal government or municipal official charged with the duty of enforcing local, state, or federal laws or regulations. The aerial applicator's license decal shall be displayed one per aircraft on the pilot side (left) of the aircraft engine cowl. Each aerial applicator's license issued shall expire December thirty-first of the year of issuance and may be revoked at any time for cause.

History: Amended effective April 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-04. Commercial pilot safety standards.

1. **General.** The following rules and regulations relating to pilot experiences and skill have been adopted in the interest of the pilot and public safety and the general public interest.
2. **Chief pilot.** All operators or contractors employing one or more commercial pilots for the purpose of conducting aerial application by aircraft in this state shall employ at least one chief pilot who shall have the qualifications set forth in this section.
3. **Chief pilot qualifications.** A chief pilot must produce evidence of a commercial federal aviation administration license with a minimum of seven hundred fifty flight hours as pilot in command, of which a minimum of two hundred fifty flight hours as pilot in command must be in the class of aircraft in which the sprayer or duster equipment will be installed and used for aerial application. In addition, the chief pilot must have at least two years apprentice commercial aerial application experience as pilot in command and have accumulated at least two hundred hours total aerial application flying time as an employee, supervised by a North Dakota chief pilot who holds a federal aviation administration (FAA) Part 137 certificate, who may recommend the applicant and certify the applicant's qualifications for the operational level sought, or certified to by an affidavit of the applicant, subject to investigation by the aeronautics commission, which may approve or deny the application.
4. **Pilot employees of contractor.** An operator or aerial applicator or contractor in the business of aerial application that employs a chief pilot,

meeting the qualifications of this section, may employ pilots for aerial application with a minimum of a valid federal aviation administration commercial license, except that a license will be revoked or denied to an operator or contractor who employs an unqualified aerial application pilot who has been designated as unqualified to conduct aerial application in North Dakota, for just cause, by the aeronautics commission. Pilots supervised and employed under the supervision of the chief pilot, who have never conducted aerial application before, must be given a minimum of ten hours of simulated application time under supervision of the chief pilot before they are permitted to conduct aerial application as pilot in command, and in addition, must be given ten hours of direct ground-supervised solo flight at operational loads while conducting aerial application. The chief pilot shall document and maintain written records verifying the pilot has fulfilled the requirements of this chapter.

5. **Chief pilot based within the state of North Dakota required.** It is the responsibility of the chief pilot to determine the amount of supervision a pilot requires. The chief pilot must be familiar with the area in which the supervised pilot or pilots are flying and be able to contact each pilot daily as needed. Pilots with less than two years' experience and less than two hundred fifty hours of actual aerial application must be under the direct, personal supervision of a chief pilot and must be based out of the same airport as the airport in which the chief pilot is operating. The chief pilot or the chief pilot's designated representative of every aerial application operation licensed by the aeronautics commission must be located within North Dakota during the time of actual aerial application operations and the chief pilot shall be responsible for the actions of all pilots under the chief pilot's supervision.
6. **Commercial pilot operating own equipment qualifications.** Repealed effective April 1, 2014.
7. **Commercial-rated pilots who graduate from an agricultural flying school.** Commercial-rated pilots who graduate from a qualified agricultural flying and ground school shall be supervised by the chief pilot for ten hours of direct ground-supervised solo flight at operational loads while conducting aerial application. The chief pilot shall document and maintain written records verifying the pilot has fulfilled the requirements of this chapter.

History: Amended effective July 1, 1998, April 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-04.1. Aerial applicator safety instruction. For the safety and protection of persons and property, each operator of a business engaged in aerial

application must receive the information provided by the annual aerial applicator safety meeting or attend approved training by the North Dakota aeronautics commission. A chief pilot employed by an operator may attend the meeting in place of the operator. The meeting will be held in the first calendar quarter of each year and address aviation safety, business and operation security, and chemical storage. The commission will provide substitute instruction for operators and chief pilots who for good cause are unable to attend the annual safety meeting. An application for a license for aerial application under section 6-02-02-02 will not be approved by the commission unless the applicant's operator or chief pilot has attended the annual safety meeting in the calendar quarter preceding the date of the application or received substitute instruction or information provided by the commission.

History: Effective June 1, 2002, amended effective April 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-05. Private pilot aerial sprayer who obtains a commercial federal aviation administration license. Repealed effective April 1, 2014

6-02-02-06. Private pilot's safety standards for aerial application on one's own property or land farmed under a bona fide lease. A private pilot with a valid federal aviation administration private pilot's rating may aerial crop spray, dust, seed, fertilize, or insecticide the pilot's own land or land farmed by the pilot under a bona fide lease, provided:

1. That the applicant submits satisfactory evidence that the applicant has a minimum of seven hundred fifty hours flying experience as pilot in command, of which a minimum of two hundred fifty flying hours must be in the class of aircraft in which the sprayer or duster will be installed for agricultural aerial application and has produced acceptable evidence of a minimum of ten hours simulated spraying time under the supervision of a chief pilot before such pilot is permitted to conduct aerial application as pilot in command, and in addition, such private pilot must obtain ten hours of direct ground-supervised solo flight at operational loads while aerial applying given by a chief pilot, with a commercial federal aviation administration license, who has at least two hundred hours of logged aerial applying time as pilot in command.
2. That the applicant sets forth, in writing, upon the application the legal description of the land owned or land farmed under a bona fide lease, including range, township, section, and quarter, or parts and apportionments pertaining thereto, or both.
3. That the applicant's services are not offered to others for hire, compensation, remuneration, or trade for other services.

For the purpose of these regulations, the term bona fide lease shall be construed to mean a lease whereby the lessee has a reasonable interest in the land under lease for a period not less than the current growing, grazing, or harvesting season.

All other rules and regulations set forth in this chapter governing commercial aerial application standards, including aircraft registration, aerial applicator's license, equipment standards, chemical knowledge and procedures, registration as a certified agricultural chemical aerial applicator, and reports to the aeronautics commission shall govern the operations of all private pilots licensed by the aeronautics commission for aerial application of their own land or land operated under a bona fide lease.

History: Amended effective April 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-07. Grandfather rights. All chief pilot ratings, commercial pilots operating their own equipment, and private pilots rated for aerial application on their own property, flying ratings granted and on record in the offices of the aeronautics commission prior to the adoption of this chapter shall continue to be effective unless revoked for cause.

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-08. Registration as certified agricultural chemical applicator requirements. Repealed effective June 1, 2002.

6-02-02-09. Registration and license of aircraft and equipment standards.

1. **Registration.** All aircraft operated in aerial application requiring a North Dakota aerial applicator's license shall be registered with the North Dakota aeronautics commission prior to actual use of the aircraft in this state and prior to the issuance of an aerial applicator's license. Annual registration fees shall be in accordance with the schedule set forth in North Dakota Century Code sections 2-05-11 and 2-05-18 and shall be paid in full in advance.
2. **Equipment standards.** Each aircraft used for aerial application shall be satisfactorily equipped with a positive shutoff device at each discharge nozzle (manually controlled shutoff valves, spring-loaded valves, or ball checks will be acceptable), which will absolutely prevent the dissemination of material on any portion of the terrain over which flight is made other than the area being treated or sprayed. Each aircraft must be satisfactorily equipped with a shutoff between hopper and discharge orifice. The entire aircraft must be in good usable condition and free from any obvious points of leakage.

History: Amended effective April 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-10. Application knowledge and procedures. Repealed effective April 1, 2014

6-02-02-11. Aerial application in vicinity of turkey farms. No aerial applicator shall conduct aerial application on or over farm lands adjoining or adjacent to turkey farms unless the applicator has coordinated the aerial application with the owner or operator of the turkey farm and with the farmer for which the aerial application is to be done.

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-12. Reports available to aeronautics commission. The operator, owner, manager, pilot, or supervisor in charge of the aerial application shall maintain a record of each aerial application job which must be available to by officials of the aeronautics commission on demand. Copies of such reports must be kept by the licensee for a period of three years from the date of aerial application. Upon request, these reports shall be submitted to the aeronautics commission.

The report must be the same as, or contain the same information, as the records of aerial application jobs required for the state department of agriculture.

The licensee shall file with the aeronautics commission not later than December first of the year of application a summary of the total number acres treated by category such as for weed control, insect control, fertilizer application, and fungicide application. Failure of any licensed aerial applicator to furnish copies of such reports upon request of the aeronautics commission, in a reasonable time, shall be grounds for suspension of an aerial applicator's state license.

History: Amended effective April 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-13. Unsettled claims and court judgments. Evidence of prior unsettled claims or unsatisfied judgments for damages resulting from aerial application operations may be just cause for denial of a state aerial applicator's license or revocation of an existing license, provided that the aeronautics commission may, at its discretion, require a bond or cash bond in an amount equal to the estimated claim and reasonable court costs from such applicator before a license will be issued.

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-18. Revocation of aerial applicator license - Refusal of license. The North Dakota aeronautics commission or its duly appointed director reserves the right to revoke or refuse to issue a state-issued aerial applicator's license for just cause, or for violation of any rule, regulation, procedure, or standard set forth in this chapter after a hearing has been held, provided that on the basis of proper cause shown, the director or the aeronautics commission may suspend a license or refuse to issue a license until such time as a hearing has been held.

History: Amended effective January 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18

6-02-02-19. Penalty for violation of the rules and regulations. Any person violating a provision of this section is guilty of a class B misdemeanor.

History: Amended effective January 1, 2014

General Authority: NDCC 2-05-18

Law Implemented: NDCC 2-05-18, NDCC 2-05-19, NDCC 2-05-20

CHAPTER 6-02-03

AIRPORT RUNWAY APPROACH HAZARDS

Section

6-02-03-01	Definitions
6-02-03-02	General
6-02-03-03	Procedure for Determining Obstructions
6-02-03-04	Airport Referenced Imaginary Surfaces
6-02-03-05	Penalty

6-02-03-01. Definitions

- a. "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- b. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved airport layout plan, or by any planning document submitted to the North Dakota Aeronautics Commission by a competent authority.
- c. "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on a planning document.
- d. "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an approved airport layout plan or planning document.

6-02-03-02. General. Obstructions to air navigation are prohibited. The following rules, criteria, regulations, and minimum standards governing the construction or maintenance of hazards or obstructions near runway approaches to any airport that is open for public use in North Dakota, whether publicly or privately owned, is hereby adopted by the North Dakota Aeronautics Commission pursuant to authority set forth in North Dakota Century Code section 2-03-12.

History: Amended effective April 1, 2014

General Authority: NDCC 2-03-12, , N.D.C.C. 2-05-07 and 2-05-21

Law Implemented: NDCC 2-03-12,

6-02-03-03. Procedure for determining obstructions. This part establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing public airports. Additionally, they apply to a planned public airport, or a change in an existing public airport, if a proposal therefore is on file with the North Dakota Aeronautics Commission

1. An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(a) A height of 499 feet above ground level at the site of the object.

(b) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 499 feet.

(c) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

(d) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(e) The surface of a takeoff and landing area of an airport or any airport imaginary surface. However, no part of the take-off or landing area itself will be considered an obstruction.

2. Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of part 1 of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

(a) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

(b) Fifteen feet for any other public roadway.

(c) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(d) Twenty-three feet for a railroad, and,

(e) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

Failure to comply with the above regulations regarding obstructions to air navigation is prohibited under this Chapter.

History: Amended effective April 1, 2014

General Authority: NDCC 2-03-12

Law Implemented: NDCC 2-03-12

6-02-03-04. Airport referenced imaginary surfaces. The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each imaginary surface is based on the classification of each runway and the type of approach available or planned for that runway. Refer to Exhibit A for a table showing the classification and dimensional standards. Refer to Exhibit B and C for a graphical depiction of the imaginary surfaces.

1. Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 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 width of a primary surface is:

- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having non-precision instrument approaches.
- (3) For other than utility runways the width is:
 - (i) 500 feet for visual runways having only visual approaches.
 - (ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.
 - (iii) 1,000 feet for a nonprecision instrument runway having a Nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

2. Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward 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.

- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - (a) 1,250 feet for that end of a utility runway with only visual approaches;
 - (b) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - (c) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - (d) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - (e) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and,
 - (f) 16,000 feet for precision instrument runways.

- (2) The approach surface extends for a horizontal distance of:
 - (a) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
 - (b) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and,
 - (c) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

3. Horizontal surface. A 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 of each airport 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;
- (2) 10,000 feet for all other runways. The radius of the arc specified for

each end of a runway will have the same arithmetical value. That value will be 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 shall be disregarded on the construction of the perimeter of the horizontal surface.

4. **Conical surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
5. **Transitional surface.** These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

History: Amended effective April 1, 2014

General Authority: NDCC 2-03-12

Law Implemented: NDCC 2-03-12

6-02-03-04. Penalty. In accordance with North Dakota Century Code section 2-03-13, failure to comply with this section constitutes a class A misdemeanor.

History: Amended effective April 1, 2014

General Authority: NDCC 2-03-12

Law Implemented: NDCC 2-03-12

EXHIBIT A

DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON - PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY <u>PIR</u>
		<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>		
					<u>C</u>	<u>D</u>	
A	WIDTH OF <u>PRIMARY SURFACE</u> AND <u>APPROACH SURFACE</u> WIDTH AT INNER END	250	500	500	500	1,000	1,000
B	<u>RADIUS OF HORIZONTAL SURFACE</u>	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON - PRECISION INSTRUMENT APPROACH			PRECISION INSTRUMENT APPROACH
		<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>		
					<u>C</u>	<u>D</u>	
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	*
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	*

- A – Utility runways
- B – Runways larger than utility
- C – Visibility minimums greater than ¾ mile
- D – Visibility minimums as low as ¾ mile
- * – Precision Instrument Approach is 50:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet

EXHIBIT B

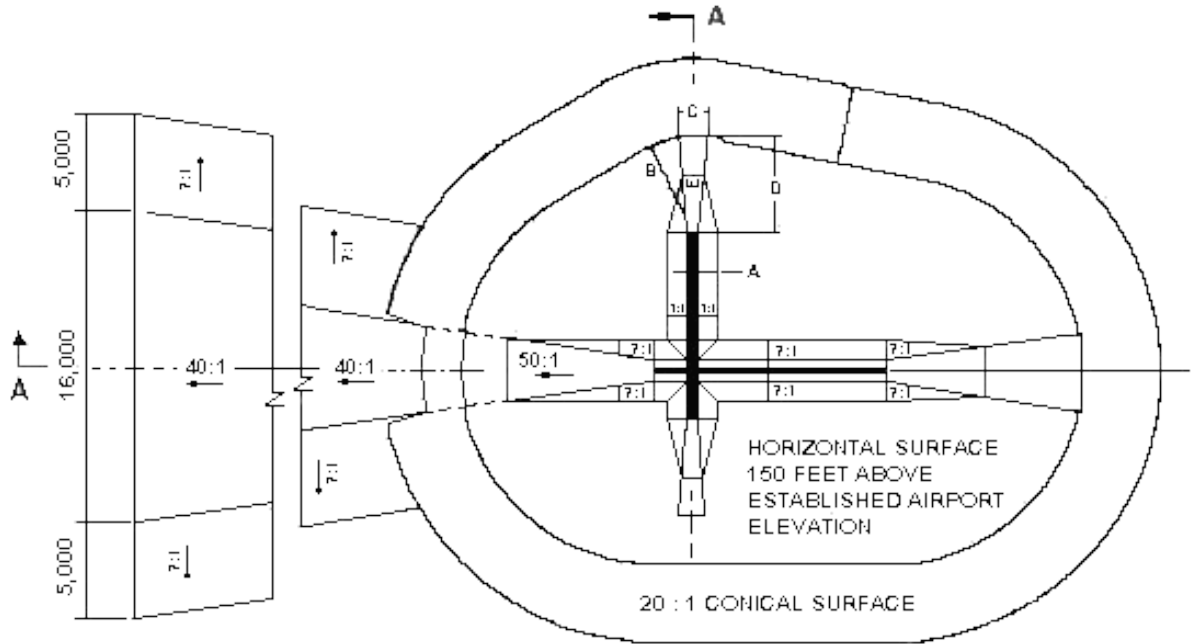
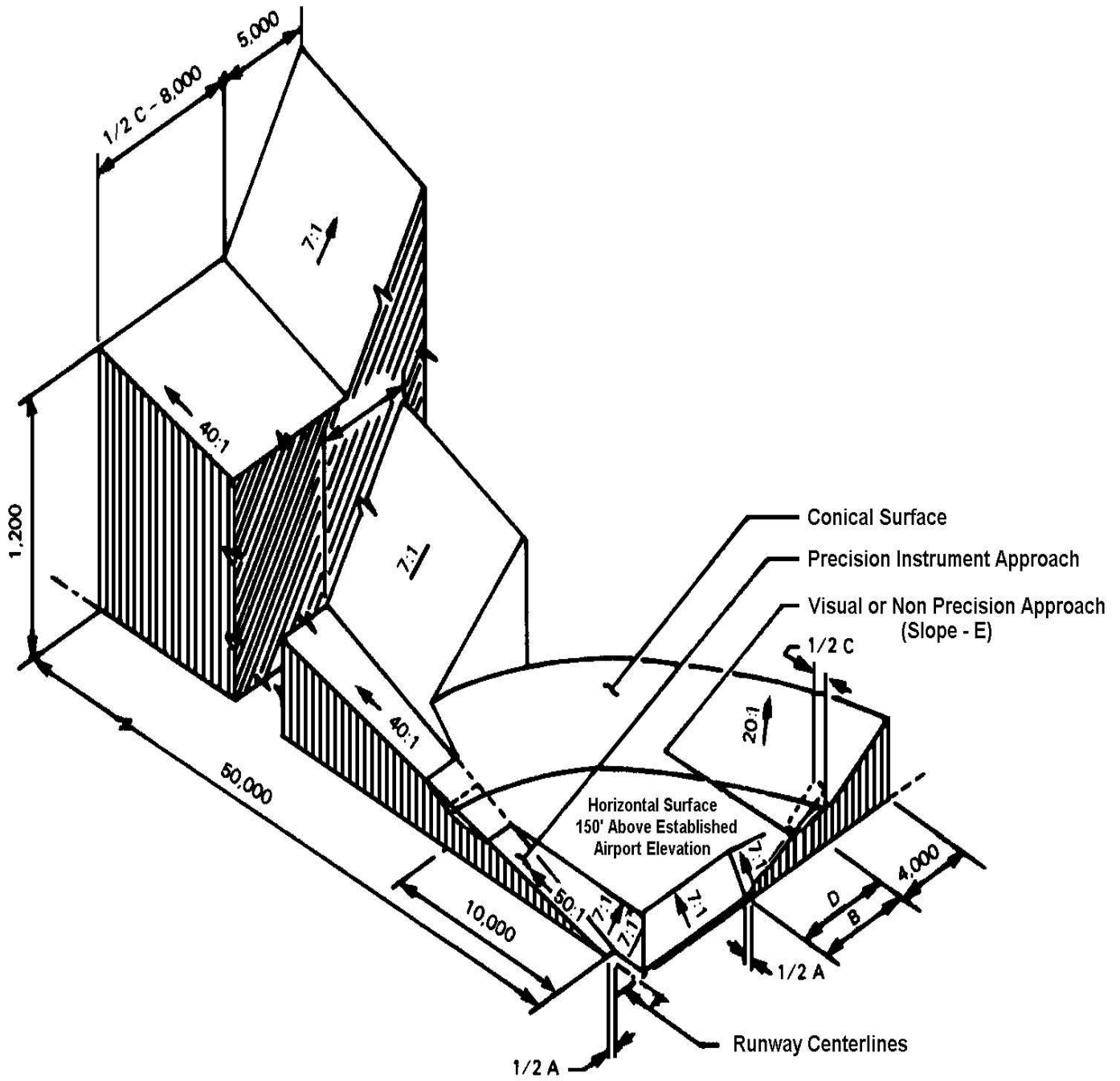


EXHIBIT C



**CHAPTER 6-02-04
INTRASTATE AIR CARRIERS**

[Repealed effective January 1, 2014]

Section

- ~~6-02-04-01 ————— Application for Common Carrier Certificate or Transfer of Certificate - Additional Information~~
~~6-02-04-02 ————— Insurance~~
~~6-02-04-03 ————— Other Standards~~

~~**6-02-04-01. Application for common carrier certificate or transfer of certificate - Additional information.** In addition to information which must be provided to the commission as part of the application process as required by law or this title, an application for a common carrier certificate to operate as an intrastate air carrier or the transfer of an existing certificate must also contain the following information:~~

- ~~1. — The route or routes over which the applicant desires to operate and — the intended points of service including a description of the bases of — operation and aircraft maintenance;~~
- ~~2. — A description of each aircraft which the applicant intends to use;~~
- ~~3. — A proposed schedule of service and schedule of rates to be charged — between the points of service including documentation showing code — sharing and marketing contracts with major carriers and the rates to be — charged for such services;~~
- ~~4. — A plat or map showing the routes over which the applicant desires to — operate, such plat or map also showing the routes of existing air carriers — or airlines whether or not subject to the jurisdiction of the commission;~~
- ~~5. — A description of the need for the air service to be provided by the — applicant;~~
- ~~6. — Proof of insurability;~~
- ~~7. — Copies of federal certificates of air commerce; and~~
- ~~8. — Such other information, exhibits, or other data as may be requested by — the commission to assist it in acting upon the application.~~

History: Effective March 1, 1990.

General Authority: NDCC 2-05-15

Law Implemented: NDCC 2-05-15

~~**6-02-04-02. Insurance.** Each holder of a common carrier certificate shall maintain insurance against loss in the following form and amount:~~

- ~~1. The carrier must comply with all insurance requirements as specified by the United States department of transportation air carrier operator certificates under 14 CFR, parts 121 and 135, or any other federal certificate requirement.~~
- ~~2. An advance ticket performance bond of ten thousand dollars must be deposited with the commission as security for the failure of the carrier to provide service in the event of discontinuance of service as a result of the suspension, revocation, or termination of a common carrier certificate.~~

~~**History:** Effective March 1, 1990.~~

~~**General Authority:** NDCC 2-05-15~~

~~**Law Implemented:** NDCC 2-05-15~~

~~**6-02-04-03. Other standards.** In addition to rules, procedures, or standards as otherwise set forth in this title or in North Dakota Century Code title 2, a holder of a common carrier certificate is required to comply with the following standards or requirements:~~

- ~~1. The holder shall contact airport management to arrange terminal space and passenger loading leases and contracts.~~
- ~~2. The holder shall contact airport management to arrange safety and security measures to comply with federal, state, and local laws and ordinances.~~

~~**History:** Effective March 1, 1990.~~

~~**General Authority:** NDCC 2-05-15~~

~~**Law Implemented:** NDCC 2-05-15~~

CHAPTER 6-02-05

AIRPORT GRANTS

Section

6-02-05-01	General Provisions
6-02-05-02	Eligible Applicants
6-02-05-03	Grant Application Process
6-02-05-04	Grant Evaluation Criteria
6-02-05-05	Application Review
6-02-05-06	Applicant Notification
6-02-05-07	Distribution of Grants
6-02-05-08	Supplemental Requests

6-02-05-01. General provisions. Public airports in North Dakota may be provided financial assistance from the aeronautics Commission for airport improvement projects in accordance with the policies and guidelines established by the Commission.

History:

General Authority: N.D.C.C. 2-05-06.5

Law Implemented: N.D.C.C. 2-05-06.5

6-02-05-02. Eligible applicants. Any person, or governing body operating a current or planned public airport may apply for grants from the aeronautics Commission for funding of airport project costs.

History:

General Authority: N.D.C.C. 2-05-06.5

Law Implemented: N.D.C.C. 2-05-06.5

General Authority: N.D.C.C. 2-05-06.5

Law Implemented: N.D.C.C. 2-05-06.5

6-02-05-03. Grant application process.

1. The applicant shall complete an application form and submit it to the aeronautics Commission by the deadline established by the Commission.
2. The applicant may amend its application at any time before the application deadline. After the application deadline, the applicant may amend its application only upon the approval of the Commission staff.
3. The applicant must amend its application if it is aware of any new or previously-undisclosed information that is materially relevant to the project. Failure to do so may result in denial of the application or recoupment of any grant funds awarded to the applicant.

History:

General Authority: N.D.C.C. 2-05-06.5

Law Implemented: N.D.C.C. 2-05-06.5

6-02-05-04. Grant evaluation criteria. All applications will be evaluated based on criteria established by the aeronautics Commission.

History:

General Authority: N.D.C.C. 2-05-06.5

Law Implemented: N.D.C.C. 2-05-06.5

6-02-05-05. Application review. The following process will be used to review applications submitted to the Commission.

1. Upon receipt of an application, the Commission staff shall determine whether the application is complete and meets the eligibility requirements.

2. The Commission staff shall review completed applications for eligible projects and assess their merits using the criteria established by the Commission.
3. After receiving the Commission staff recommendations, the Commission may grant preliminary approval of applications based on the grant review criteria and staff recommendations. A preliminary approval determination is subject to change if any information submitted in the project application changes.
4. The Commission shall schedule an annual state grant meeting to obtain additional information about applications, if necessary, and to make final decisions regarding grant approvals. At least one week prior to that meeting, the Commission shall provide a list of the grant requests given preliminary approval to all grant applicants. Applicants whose applications received preliminary approval may request a modification of the approved funding prior to the annual state grant meeting.

History:

General Authority: N.D.C.C. 2-05-06.5

Law Implemented: N.D.C.C. 2-05-06.5

06-02-05-06. Applicant Notification. The Commission shall notify applicants of the final grant awards following the annual state grant meeting.

History:

General Authority:

Law Implemented:

06-02-05-07. Distribution of grants. Each applicant who is awarded a grant must certify to the Commission that:

1. Funds must be used for the stated purpose.
2. At the completion of a project, any remaining balance in the allocated state grant shall be returned to the Commission.
3. The applicant will comply with all applicable laws and regulations.

Grant funds shall be disbursed upon the completion of the certification process.

History:

General Authority:

Law Implemented:

06-02-05-08. Supplemental requests. Supplemental requests, contingency items of a previous grant, or requests in response to an emergency may be considered throughout the year. The applicant shall provide supportive documentation to justify the request.

History:

General Authority:

Law Implemented: