

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION

In the Matter of the Proposed)
Adoption of Rules, Amendments)
and Deletions Governing the)
Aeronautics Rules.)

ORDER FOR HEARING

- -

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules to be held in the State Office Building, Room 83, Wabasha Street, Saint Paul, Minnesota 55155, on November 27, 1979, commencing at 9:30 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered for that purpose.

IT IS FURTHER ORDERED that a Notice of Hearing be published in the State Register.

Richard P. Braun
Commissioner

Dated this 10th day of October, 1979.

Subscribed and sworn to before me
this 10th day of October, 1979.

Agnes I. Litfin
Notary Public

AGNES I. LITFIN
Notary Public, Ramsey Co., Minn.
My Commission Expires
November 21, 1980

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION

NOTICE OF HEARING

In the Matter of the Proposed)
Adoption of Rules, Amendments)
and Deletions Governing the)
Aeronautics Rules.)

- -

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. §15.0412, in the State Office Building, Room 83, Wabasha Street, Saint Paul, Minnesota 55155, on November 27, 1979, commencing at 9:30 A.M., and continuing until all persons have had an opportunity to be heard.

The Commissioner of Transportation has been provided the statutory authority to promulgate rules governing airports and aeronautics pursuant to Minn. Stat. §360.015 Subd. 3 (1978). The proposed rules affect most chapters of 14 M.C.A.R., excluding the chapter on airport zoning. The proposal is best characterized as a modification of exiting rules rather than the addition of entirely new rules.

The proposed rule changes are partly matters of substance and partly matters of form. One major purpose of the revision is to eliminate state regulations which merely duplicate parallel federal regulations. Certain other areas of state regulation have been eliminated where and to the extent that experience has shown that regulation is not necessary. Other substantive changes have been made as outlined below. Many of the changes are being made for purposes of clarification.

The major changes in the proposed rules which represent a change in substance from the rules as they presently exist are as follows:

1. The general requirements for airport licensing would no longer require the submission of approvals from other governmental agencies as part of the license application.

2. The provision on minimum size of a runway for a public airport would be changed. The existing width requirement for a turf runway is 150 feet. The new requirement would be 75 feet with an additional 75 feet which is clear of obstructions. The new width requirement for a hard-surfaced runway is 60 feet plus the 75-foot clear zone.

3. A new requirement for runway grade has been added. The proposed provision requires that any two points five feet above the runway centerline be mutually visible for the entire runway length.

4. Wind indicators at lighted airports would have to be lighted in all cases, whether or not the airport is advertised as lighted.

5. Airport lights would no longer need to be kept on from dusk to dawn if a radio control system is available.

6. The Aeronautics Division no longer would require, as a condition of airport licensing, that Department of Natural Resources and other governmental approvals be submitted to it for construction or alteration of shoreline.

7. The proposed rules regarding licensing of a public seaplane base require that all hazards, including underwater hazards, be marked if they are in the approach, departure or taxiing areas.

8. The requirement for facilities at public seaplane bases would be decreased with regard to items other than those required for safety.

9. Windsocks at public heliports would have to be of a specified size and color and be lighted if the heliport is lighted.

10. Warning signs would be required at public heliports.

11. The proposed rule as to private airports now explicitly states that such an airport shall not be held out for public use but may be shown on aeronautical charts as a restricted facility.

12. For private airports, the minimum runway length requirement would be reduced from 2500 feet to 2000 feet. The width requirement would be reduced from 150 feet to 75 feet for turf runways and 60 feet for hard-surfaced runways. In addition, an area 75 feet on either side of the centerline would have to be free of obstructions.

13. In the case of a private airport, the primary surface, under the proposed rules, would end at the end of the runway in all cases. Additionally, the width of the primary surface would be reduced to 200 feet. These changes are true regardless of the type of runway involved.

14. The approach surface for private airports has been limited, under the proposed rule, in all cases, to a length of 10,000 feet and a slope of 20.1. The approach surface would expand uniformly to a width of 2,250 feet for all runways on private airports.

15. In the case of private airports, a requirement would be added that such an airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface communication or transportation.

16. A private airport may now be used, under the proposed rule, for limited commercial operations whether or not all of the public airport requirements are met. The scope of these commercial operations is detailed below.

17. It is explicitly provided under the proposal that a private seaplane base shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

18. For private seaplane bases, the requirement that approval of the Department of Natural Resources and other governmental agencies be obtained as a prerequisite to licensing would be deleted.

19. The approach, departure and taxiing areas for private seaplane bases no longer need to be marked under the proposed rules. A new requirement that hazards be marked has been added.

20. The requirements for wind indicators, life preservers and lines on private seaplane bases have been decreased under the proposal.

21. A new requirement would be added specifying that a private seaplane base not impose undue hazards upon adjoining property or its occupants or endanger the users of existing surface communication or transportation.

22. A private seaplane base may be used for limited commercial operations under the proposed rule.

23. A private heliport would have to have at least two obstruction-free approach-departure paths which must be separated by an arc of at least 90 degrees. These paths must have emergency landing areas available. This requirement now applies only to public heliports.

24. A private heliport may be displayed on aeronautical charts under the proposed rule. A private heliport must not impose undue hazards upon persons or property.

25. Personal-use landing areas would be redesignated as personal-use airports, personal-use seaplane bases and personal-use heliports. The landing surface of each must be smooth and free of hazards or obstructions. A personal-use airport could be used as a base of commercial operation for aerial photography and balloon operations in addition to aerial spraying and dusting.

26. As to unlicensed landing areas, the proposed rules would require that the landing area not impose undue hazards upon adjoining property or its occupants or damage the users or use of surface communication or transportation.

27. The proposed rules add a requirement that seaplane operations be conducted in accordance with marine traffic rules to the extent possible, consistent with aircraft safety. Where possible, boats or persons on the water's surface should be cleared by at least 300 feet, both laterally and vertically. Approaches and takeoffs must be made so as to clear structures on the ground by at least 100 feet. Operation of ski-equipped aircraft would be allowed on any frozen lake so long as the operation is conducted in a safe and reasonable manner.

28. Commercial operations would no longer be required to report accidents. Commercial operations involving only aircraft service and maintenance would be allowed to operate on licensed private airports. Personal-use airports could be used as a base of operations by commercial operators who do not engage in aircraft charter, rental

or leasing, flight instruction or service and maintenance. In all cases, the commercial operator would have to comply with the airport owner's rules and requirements as a condition of being licensed.

29. The proposed rule would eliminate the present requirements that a commercial operator:

a. use only FAA-certified aircraft;

b. employ only FAA-certified airmen; and

c. have a telephone on the business premises.

30. Flight school operations, under the proposed rules, would be required to include a section regarding applicable Minnesota aeronautics statutes and regulations in the course outline. The operator would also be required to disclose to each student whether or not the student was covered under the operator's insurance policies and the extent of coverage, if any.

31. Ground school operators would also be required to include a section on Minnesota aeronautical statutes and rules in the course outline.

32. A commercial operator which rents or leases aircraft would be required to inform the renter of lessee whether he or she was covered under the operator's insurance policies and the type and extent of coverage, if any.

33. The proposed rule would no longer require that pilots meet any special qualifications to engage in aerial spraying or dusting. Employment of pilots with these previously specified qualifications would no longer be a condition of granting a commercial operations license for spraying or dusting.

34. The proposed rule would require that commercial operators in the area of aircraft service and maintenance inform its customers as to whether hangarkeeper's insurance is in effect and the extent of coverage, if any.

35. All general operation rules, pilot operating rules, student pilot limitations, requirements for private and commercial pilots, general air traffic rules, general flight rules and visual and instrument flight rules have been eliminated. These areas are now adequately regulated by the federal government.

36. The proposed rules on parachuting have been substantially revised. All of the existing rules have been deleted and two new sections have been written. The proposed rule contains these basic points:

a. A person or organization engaging in parachuting for hire or compensation must be licensed as a commercial operator.

b. Parachute jumps in Minnesota must comply with Federal Aviation Regulations.

c. Parachute jumps onto public airports require either a waiver from the FAA in connection with an airshow, or permission of the Commissioner of Transportation. A request of the Commissioner must be made at least ten (10) days in advance. Public airports are to be closed during parachute jumps onto airport property and may not be closed for more than two hours at a time.

d. Permanent drop zones are to be licensed by the state annually and depicted on aeronautical charts.

37. The proposed rule on flying clubs has been revised to delete certain unnecessary definitions. Also, the annual registration report would have to include certain insurance information and a statement of each member's share of club assets. The circumstances under which a flying club may be considered a commercial operation have been broadened to include those situations in which (a) a member of the club leases an aircraft to the club; and (b) a member of the club who leases an aircraft to the club also gives flight instruction to members, whether or not for compensation.

A copy of the proposed rules is attached. Copies of the proposed rules are available and one free copy may be obtained by writing to the Minnesota Department of Transportation, Attention Robert Bissonnette, St. Paul Downtown Airport, St. Paul, Minnesota 55111. The proposed rules will also be available at the door on the date of the hearing.

All interested or affected persons will have an opportunity to participate in the hearing. Statements may be made orally and written materials may be submitted. In addition, whether or not an appearance is made, written statements or materials may be submitted by mail to Mr. Harry Seymour Crump, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, Saint Paul, Minnesota 55104 (Phone: 612-296-8111) either before the hearing, or within five (5) working days after the close of the hearing, or for a longer period not to exceed twenty (20) calendar days, if so ordered by the Hearing Examiner.

NOTICE IS HEREBY GIVEN that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the address of the Department of Transportation given above, and at the Office of Hearing Examiners. The Statement of Need and Reasonableness contains substance of the evidence and will be presented at the hearing justifying both the need for and reasonableness of the proposed rules. It is recommended that the public obtain and read the Statement of Need and Reasonableness prior to the hearing. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge. 9

PLEASE BE ADVISED that a lobbyist must register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined by Minn. Stat. §10A.01, subd. 11, as any individual who is:

A. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month, or more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or 6

B. Spends more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

A lobbyist does not include any:

A. Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

B. Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

C. Individual while engaged in selling goods or services to be paid for by public funds;

D. News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

E. Paid expert witness whose testimony is requested by the body before which he is appearing but only to the extent of preparing or delivering testimony; or

F. Stockholder of a family farm corporation as defined in §500.24, subd. 1, who does not spend over $250, excluding his own travel expenses in any year in communicating with public officials.

Questions should be addressed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, Saint Paul, Minnesota 55155 (Telephone: 612- 296-5615).

NOTICE: Any person may request a notification of the date on which the Hearing Examiner's Report will be available, after which date the Department of Transportation may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Transportation. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in case of the Hearing Examiner's Report), or to the Department representative listed above (in case of the Department's submission or resubmission to the Attorney General).

Richard P. Braun
Commissioner

Dated this 10th day of October, 1979.

Subscribed and sworn to before me
this 10th day of October, 1979.

Agnes I. Litfin
Notary Public

AGNES I. LITFIN
Notary Public, Ingham Co., Mich.
My Comm. Exp. Expires
November 21, 1983

MINNESOTA CODE OF AGENCY RULES

DEPARTMENT OF TRANSPORTATION

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14 MCAR § 1.3001 Definitions.

~~A.--Aerobatic-flight.--Maneuvers-intentionally-performed-that exceed-a-bank-of-60-degrees-relative-to-the-horizon-or-a-nose-up-or down-altitude-of-30-degrees-relative-to-the-horizon.~~

A. Aeronautics instructor. 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 an "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.

B. Airport. 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.

C. Airport elevation. The established elevation of the highest point on the usable landing area measured in feet above mean sea level.

D. Airport hazard. 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.

~~E.--Air-Traffic.--Aircraft-operating-in-the-air-or-on-an-airport surface,-exclusive-of-loading-ramps-and-parking-areas.~~

~~F.--Air-traffic-control.--A-service-operated-by-appropriate authority-to-promote-the-safe,-orderly,-and-expeditious-flow-of-air-traffic.~~

~~G.--Air-traffic-clearance.--Authorization-by-air-traffic-control for-the-purpose-of-preventing-collision-between-known-aircraft,-for an-aircraft-to-proceed-under-specified-traffic-conditions-within-controlled-airspace.~~

~~H.--Anchor-light.--A-white-light-installed-so-as-to-be-visible-in all-directions-for-at-least-three-miles-at-night-under-clear-atmospheric conditions.~~

~~I.--Autorotation.--A-rotorcraft-flight-condition-in-which-the lifting-rotor-is-driven-entirely-by-the-action-of-the-air-when-the rotorcraft-is-in-motion.~~

E. ATCO (Air Taxi/Commercial Operator) certificate. A certificate issued by the Federal Aviation Administration that entitles the holder to conduct charter operations according to the operating specifications in the certificate..

F. ~~J.~~ Balloon. A lighter-than-air aircraft that is not engine driven.

~~K.--Ceiling.--The-height-above-the-ground-or-water-of-the-lowest layer-of-clouds-or-obscuring-phenomena-reported-as-"broken,"-"overcast," or-"obscuration,"-and-not-classified-as-"thin"-or-"partial".~~

~~L.--Controlled-airspace.--Airspace-designated-as-a-continental control-area,-control-area,-control-zone,-terminal-control-area,-or transition-area,-within-which-some-or-all-aircraft-may-be-subject-to air-traffic-control.~~

~~M.--Crew-member.--A-person-assigned-to-perform-duty-in-an-aircraft during-flight-time.~~

G. Edge marker. 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.

H. CAB (Civil Aeronautics Board). The agency of the federal government that has regulatory authority over scheduled supplemental and charter air carriers providing air transportation.

I. Commissioner. Any reference to the term "Commissioner" in these rules shall mean the Commissioner of the Minnesota Department of Transportation.

J. Drop Zone. That area of land or water on which a parachutist should reasonably expect to land.

K. ~~N.~~ Dwelling. Any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

L. ~~O.~~ FAA. The capital letters "FAA" shall mean the Federal Aviation Administration of the United States.

M. ~~P.~~ Flight instructor. A pilot who possesses a valid flight instructor's rating as issued by the FAA.

~~Q.--Flight-visibility.--The-average-forward-horizontal-distance from-the-cockpit-of-an-aircraft-in-flight-at-which-prominent-unlighted objects-may-be-seen-and-identified-by-day-and-prominent-lighted-objects may-be-seen-and-identified-by-night.~~

N. ~~R.~~ Glider. 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.

O. Gradient. The angular degree, from horizontal, of an ascending or descending uniformily smooth slope. With regard to runways:

1. Transverse gradient refers to the degree of slope across the width of the runway, and

2. Longitudinal gradient refers to the degree of slope along the length of the runway.

P. ~~S.~~ Height. For the purpose of determining the height limits set forth in these ~~regulations~~ rules, the datum shall be mean sea level elevation as determined by U.S. Geological Survey.

Q. ~~T.~~ Helicopter. A rotocraft, that for its horizontal motion, depends principally on its engine-driven rotors.

R. ~~U.~~ IFR. The symbol used to designate instrument flight rules.

~~V.--Key-system-airport.--Airports-having-a-paved-and-lighted-runway over-5,000-feet-in-length,-capable-of-accommodating-heavy,-multi-engine aircraft-as-well-as-most-of-the-corporate-jet-fleet.~~

~~W.--Intermediate-system-airport.--Airports-having-a-paved-and-lighted runway-less-than-5,000-feet-in-length,-capable-of-accommodating-all-single engine-and-most-twin-engine-aircraft-as-well-as-some-light-jet-aircraft.~~

~~X.--Landing-strip-system-airport.--Airports-with-turf-runways-capable of-accommodating-single-engine-and-light-twin-engine-aircraft.~~

S. ~~Y.~~ Letter of authority. "Letter of authority" shall be included in the term "license" as used herein.

T. ~~Z.~~ Night. 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.

U. ~~AA.~~ Nonprecision instrument runway. A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities planned or indicated on an approved planning document.

V. Parachute. A device used or intended to be used to retard the fall of a body or object through the air.

W. ~~BB.~~ Passenger. An occupant of ~~the~~ an aircraft ~~in-flight-other than-a-crew-member.~~ who is not assigned to perform duty necessary for operating the aircraft.

X. ~~CC.~~ Person. The term "person" when used herein shall include A 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.

~~DD.--Pilot-in-command.--The-pilot-responsible-for-the-operation and-safety-of-an-aircraft,-during-flight-time.~~

Y. ~~EE.~~ Planned. As used in these ~~regulations~~ rules, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Commissioner.

Z. ~~FF.~~ Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

AA. ~~GG.~~ Rotorcraft. A heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

BB. ~~HH.~~ Runway. Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and taking off of aircraft.

~~II.--Second-in-command.--A-pilot-who-is-designated-to-be-second-in-command-of-an-aircraft-during-flight-time.~~

CC. ~~JJ.~~ Slope. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

DD. ~~KK.~~ Structure. An object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, earth formations and overhead transmission lines.

EE. ~~LL.~~ Sunset and sunrise. The mean solar times of sunset and sunrise as published in the American Air Almanac, converted to local time.

~~MM.--To-pilot.--To-be-in-command-of-an-aircraft-during-takeoff,-in-flight,-landing,-or-on-the-ground.~~

FF. ~~NN.~~ Traffic pattern. The traffic flow that is prescribed for aircraft landing at, taxing on, or taking off from an airport.

GG. Traverse ways. Roads, railroads, trails, waterways, or any other avenue of surface transportation.

HH. ~~OO.~~ Tree. Any object of natural growth.

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

JJ. ~~QQ.~~ VFR. The symbol used to designate visual flight rules.

KK. ~~RR.~~ Visual runway. 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 planning document.

LL. ~~SS.~~ Water surfaces. For the purpose of these ~~regulations~~ rules, water surfaces shall have the same meaning as land.

14 MCAR § 1.3002 Procedural ~~regulations~~ rules as to structure heights.

A. When a permit is required under Minn. Stat. §§ 360.81-360.91, and amendments made subsequent hereto, application shall be made to the Commissioner on a form furnished by him.

B. The Commissioner shall make such investigation as may be necessary.

C. 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 his interest. Such notification shall be in writing.

D. 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.

E. All hearings, notices, orders, and other procedural ~~regulations~~ rules, regarding this subject shall be in accordance with Chapters 360 and 15 of the Minn. Stat., these ~~regulations~~ rules, and any other applicable law.

14 MCAR § 1.3003 Hearings in contested cases.

A. This ~~regulation~~ rule does not include hearings in rule making and is supplementary to statutory provisions concerning the subject of contested cases.

B. Hearings in contested cases shall be in conformance with Chapters 360 and 15 of the Minn. Stat. and in conformance with the "Rules for Contested Cases" then in effect as promulgated by the Office of the Attorney General of the State of Minnesota.

14 MCAR § 1.3004 Taxation of converted military aircraft.

When a military aircraft is purchased for civilian use and enters the State of Minnesota, it will be given a base value for taxation purposes according to its age, condition, weight and performance characteristics. ~~These valuations are established in the table of valuations kept in the Department of Transportation.~~

14 MCAR § 1.3005 Applications for state and federal aid.

A. The Commissioner will make a substantive decision as to 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.

B. 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.

C. The municipality must show that sufficient funds are available for that portion of the project costs to be borne by the municipality and that the project will be completed without undue delay, and that the municipality submitting the project application has legal authority to engage in the development as proposed.

Chapter Two: §§ 1.3006-1.3016 Airport Licensing, Airport Zoning, obstructions to Air Navigation.

14 MCAR § 1.3006 General provisions for airport licensing.

A. Airport. The term "airport" as used herein shall also include seaplane bases, heliports, and all other designated ~~landing~~ areas.

B. ~~Licensing-procedure.~~ License. Every airport before operating as such, shall be approved and licensed by the Commissioner. (Airports owned or operated by public corporations formed pursuant to the Metropolitan Airports Commission Act need not be licensed.)

1. Application. Application for license shall be made on forms supplied by the Commissioner and accompanied by the appropriate fee and renewed annually.

Type of License	Fee	~~Renewal~~
Public Airport (privately or publicly owned)	$5.00	~~Annually~~
~~Privately-owned-Commercial~~ Airport (restricted use)	$5.00	~~Annually~~
Personal-use Airport	None	~~Annually~~

2. Inspection. The applicant for any license shall offer full cooperation in respect to any inspection which may be made of the airport premises upon proper demand at reasonable hours by any authorized representative of the Commissioner, prior to or subsequent to the issuance of a license.

3. Ownership. The applicant shall show that he has right of access to and control of the land, or right of access to the water area to be licensed, as owner, co-owner, tenant, or by any other right of entry.

4. Agency approvals. No airport shall be licensed ~~until~~ unless the applicant ~~has-submitted-evidence-of-the-following-agency approvals:~~ meets the requirements of other federal or state government agencies or their political subdivisions.

~~a.--Federal-Aviation-Administration-airspace-determination.~~

~~b.--Approval-of-the-Metropolitan-Airports-Commission for-any-airport-located-within-the-metropolitan-area,-or-within-35-miles of-the-city-hall-of-either-Minneapolis-or-St.-Paul.~~

~~e.--Permits-and-approvals-that-may-be-required-of-local governmental-agencies.~~

C. Restricted operation. A letter of authority granting temporary or restricted operation may be issued pending full compliance with the provisions of these rules ~~and-regulations~~ and shall have an expiration date.

D. License display. The license issued under this section shall be posted in a prominent place at the airport.

E. Nontransferability. Licenses shall not be transferable.

F. Alteration or change of operational status. The licensee shall immediately notify the Commissioner of any proposed construction, alteration, or change in the operational status of the airport. The licensee is also responsible for properly notifying the Federal Aviation Administration of such alterations or changes.

G. Danger area or closed airport. Any part of the landing strip or runway which has become temporarily unsafe, or for any reason is not available for use, shall be marked by suitable warning flags and/or flares which shall clearly show the boundaries of the danger area. Upon the closing, abandonment or cessation of any airport, the licensee shall immediately notify the Commissioner, return the current license, and mark the landing area in a manner that clearly indicates that the airport is closed to air traffic. All markings indicating a usable runway must be obliterated. An "X" must be placed at a central location, the minimum size to be 3' x 30', and of contrasting colors to the surrounding surface where the "X" is placed. In the event that the licensee

fails to do the above, then and in such case, and without excusing the licensee, the Commissioner may go upon the premises and remove the markings that indicate a usable runway and may also mark the airport as indicated above.

H. Exceptions. In any case where it is determined that the public interest and safety will not be adversely affected, the Commissioner may waive any of the requirements stated in 14 MCAR §§ 1.3006-1.3016 subject to such conditions or limitations as may be necessary. Conversely, where it is determined that the public interest and safety will be adversely affected, the Commissioner may deny the issuance of a license, despite compliance with ~~regulations~~ rules herein.

~~14 MCAR § 1.3007 Reserved for future use.~~

14 MCAR § 1.3007 ~~§ 1.3008~~ Licensing of a public airport.

A. 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. The requirements of this section do not apply to the licensing of public seaplane bases or public heliports. Specific requirements for the licensing of a public seaplane base are found in 14 MCAR ~~§ 1.3012.~~ § 1.3008. Specific requirements for the licensing of a public heliport are found in 14 MCAR ~~§ 1.3014.~~ § 1.3009.

B. Requirements. A public airport shall be granted a license when it has shown that it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

~~1.--Size.--Minimum-usable-lengths-and-widths-of-turf-landing strips-constructed-before-July-1,-1958,-have-been-permitted,-if-they were-2,000-feet-long-and-150-feet-wide.--All-such-minimum-turf-landing strips-prior-to-July-1,-1976,-must-be-improved-so-that-they-have-at least-one-landing-strip-with-a-minimum-usable-length-of-2,500-feet-and width-of-150-feet.--No-turf-landing-strip-licenses-will-be-renewed-after July-1,-1976,-unless-they-have-reached-the-minimum-usable-length-of 2,500-feet-and-a-width-of-150-feet-by-that-date.--New-turf-landing strips-constructed-after-July-1,-1958,-shall-have-minimum-usable-lengths and-widths-of-2,500-feet-long-and-150-feet-wide.~~

1. Size. At least one runway with a minimum length of 2,500 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in 14 MCAR § 1.3015 that are or may create an airport hazard.

2. Surface. The ~~effective~~ landing surface shall be smooth and free from hazards or obstructions. ~~The-longitudinal-gradient-on any-part-of-the-landing-area-shall-not-exceed-2%.--The-transverse gradient-shall-not-exceed-3%.~~

a. The longitudinal gradient on any part of the landing area shall not exceed 2%.

b. The transverse gradient shall not exceed 3%.

c. In addition, runway grade changes should be such that any two points 5 feet above the runway centerline will be mutually visible for the entire runway length:

3. Obstructions. The minimum obstruction clearance ~~for licensing~~ requires that no structure, tree or mobile object which creates a hazard, other than those necessary and incidental to airport operation, ~~and no tree~~ shall penetrate the imaginary airspace surfaces described in 14 MCAR ~~§ 1.3009~~ § 1.3015, paragraphs E.1., E.4., and E.5. the standards of this section shall also apply to traverse ways only after their heights have been increased as described in 14 MCAR ~~§ 1.3009-B.~~ § 1.3015 B.

4. Edge markers. ~~The landing strips or areas~~ Turf runways shall be outlined with effective edge markers which shall be constructed and installed in a manner approved by the Commissioner.

5. Buildings. Buildings and structures on a public airport shall not be closer than 250' to the centerline of the runway. For height limitations see 14 MCAR ~~§ 1.3009-E.~~ § 1.3015 E.

6. Wind indicator. All public airports shall be equipped with a wind ~~cone~~ sock, 3' x 12', blaze orange in color or other indicator as approved by the Commissioner, 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 indicator must also be lighted.

7. Fencing. Such adequate fencing or barriers shall be constructed as will prevent all persons not engaged in flight activities from having access to a position of danger with relation to aircraft in the vicinity of building areas and on the flight line.

8. Lighting. If the airport is lighted for night operations and is advertised as lighted for night operations, the lights shall be kept on from dusk to dawn. ~~The wind indicator, in this case, must also be lighted as approved by the Commissioner.~~ Any object in the approach

zone of a lighted visual utility runway that extends above a slope of 30:1, shall be marked and lighted in accordance with the standards for obstruction marking and lighting where requested by the Commissioner in the interest of safety.

9. Tiedowns. Facilities must be furnished for at least three more aircraft than regularly use the facilities. The tiedowns are to be marked and maintained so as to be readily located ~~and shall not protrude above the surface~~.

10. Toilets. A sanitary public toilet facility shall be provided at all public airports, except where it can be demonstrated that it is impracticable to install such a facility. An enclosed portable chemical toilet, properly maintained and serviced, shall be acceptable.

11. Aviation fuel. All aviation fuel dispensed on any airport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

12. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed. It must be a minimum of 10 pounds of carbon dioxide or equivalent.

13. Telephone. When feasible, a telephone shall be made available for public use. Telephone numbers for the appropriate Flight Service Station, for emergency assistance, and for aircraft servicing shall be prominently posted.

14. Bulletin board. A weather-protected bulletin board shall be prominently located on the airport. Posted thereon shall be the airport license, safety and traffic rules, and an area map showing danger or restricted areas.

14 MCAR § 1.3008 ~~§-1.3012~~ Licensing of a public seaplane base.

A. Public seaplane base. A public seaplane base shall mean any seaplane base, whether privately-or publicly-owned, the public use of which for aeronautical purposes is invited, permitted or tolerated by the operator or the person having right of access and control. ~~A-public-seaplane-base-will-be-granted-a-license-when-it-is-shown-that it-has-met-the-general-provisions-of-14-MCAR-§-1.3006-and-the-minimum requirements-stated-herein.~~

B. Operation. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, ~~if-such-rules-and-regulations~~ to the extent that such rules and regulations do not interfere with the safe operations of aircraft.

C. Separate licenses. The license issued to a seaplane base shall apply to the land area from which operations are conducted ~~and-to-the water-area-designated-for-its-operations.~~ Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

D. Use. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of these public waters.

~~E.--Construction-or-alteration-of-shoreline.--The-applicant-shall show-that-any-construction-or-alteration-of-shoreline-on-the-land-area of-the-base-is-in-conformity-with-the-regulations-of-the-Minnesota Department-of-Natural-Resources,-Division-of-Waters,-Soils-and-Minerals, and-with-municipal-building-and-other-pertinent-regulations,-if applicable.~~

E. Requirements. A public seaplane base shall be granted a license when it has shown it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. ~~F.~~ Size. The body of water shall have a minimum ~~effective~~ usable length of at least one mile and shall be of sufficient width and depth to permit the safe operation of aircraft on the surface. All approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

2. ~~G.~~ Boundary markers. The outline of that part of the area available for landing, ~~and~~ takeoff and ~~for~~ taxiing when required in the interest of safety, shall be marked ~~in a manner approved by the Commissioner or as may be required by the marine traffic rules and regulations of the authority having jurisdiction~~. All hazards, including underwater obstructions in the landing, approach, departure and taxi areas shall be marked. All markers shall be constructed and displayed in a manner approved by the Commissioner.

~~H. Hazards. All hazards in the approach or landing area, including underwater obstructions, shall be marked in a manner approved by the Commissioner. If the base is engaged in night operations, such hazards shall be clearly marked with lights during the period of sunset to sunrise.~~

3. ~~1.~~ Wind indicator. Each public seaplane base shall be equipped with a wind ~~cone~~ sock 3' x 12', blaze orange in color, or other wind indicator approved by the Commissioner, 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 ~~cone~~ sock must be lighted.

~~J.--Minimum-public-seaplane-base-facilities.--Every-public-seaplane base-shall-have-as-a-minimum-the-following-facilities.~~

4. ~~1.~~ Dock. A dock or float, suitable for the loading and unloading of seaplanes, shall be so located as to afford the maximum degree of operational safety ~~in-taxiing-approach~~.

5. ~~2.~~ Ramp. A ramp, or equivalent substitute, for beaching of aircraft, shall be provided. Tie-down or storage area shall be so arranged that the ramp is normally clear for the beaching of incoming aircraft.

6. ~~3.~~ Toilets. A sanitary public facility shall be provided at all public seaplane bases, except where it can be demonstrated that it is impracticable to install such facility. An enclosed portable chemical toilet, properly maintained and serviced shall be acceptable.

7. ~~4.~~ Telephone. When feasible, a telephone ~~shall~~ should be made available for public use. Telephone numbers for the appropriate Flight Service Station, for emergency assistance and for aircraft servicing ~~shall~~ will be prominently posted.

8. ~~5.~~ Bulletin Board. A weather-protected bulletin board shall be prominently located on the seaplane base. Posted thereon shall be the seaplane base license, safety and traffic rules and an area map showing danger or restricted areas.

9. ~~6.~~ Beaching or mooring. Beaching or mooring facilities must be provided for at least three more seaplanes than regularly use the facilities.

~~K.--Minimum-public-seaplane-base-safety-equipment.--Every-public seaplane-base-shall-have-as-a-minimum-the-following-safety-equipment.~~

10. ~~1.~~ Life preserver. At least one life preserver ~~of-the ring-or-throw-type-with-sufficient-line-attached~~ shall be immediately available ~~on-the-ramp-or-dock-or-in-the-emergency-boat~~ for use at all times.

11. ~~2.~~ Boat. A boat and operable motor shall be immediately available for use at all times that flights are in progress.

12. ~~3.~~ Lines. An adequate supply of lines for heaving, towing, securing and rescue operations shall be kept available.

13. ~~4.~~ Fuel filters. All aviation fuel dispensed at a public seaplane base shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

14. ~~5.~~ Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of ten pounds of carbon dioxide, or equivalent.

14 MCAR § 1.3009 ~~§-1.3014~~ Licensing of a public heliport.

A. Public heliport. A public heliport ~~shall-mean~~ is any heliport, 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. ~~A-public-heliport-will~~

~~be-granted-a-license-when-it-is-shown-that-it-has-met-the-general provisions-of-14-MCAR-§-1.3006-and-the-minimum-requirements-stated herein.~~

B. Requirements. A public heliport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. ~~B.~~ Landing and takeoff area. That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

2. ~~C.~~ Touchdown area. ~~The-dimensions-of-the-touchdown area~~ The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

3. ~~D.~~ Peripheral area. A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than 10 feet, is recommended as an obstruction-free safety zone.

4. ~~E.~~ Obstructions. ~~Criteria-for-determining-obstructions to-public-heliports-are-set-forth-in-14-MCAR-§-1.3009-F.~~ An object will be 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. The primary surface of a heliport coincides in size and shape with the designated takeoff and

landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

b. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

c. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

5. ~~F.~~ Approach-departure paths. Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

a. ~~1.~~ Approach-departure paths coincide in size with the imaginary surfaces described in ~~14-MCAR-§-1.3009-F.~~ B. 4. above, except that an approach-departure path may be curved.

(1) ~~a.~~ If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet.

(2) ~~b.~~ If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

b. ~~2.~~ A public heliport must have at least two approach-departure paths which must be separated by an arc of at least 90 degrees. These two paths must be obstruction-free.

c. ~~3.~~ Emergency landing areas must be available along the approach-departure paths.

6. ~~G.~~ Fuel filters. All aviation fuel dispensed on any public heliport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

7. ~~H.~~ Fire extinguishers. At least one properly maintained fire extinguisher shall be available. It must be a minimum of ten pounds of carbon dioxide or its equivalent.

8. ~~I.~~ Wind indicator. All public heliports shall be equipped with ~~a~~ an operable wind ~~cone~~ sock, 3' x 12' blaze orange in color, or other indicator as approved by the Commissioner. ~~which must be clearly visible from pattern altitude.~~ If the heliport is lighted for night operations, the wind indicator must also be lighted.

9. ~~J.~~ Safety barriers. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in ~~14 MCAR § 1.3009 F.~~ B. 4. above.

10. ~~K.~~ Rooftop egress. Rooftop heliports should have two exits, one at each side of the landing and takeoff area, which should be provided in accordance with local building codes.

C. ~~L.~~ Applicability. The regulations contained in ~~14 MCAR § 1.3014 D., E., and F.~~ B. 3., 4., and 5. above, are predicated upon VFR

operations by helicopters certificated in the normal category. The Commissioner may set additional requirements for heliports which will conduct IFR operations and/or operations by transport category heliports.

14 MCAR § 1.3010 ~~§-1.3008~~ Licensing of a ~~privately-owned-commercial~~ airport.

A. ~~Privately-owned-commercial~~ airport. A ~~privately-owned commercial~~ airport is a restricted ~~airport-used-for-commercial-purposes~~. The persons who may use the airport are determined by the owner of the airport. The private airport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

~~B.--A-privately-owned-commercial-airport-will-be-granted-a-license when-it-has-shown-that-it-has-met-the-general-provisions-of-14-MCAR §-1.3006-and-the-minimum-requirements-of-14-MCAR-§-1.3008-B.-1.-6., 11.,-and-12.~~

B. Requirements. A private airport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements.

1. Size. At least one runway with a minimum length of 2,000 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in 14 MCAR § 1.3015 that are or may create an airport hazard.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

3. Obstructions. The minimum obstruction clearance requires that no structure, tree or mobile object which creates a hazard, other than those necessary and incidental to airport operation, shall penetrate the imaginary airspace surfaces described below:

a. Primary surface. An imaginary surface longitudinally centered on a runway and:

(1) At same elevation as the elevation of the nearest point on the runway centerline.

(2) Extending to the ends of each runway.

(3) The width of the primary surface is 200 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. The approach surface inclines upward and outward at a slope of:

(1) 20:1 for a horizontal distance of 10,000 feet.

(2) Expanding uniformly to a width of 2,250 feet.

4. Edge markers. Turf runways shall be outlined with effective edge markers which shall be constructed and installed in a manner approved by the Commissioner.

5. Wind indicator. All private airports shall be equipped with a wind sock or other approved wind indicator.

6. Aviation fuel. All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump

or on the flight line if fuel is dispensed for sale. It must be a minimum of 10 pounds of carbon dioxide or equivalent.

~~C.--A-privately-owned-commercial-airport-may-be-used-to-satisfy the-public-airport-requirements-of-14-MCAR-§-1.3017.~~

C. Hazards. A "private airport" shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

~~D.--A-privately-owned-commercial-airport-shall-not-be-displayed on-any-chart-for-public-distrubution.~~

D. Use. A private airport may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

~~14-MCAR--§-1.3011--Reserved-for-future-use.~~

14 MCAR § 1.3011 ~~§-1.30125~~ Licensing of a private~~ly-owned-commercial~~ seaplane base.

A. Private~~ly-owned-commercial~~ seaplane base. A private~~ly-owned commercial~~ seaplane base is a restricted seaplane base ~~used-for-commercial purposes~~. The persons who may use ~~the~~ this seaplane base ~~land-area~~ are ~~to-be~~ determined by ~~the~~ its owner ~~of-the-base~~. The private seaplane base shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. Requirements. A private~~ly-owned-commercial~~ seaplane base will be granted a license when it ~~is~~ has shown that it has met the following minimum requirements ~~of-14-MCAR-§-1.3012-B.,-I.,-and-K.,-1.,-3.,-4.,-5.~~

1. Operation. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal

port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, to the extent such rules and regulations do not interfere with the safe operation of aircraft.

2. Separate licenses. The license issued to a seaplane base shall apply to the land area from which operations are conducted. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

3. Use. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of public waters.

4. Size. The body of water shall be of sufficent length, width and depth to permit safe operation by the aircraft intended to use it. The approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

5. Markers. All hazards in the approach or landing area, including underwater obstructions, shall be marked.

6. Wind indicator. All private seaplane bases shall be equipped with a wind sock or other wind indicator.

7. Fuel filters. All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

8. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of ten pounds of carbon dioxide, or equivalent.

~~C.--Use.--A-privately-owned-commercial-seaplane-base-may-be-used to-satisfy-the-public-seaplane-requirements-of-14-MCAR-§-1.3017.~~

C. Hazards. A "private seaplane base" shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

~~D.--Restrictions.--A-privately-owned-commercial-seaplane-base-shall not-be-displayed-on-any-chart-for-public-distribution.~~

D. Use. A private seaplane base may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

14 MCAR § 1.3012 ~~§-1.3014~~ Licensing of a ~~privately-owned-commercial~~ heliport.

A. ~~Privately-owned-commercial~~ heliport. A ~~privately-owned commercial~~ heliport is a restricted heliport ~~used-for-commercial-purposes~~. The persons who may use ~~the~~ this heliport are ~~to-be~~ determined by ~~the~~ its owner ~~of-the-heliport~~. The private heliport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. ~~Requirements.~~ A ~~privately-owned-commercial~~ heliport ~~will~~ shall be granted a license when ~~it-is-shown-that~~ it has met the ~~requirements-of-14-MCAR--§-1.3014~~ general provisions of 14 MCAR § 1.3006 and the following minimum requirements.

1. Landing and takeoff area. That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

2. Touchdown area. The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

3. Peripheral area. A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than 10 feet, is recommended as an obstruction-free safety zone.

4. Obstructions. An object will be 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. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

b. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

c. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of

2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

5. Approach-departure paths. Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

a. Approach-departure paths coincide in size with imaginary surfaces described in B. 4. above, except that an approach-departure path may be curved.

(1) If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet.

(2) If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

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

c. Adequate emergency landing areas must be available along the approach-departure paths.

6. Fuel filters. All aviation fuel dispensed on any private heliport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available. It must be a minimum of ten pounds of carbon dioxide or its equivalent.

8. Wind indicator. All private heliports shall be equipped with an operable wind sock, 3' x 12' blaze orange in color, or other indicator as approved by the Commmissioner. If the heliport is lighted for night operations, the wind indicator must also be lighted.

9. Safety barriers. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in B. 4. above.

~~C.--Use.--A-privately-owned-commercial-heliport-may-be-used-to satisfy-the-public-airport-requirements-of-14-MCAR-§-1.3017.~~

C. Hazards. A "private heliport" shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

~~D.--Restrictions.--A-privately-owned-commercial-heliport-shall-not be-displayed-on-any-chart-for-public-distribution.~~

D. Use. A private heliport may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

[Portions of the following rule (§ 1.3013) are now found in §§ 1.3017-1.3018.]

~~14-MCAR--§-1.3013-Seaplane-operations-within-the-seven-county-metropolitan-area.~~

~~A.--Scope.--14-MCAR--§-1.3013-covers-seaplane-operations-on-all public-waters-within-the-following-counties:--Anoka,-Carver,-Dakota, Hennepin,-Ramsey,-Scott,-and-Washington.~~

B.--Lakes upon which seaplane operations are permitted.--Seaplane operations are prohibited on all public waters in the seven-county area described above except for the following bodies of water upon which seaplane operations are permitted:

Anoka County

Centerville Lake
Clear 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
Reshenav Lake
Rice Lake
Round Lake

Carver County

Goose Lake
Hazeltine Lake
Lake Minnewashta
Lake Patterson

Carver County (cont.)

Lake Riley
Lake Waconia
Lundsten Lake
Mud Lake
Oak Lake
Parley Lake
Pierson Lake
Tiger Lake

Dakota County

Alimagnet
Byllesby Reservoir
Crystal Lake
Lake Marion
Mississippi River
Orchard Lake
St. Croix River

Hennepin County

Bryant Lake
Diamond Lake
Eagle Lake
Fish Lake
French Lake

Hennepin-County-(cont.)

Lake-Independence

Lake-Minnetonka,-except-the following-areas:

Black-Lake,-Emerald-Lake,

French-Lake,-Forest-Lake,

Gray's-Bay,-Libb's-Lake,

Peavy-Lake,-Seton-Lake,

Tanager-Lake

Lake-Sarah

Medicine-Lake

Mississippi-River

Schmidt-Lake

Whaletail-Lake

Ramsey-County

Bald-Eagle-Lake

Lake-Owasso

Long-Lake

Ramsey-County-(cont.)

Mississippi-River

Turtle-Lake

White-Bear-Lake

Scott-County

Cedar-Lake

Geis-Lake

Pleasant-Lake

Prior-Lake-East

Prior-Lake-West

Spring-Lake

Washington-County

Big-Carnelian-Lake

Big-Marine-Lake

Forest-Lake

Lake-Elmo

Mississippi-River

Oneka-Lake

St.-Croix-River

6.--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:

1.--Lake-Minnetonka-and-all-bays-and-lakes-therein.

2.--White-Bear-Lake-and-all-bays-and-lakes-therein.

3.--Lake-Owasso-and-all-bays-and-lakes-therein.

However,-this-restriction-contained-in-C.-shall-not-apply-to-the-holder of-a-Personal-use-Seaplane-Base-License-issued-under-14-MCAR-§-1.3016 while-operating-to-and-from-his-licensed-base-subject-to-the-following conditions:

1.--Such-operations-are-limited-to-a-maximum-of-one-takeoff and-one-landing-during-these-restricted-hours;-and

2.--Such-operations-are-authorized-only-when-lake-traffic-and use-permit-such-operations-to-be-conducted-in-a-safe-and-reasonable manner.

D.--Emergency-use.--Nothing-in-14-MCAR-§-1.3013-shall-be-construed to-prohibit-the-landing-or-taking-off-of-a-seaplane-in-case-of-a-bona fide-emergency.

E.--Compliance-with-marine-traffic-rules-and-regulations.--All seaplanes-must-comply-with-marine-traffic-rules-and-regulations-if-such rules-and-regulations-do-not-interfere-with-the-safe-operation-of-aircraft.

F.--Ski-equipped-aircraft.--Notwithstanding-anything-to-the-contrary stated-within-this-14-MCAR-§-1.3013,-aircraft-equipped-with-either-wheels or-skis-may-operate-on-the-lakes-set-forth-in-B.-above-whenever-such-lakes are-frozen-if-lake-traffic-and-use-permit-such-operations-to-be-conducted in-a-safe-and-reasonable-manner.

14 MCAR § 1.3013 §-1.3016 Licensing of personal-use landing-areas, airports, seaplane bases and heliports.

A. Personal-use landing-area airport. A personal-use landing-area airport shall mean any landing area on land or water on from which aircraft are, or will be, regularly based or regularly operated from. A license,-of-one-of-the-three-types-listed-below,-will-be-granted-when-it-is

~~shown-that-it-has-met-the-general-provisions-of-14-MCAR-§-1.3006-and the-minimum-requirements-stated-herein.~~ There are three types of licenses:

1. Personal-use Airport License.

2. Personal-use Seaplane Base License.

3. Personal-use Heliport License.

~~B.--Hazards.--A-personal-use-landing-area-shall-not-impose-undue hazards-upon-adjoining-property-or-its-occupants-or-endanger-the-users or-use-of-existing-communication-or-transportation.~~

B. Requirements. Personal-use airports shall be granted a license when they have met the general provisions of 14 MCAR § 1.3006 and the following general requirements.

1. Size. A personal-use airport shall be of sufficient length and width and the approaches shall be sufficiently clear of obstructions to permit safe operations by the aircraft intended to use it.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

C. Operation. A personal-use ~~landing-area~~ airport shall not interfere with the safe operation of any public airport or with the safety of any federal airways.

D. Restrictions. A personal-use ~~landing-area~~ airport shall not be operated except in accordance with the restrictions set forth below:

1. A personal-use ~~landing-area~~ airport shall not be held out as available for public use, nor shall the public use of a personal-use ~~landing-area~~ airport be invited, permitted, or tolerated.

2. A personal-use ~~landing-area~~ airport shall not be used ~~as a-base-of-operations-for-any-commercial-purposes-except-for-aerial-spraying~~

~~and-dusting~~ for commercial activities which include the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing or other operations deemed similar in character by the Commissioner. However, a personal-use airport may be used for commercial activities which include the operation of aircraft for the purpose of aerial spraying and dusting, banner towing, balloon operations, aerial photography, pipeline/powerline patrol or other operations deemed similar by the Commissioner.

3. A personal-use ~~landing-area~~ airport shall not be displayed on any chart for public distribution.

~~E.--Size.--A-personal-use-landing-area-shall-be-of-sufficient-length and-width-and-the-approaches-shall-be-sufficiently-clear-of-obstructions to-permit-safe-operaions-by-the-aireraft-intended-to-use-it.~~

E. Hazards. A "personal-use airport" shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

F. In addition to the general requirements listed heretofore for the licensing of personal-use airports, the following specific requirements must be met before a personal-use airport license can be granted for a personal-use seaplane base or a personal-use heliport:

1. ~~F.~~ Personal-use Seaplane Base License.

a. A personal-use seaplane base license shall apply to the land area from which operations are conducted ~~and-to-the-water-area designated-for-its-operation~~.

b. ~~1.~~ When two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate personal-use seaplane base license.

c. ~~2.~~ A personal-use seaplane base license will not be granted for those lakes upon which seaplane operations are prohibited by 14 MCAR ~~§ 1.3013~~ § 1.3018.

2. ~~G.~~ Personal-use heliport license. ~~In addition to the above requirements, a personal use heliport must meet the requirements listed below.~~

a. ~~1.~~ 14 MCAR ~~§ 1.3014 B.,~~ § 1.3009 b., except that the landing and takeoff area minimum length and width shall be 1.5 times the overall length of the helicopter expected to use the heliport.

b. ~~2.~~ 14 MCAR ~~§ 1.3014 C., D.~~ § 1.3009 C., D.

c. ~~3.~~ 14 MCAR ~~§ 1.3014 F.,~~ § 1.3009 F., except that a personal-use heliport must have as a minimum one approach-departure path meeting those requirements.

d. ~~4.~~ Safety barrier. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas.

14 MCAR § 1.3014 ~~§ 1.30135~~ Unlicensed landing areas.

A. Unlicensed landing area. An unlicensed landing area shall mean any area of land or water, other than a licensed airport ~~or seaplane base~~, which is used or is made available for the landing and takeoff of aircraft for the purpose and in the manner described herein. No person shall use or make available such unlicensed landing area except in compliance with the provisions of this section.

B. Temporary operations. Any area of land or water may be used as an unlicensed landing area for temporary operations by the following for the purpose designated:

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

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

C. 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:

1. Aircraft shall not be stored or regularly based at an unlicensed landing area.

2. The landing area proposed to be used shall be of sufficient length and width and free from obstructions, and the surface shall be in suitable condition to permit the safe operation of the type of aircraft to be used thereon.

3. The aircraft owner or operator shall have the permission of the landowner to use the landing area or any facilities that will be used in his operation for the purpose and time intended.

4. The use of the landing and operating area shall in no way endanger persons or property, and suitable safeguards necessary to protect the safety of passengers and public shall be provided.

5. Where it uses an unlicensed water landing area, the aircraft shall carry an approved type of life preserver for the pilot and each passenger.

D. Hazards. An "unlicensed landing area" shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

~~14-MCAR--§-1.3015-Reserved-for-short-takeoff-and-landing-(STOL)-area and-for-vertical-takeoff-and-landing-(VTOL)-area.~~

14 MCAR § 1.3015 ~~§-1.3009~~ Criteria for determining obstructions to air navigation. (NOTE: See Minn. Stat. §§ 360.061 et seq., for airport zoning statutes and Minn. Stat. §§ 360.81 et seq., for regulations of structure heights.)

A. Obstruction. 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 heights or surfaces established herein.

B. Traverse ways. Except for traverse ways whose activities are coordinated with adjacent controlled airports, the standards of this section apply only after the heights of traverse ways are increased by:

1. 17 feet for interstate highways.

2. 15 feet for all other public roadways.

3. 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads.

4. 23 feet for railroads.

5. For waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

C. Notification. Any sponsor who proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site, or any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100:1 from the nearest point of the nearest runway of a public airport shall notify the Commissioner at least 30 days in advance.

D. General obstructions. The following objects will be considered general obstructions to air navigation:

1. Objects extending more than 500 feet above ground level at the site of the object.

2. Objects more than 200 feet above the ground or more than 200 feet above the established airport elevation, whichever gives the higher elevation, within three nautical miles of the nearest runway of an airport, and increasing in height in the proportion of 100 feet for each additional nautical mile of distance from the airport but not exceeding a maximum of 500 feet above ground.

3. Objects which would increase the minimum obstruction clearance altitude of a federal airway or approved off-airway route.

4. Objects whose elevation will increase a precision or nonprecision instrument approach flight altitude minimum or flight visibility minimum.

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

1. Primary surface. An imaginary surface longitudinally centered on a runway and:

a. Extending 200 feet beyond each end of a runway with a specially prepared hard surface or planned hard surface; or

b. Coinciding with each end of other runways.

The width of the primary surface is:

c. 250 feet for visual utility runways; or

d. 500 feet for nonprecision instrument runways and for visual runways other than utility; or

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

2. Horizontal surface. An imaginary horizontal surface with its height 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:

a. 10,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile, or

b. 6,000 feet for all other runways.

When a 6,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 6,000-foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

3. Conical surface. An imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward form the periphery of the horizontal surface.

4. 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:

a. 20:1 for a horizontal distance of 10,000 feet for visual utility runways; or

b. 40:1 for a horizontal distance of 10,000 feet for nonprecision instrument runways and for all visual runways other than utility.

The approach surface expands uniformly to a width of:

c. 2,250 feet for other visual utility runways (10:1 flare ratio); or

d. 2,500 feet for visual runways other than utility (10:1 flare ratio); or

e. 3,500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile (20:3 flare ratio); or

f. 4,000 feet for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile (20:3 flare ratio).

5. Precision instrument approach surface. An imaginary surface longitudinally centered on the extended centerline at ~~each~~ the end of a precision instrument runway. The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward for a horizintal distance of 10,000 feet at a slope of 50:1, expanding uniformly to a width of 4,000 feet, then continues upward and outward for an additional horizontal distance of 40,000 feet at a slope of 40:1, expanding uniformly to an ultimate width of 16,000 feet.

6. 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 7:1 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 which 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.

F. Obstructions to public heliports. An object will be considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces:

1. Heliport primary surface. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

2. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

3. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

G. The standards for marking and lighting structures are contained in FAA Advisory Circular 70/7460-1D, Obstruction Marking and Lighting, and any subsequent changes, except that spherical markers shall be a diameter of not less than 30 inches, and except that the colors of the markers shall be aviation orange, white, and chrome yellow, and be installed in that sequence.

14 MCAR § 1.3016 ~~§-1.3010~~ Airport zoning standards. (Number change only, adopted at 3 S.R. 2265.)

~~Chapter-Three.--§§-1.3017-1.3027.~~

[Portions of the following rule (§ 1.3017) are now found in § 1.3019.]

~~14-MCAR--§-1.3017--General-commercial-operations-regulations.~~

~~A.--Commercial-operations.--"Commercial-Operations"-means-any-operations-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,-parachute-jumping, and-the-operation-of-aircraft-for-fishing.--"Commercial-Operations"-also means-brokering-or-selling-of-any-of-the-aforesaid-services-but-does-not include-any-operations-of-aircraft-as-common-carriers-certified-by-the federal-government-or-the-services-incidental-thereto.~~

~~B.--License.--Every-person-who-does-in-fact-provide-or-who-advertises,-represents-or-holds-himself-out-as-giving-or-offering-to-provide such-service,-must-be-licensed-by-the-Commissioner.--The-license-shall contain-endorsements-showing-the-type-or-types-of-commercial-operations the-licensee-is-authorized-to-perform.--Such-person-must-be-licensed-by the-Commissioner-before-he-advertises,-represents-or-holds-himself-out as-giving-or-offering-to-provide-such-service-or-services.~~

~~C.--Application.--Application-for-license-shall-be-made-on-forms supplied-by-the-Commissioner.~~

D.--Fee.--The-fee-shall-be-$10.00-annually-and-must-accompany-the application.

E.--Duration-and-renewal.--The-license-issued-under-this-section shall-be-effective-for-one-year-from-the-date-of-issuance-thereof-and shall-be-renewed-annually.--Application-for-renewal-shall-be-made-30-days before-the-expiration-of-the-current-license.

F.--Nontransferability.--The-license-shall-not-be-transferable-to other-persons.

G.--Display.--The-license-issued-under-this-section-shall-be-posted in-a-prominent-place-in-the-office-of-the-licensee.

H.--Notice-of-change.--The-licensee-shall-immediately-notify-the Department-of-Transportation-in-writing-of-any-change-in-the-status-of such-commercial-operation-relating-to-ownership,-activities,-aircraft or-key-personnel.

I.--Report-of-accidents.--Each-licensee-shall-be-responsible-for reporting-all-accidents-which-occur-while-aircraft-are-being-operated-in connection-with-his-operation-and-involve-any-of-the-following-conditions.

1.--An-accident-which-results-in-serious-injury-or-death-to-an occupant-of-an-aircraft,-or-to-any-person-by-direct-contact-with-the-aircraft.

2.--An-accident-which-occurs-as-the-result-of-a-violation-of the-Rules-and-Regulations-of-the-Commissioner-or-of-the-Federal-Aviation Administration.

3.--An-accident-which-results-in-substantial-damage-to-an-aircraft.--"Substantial-damage"-as-used-herein-is-defined-as-follows:

a.--Except as provided in subparagraph B. of this paragraph, substantial damage means damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

b.--Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades. --Damage to landing gear wheels, tires, flaps, engine accessories, brakes, or wing tips are not considered "substantial damage" for the purpose of this part.

Reports of all accidents shall be made on NTSB Form 6120, and in addition to such report, the operator shall give immediate notice to the Commissioner by telephone or telegraph of any accident involving death to any person.

J.--Place of business.

1.--Each applicant for a commercial operations license must have a place of business.

2.--In addition, if the commercial activity includes the operation of aircraft, then such applicant's base of operation must be on a public airport or public seaplane base licensed by the Commissioner as provided by law, or an airport owned by the Metropolitan Airports Commission, except when such commercial operation is limited to:

a.--Spraying and dusting.

b.--The exclusive lease of the aircraft involved for a period of more than 30 days by a person who is not a commercial operator to a person who is not a commercial operator.

If the applicant does not own the airport or seaplane base he must submit evidence from the owner or municipality that he meets the airport owner's minimum standards for such commercial operation and is authorized to operate from such airport.

K.--Aircraft.--Each aircraft used by a licensee for commercial operation shall possess a currently valid certificate of airworthiness as issued by the Federal Aviation Administration, shall be continually maintained in an airworthy condition, and shall be currently registered with the Department of Transportation, or be taxed as flight property by the Department of Revenue, as required by the laws of this state.--Such flight property tax payments must be current.

L.--Airmen.--Each airman engaged in commercial operations or employed by the commercial operator shall hold a currently valid airman's certificate, as issued by the Federal Aviation Administration, together with the appropriate ratings for the type of equipment to be operated or the kind of activity taking place.

M.--Records.--Each licensed commercial operator shall maintain, at the base of operations, basic records which must be kept up to date as follows:

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

2.--An accurate list of airman personnel employed by the commercial operator, together with the airman certificate type, number of ratings, address, and where necessary, date of last physical examination.

3.--A-list-of-aireraft-used-in-the-eommereial-operation-and-the eurrent-Minnesota-Department-of-Transportation,-registration-deeal-number and-annual-maintenanee-inspeetion-date-of-eaeh-aireraft.

N.--Compliance-with-the-law.--A-person-engaged-in-eommereial-operations-shall-eomply-with-all-laws-of-the-State-of-Minnesota-and-the-Rules and-Regulations-promulgated-by-any-state-department-or-ageney.

O.--Cooperation.--The-applieant-for-a-eommereial-operations-lieense shall-offer-full-eooperation-in-respeet-to-any-inspeetion-whieh-may-be made-of-his-operation-upon-proper-demand-at-reasonable-hours-by-the Commissioner-or-any-authorized-representative-of-the-Commissioner-prior to-or-subsequent-to-the-issuanee-of-a-lieense.

P.--Shared-expense-flights.--Part-61.118-of-the-Federal-Aviation Regulations-shall-apply-as-rules-of-this-department-in-determining-whether or-not-a-shared-expense-flight-is-a-eommereial-operation.

Q.--Leasing.

1.--Any-person-who-owns-an-aireraft-and-leases-or-rents-that aireraft-to-a-person-not-holding-a-eommereial-operations-lieense-under Chapter-3-is-required-to-obtain-a-eommereial-operations-lieense-under these-rules.

2.--However,-no-eommereial-operations-lieense-shall-be-required of-a-person-who-owns-his-own-aireraft-and-leases-or-rents-his-aireraft to-a-party-who-holds-a-eommereial-operations-lieense.

R.--Aireraft-maintenanee.--An-applieant-whose-eommereial-aetivity ineludes-the-operation-of-an-aireraft-and-who-is-also-not-lieensed-to perform-aireraft-servieing,-maintaining,-and-repairing-must-have-a-eontraet-or-agreement-with-a-eommereial-operator-lieensed-to-perform-these serviees-for-all-aireraft-used-in-the-eommereial-aetivity.

S.--Endorsements.--To-receive-an-endorsement-to-a-commercial-operations-license,-the-applicant-must-meet-and-comply-with-the-requirements of-14-MCAR-§-1.3017,-unless-specifically-excepted-therefrom,-and-the appropriate-regulation-for-the-type-or-types-of-commercial-operations applied-for.

T.--Telephone.--Each-applicant-for-a-commercial-operations-license must-have-a-telephone-located-at-his-place-of-business.

U.--Insurance.--The-applicant-for-a-commercial-operations-license must-hold-insurance-contracts-valid-and-in-force-for-the-duration-of-the license-which-provide-coverage-for-each-accident-in-the-types-and-amounts as-specified-in-the-appropriate-regulation-for-the-type-or-types-of-commercial-operations-applied-for.

The-applicant-shall-ensure-that-the-insurance-company-or-companies-which hold-the-insurance-contracts-is-authorized-by-the-Insurance-Commissioner to-do-business-in-the-State-of-Minnesota.

Any-contract-of-insurance-to-be-approved-by-the-Commissioner-shall-carry an-endorsement-stating-that-such-contract-cannot-be-canceled-by-the-insurer-until-after-five-days'-notice-in-writing-of-such-cancellation-has been-given-the-Commissioner-by-the-insurer.--In-any-case-where-an-insurance-contract-is-canceled-by-the-insured,-notice-of-such-cancellation shall-immediately-thereafter-be-given-to-the-Commissioner-by-the-insurer.

[Portions of the following rule (§ 1.3018) are now found in § 1.3020.]

14-MCAR--§-1.3018--Flight-school.

A.--Flight-school.--Any-person-engaged-in-giving-or-offering-to-give dual-flight-time,-instruction-or-flight-time-leading-to-pilot's-certificate

or-rating,-or-engaged-in-selling-or-giving-solo-flight-time-to-persons holding-less-than-a-private-pilot's-certificate,-for-hire-or-reward,-or advertising,-representing,-or-holding-himself-out-as-giving-or-offering to-give-such-instruction,-shall-be-considered-to-be-operating-a-flight school,-except:

1.--Company-instruction.--A-company-engaged-in-flight-operation giving-instruction-to-its-own-employees-in-furtherance-of-their-duties in-conjunction-with-such-operation-activity.

2.--Public-schools.--Any-public-school,-the-University-of Minnesota,-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.

3.--Aeronautics-instructor.--Any-individual-engaged-in-giving instruction,-or-offering-to-give-instruction,-in-aeronautics-either-in flying-or-ground-subjects,-or-both,-for-hire-or-reward,-without-advertising-such-occupation,-without-calling-facilities-an-"air-school"-or anything-equivalent-thereto,-without-employing-or-using-other-instructors, and-without-using-his-own-aircraft.

B.--Minimum-requirements.--To-be-eligible-for-a-flight-school-endorsement,-an-applicant-shall-show-compliance-with-the-following-minimum requirements:

1.--Records-and-office.--The-school-operator-shall-keep-and maintain-complete-and-adequate-records-in-addition-to-the-students'-logbooks-of-the-flight-instruction-given-to-all-regularly-enrolled-students, showing-the-date,-the-amount-of-dual-or-solo-instruction,-the-maneuvers given,-the-aircraft-used-and-the-name-of-the-instructor-of-each-dual flight.--These-records-shall-be-available-for-inspection-at-the-flight

school office and shall be retained for at least one year from the date of the last entry. The flight school operator shall show that he has an office of adequate size and containing the necessary facilities and equipment for the operation of the school.

2. Curriculum. The applicant must show to the satisfaction of the Commissioner a course outline or FAA Flight Training Handbook 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 FAR Part 61. In the case of an FAA approved school, the FAA course outline will be acceptable. The flight instruction given to each regularly enrolled student shall be in accordance with such course outline a copy of which shall be made available to each student.

3. Rules and regulations. The flight school operator shall establish and enforce the rules and regulations which shall govern his flight school operation, including rules relating to the traffic pattern, practice areas, taxi rules, flight rules, and other safety procedures. These rules and regulations and a diagram thereof shall be prominently posted on a bulletin board at the flight school along with the required notices and other data necessary for the operation of the school. A copy of the rules and regulations shall be submitted with the application.

4. Insurance. The minimum insurance coverage for each accident shall be the following types and amounts:

a. $75,000 per passenger seat for passenger liability.

b. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

c. $100,000 per plane for property damage.

5.--Faithful-performance-bond-covering-students.--The-applicant must-file-with-the-Commissioner-a-continuous-corporate-surety-bond-to-the State-of-Minnesota-in-the-sum-of-$5,000-conditioned-for-the-faithful-performance-of-all-contracts-and-agreements-with-students-made-by-such-person, firm,-association-or-corporation,-or-their-salesmen.--The-aggregate-liability-for-the-surety-for-all-breaches-of-conditions-of-the-bond-in-no event-shall-exceed-the-principal-sum-of-$5,000.--The-surety-of-any-such bond-may-cancel-such-bond-upon-giving-sixty-days'-notice-in-writing-to the-Commissioner-and-thereafter-the-surety-shall-be-relieved-of-liability for-any-breach-of-conditions-occuring-after-the-effective-date-of-cancellation,-provided,-however,-that-whenever-a-bond-under-this-section-ceases-to be-in-effect-for-any-reason,-the-flight-school-license-shall-be-revoked. The-bond-form-shall-be-provided-by-the-Commissioner.--A-copy-of-the-executed-bond-certificate-will-be-attached-to-the-application.

6.--The-applicant-must-meet-the-requirements-of-14-MCAR-§-1.3017.

[Portions of the following rule (§ 1.3019) are now found in § 1.3021.]

14-MCAR--§-1.3019-Ground-school-and-aeronautical-correspondence-school.

A.--Ground-school-and-aeronautical-correspondence-school.--A-ground school-or-aeronautical-correspondence-school-shall-be-any-person-giving or-offering-to-give-instruction-in-aeronautical-ground-subjects-leading to-a-pilot's-certificate-or-rating,-for-hire-or-reward,-except-any-public school,-the-University-of-Minnesota,-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.

B.--Requirements.--To-be-eligible-for-a-ground-school-or-an-aeronautical-correspondence-school-endorsement,-the-applicant-shall-meet-the following-minimum-requirements:

1.--Classroom.--Applicant-shall-maintain-a-suitable-classroom with-adequate-seating-facilities-for-the-maximum-number-of-students-enrolled-in-each-class,-such-classroom-to-be-properly-heated,-lighted, ventilated,-and-have-access-to-proper-sanitary-facilities.--This-requirement-shall-not-apply-to-aeronautical-correspondence-schools.

2.--Records.--The-applicant-shall-maintain-adequate-records-of the-instruction-given,-which-shall-show-the-date,-the-hours-of-attendance, the-subjects-covered,-the-examination-given,-and-the-grade-achieved-by each-student.--Such-records-shall-be-maintained-for-at-least-one-year-from the-date-of-last-entry-and-shall-be-available-for-inspection.

3.--Curriculum.--Each-school-shall-show-to-the-satisfaction-of the-Commissioner-a-curriculum-so-organized-as-to-properly-qualify-each student-completing-the-particular-course-for-the-grade-of-pilot-certificate-he-is-seeking.--In-the-case-of-an-FAA-approved-school,-FAA-curriculum will-be-acceptable.

4.--Faithful-performance-bond-covering-ground-school-and-aeronautical-correspondence-school-students.--The-applicant-must-file-with the-Commissioner-a-continuous-corporate-surety-bond-to-the-State-of Minnesota-in-the-sum-of-$5,000-conditioned-for-the-faithful-performance of-all-contracts-and-agreements-with-students-made-by-such-person,-firm association-or-corporation,-or-their-salesmen.--The-aggregate-liability for-the-surety-for-all-breaches-of-the-conditions-of-the-bond-in-no-event shall-exceed-the-principal-sum-of-$5,000.--The-surety-on-any-such-bond may-cancel-such-bond-upon-giving-sixty-days'-notice-in-writing-to-the Commissioner-and-thereafter-the-surety-shall-be-relieved-of-liability-for any-breach-of-conditions-occurring-after-the-effective-date-of-cancellation,-provided,-however,-that-whenever-a-bond-under-this-section-ceases

to-be-in-effect-for-any-reason,-the-ground-school-or-aeronautical-correspondence-school-license-shall-be-revoked.--The-bond-form-shall-be-provided-by-the-Commissioner-of-Aeronautics.--A-copy-of-the-executed-bond certificate-will-be-attached-to-the-application.

5. -The-applicant-must-have-at-least-one-FAA-certificated-flight or-ground-instructor-to-certify-training-reports.

6.--The-applicant-must-be-able-to-certify-to-the-student-that he-has-satisfactorily-completed-the-course-of-instruction-or-home-study in-the-appropriate-knowledge-areas-for-the-rating-sought.

6.--The-applicant-must-meet-the-requirements-of-14-MCAR-§-1.3017.

14-MCAR-§-1.3020---Reserved-for-future-use.

[Portions of the following rule (§ 1.3021) are now found in § 1.3022.]

14-MCAR-§-1.3021--Aircraft-charter.

A.--Endorsement-for-charter-operations.--Any-person-engaged-in-flying persons-or-property-from-place-to-place,-or-offering-to-provide-such-service-for-hire-or-reward,-who-does-not-hold-a-certificate-of-public-convenience-and-necessity-from-the-Civil-Aeronautics-Board-or-its-successor, or-who-does-not-hold-a-license-as-a-commuter-air-carrier-under-14-MCAR §-1.3026,-shall-be-deemed-to-be-engaged-in-a-charter-operation-and-shall have-an-endorsement-on-his-commercial-operations-license-to-certify-to his-authority-to-engage-in-charter-operations.

B.--ATCO-certificate.--The-applicant-shall-be-the-holder-of-an-air taxi/commercial-operator-certificate-with-operating-specifications-as issued-by-the-Federal-Aviation-Administration,-and-a-valid-letter-of

registration from the Civil Aeronauties Board. --A copy of this certificate with operating specifications shall be attached to the application.

C. --Insurance. --The minimum insurance coverage for each accident shall be the types and amounts as specified by the Civil Aeronauties Board.

D. --The applicant must meet the requirements of 14 MCAR § 1.3017.

[Portions of the following rule (§ 1.3022) are now found in § 1.3023.]

14 MCAR --§ 1.3022 --Aircraft rental or leasing.

A. --Endorsement for aircraft rental or leasing. --Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or reward shall be deemed to be in the business of renting or leasing aircraft and must have an endorsement on his commercial operations license certifying his authority to engage in such activity.

B. --Records. --The holder of a commercial operations license with an aircraft rental or lease endorsement shall keep and maintain a complete and adequate set of records to show the following:

1. --The name of the pilot renting or leasing an aircraft.

2. --The identification of the aircraft rented or leased.

3. --The date, time, and duration of the flight for which the aircraft was rented or leased.

C. --Qualifications of lessee. --The commercial operator shall determine before initially renting or leasing any aircraft that the lessee thereof 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,-such-flight-shall-be-given the-lessee-by-a-person-holding-an-effective-commercial-pilot,-flight-instructor,-or-airline-transport-pilot-certificate.--The-commercial-operator shall-assure-that-a-designated-person-capable-of-determining-that-an-aircraft-is-properly-serviced-is-present-when-an-aircraft-is-checked-out.

D.--Insurance.--The-minimum-insurance-coverage-for-each-accident-shall be-of-the-following-types-and-amounts:

1.--$75,000-per-passenger-seat-for-passenger-liability.

2.--$100,000-per-person-and-$300,000-per-occurrence-for-bodily injury,-excluding-passengers.

3.--$100,000-per-plane-for-property-damage.

E.--The-applicant-must-meet-the-requirements-in-14-MCAR-§-1.3017.

[Portions of the following rule (§ 1.3023) are now found in § 1.3024.]

14-MCAR--§-1.3023--Air-ambulance-service.

A.--Endorsement-for-air-ambulance-service.--Any-person-engaged-in flying-ambulance-stretcher-cases-from-place-to-place,-or-offering-to-provide-such-service-for-hire-or-reward,-shall-be-deemed-to-be-engaged-in air-ambulance-service-and-shall-have-an-endorsement-on-his-commercial operations-license-certifying-his-authority-to-engage-in-air-ambulance service.

B.--Aircraft.--Each-aircraft-to-be-used-as-an-ambulance-for-the purpose-of-transporting-stretcher-cases-shall-have-ample-area-to-accommodate-a-regulation-ambulance-cot-or-aircraft-ambulance-stretcher-in-a horizontal-position,-and-shall-be-so-designed-as-to-permit-loading-without excessive-tilting.--The-aircraft-shall-be-equipped-with-at-least-one-safety belt-for-securing-the-person-and-cot-or-stretcher-to-the-aircraft.

C.--Department-of-Health-certificate.--The-air-ambulance-service shall-be-the-holder-of-a-current-authorized-air-ambulance-service-certificate-with-specifications-for-nonemergency-or-emergency-service,-or-both, issued-by-the-Minnesota-Department-of-Health.--A-copy-of-the-certificate shall-be-attached-to-the-application.

D.--Insurance.--The-minimum-insurance-coverage-for-each-accident-shall be-the-types-and-amounts-as-specified-by-the-Civil-Aeronautics-Board.

E.--Transportation-of-dead-human-bodies.--The-provisions-contained-in this-section-shall-also-apply-to-the-transportation-of-dead-human-bodies by-airplane,-and-such-bodies-shall-be-transported-on-the-type-of-cot-or stretcher-described-in-14-MCAR-§-1.3023-B.

F.--Air-taxi/commercial-operator-certificate.--The-air-ambulance service-shall-be-the-holder-of-an-air-taxi/commercial-operator-certificate-with-operating-specifications-as-issued-by-the-Federal-Aviation Administration,-and-a-letter-of-registration-from-the-Civil-Aeronautics Board.--A-copy-of-this-certificate-with-operating-specifications-shall-be attached-to-the-application.

G.--The-applicant-must-meet-the-requirements-of-14-MCAR-§-1.3017.

[Portions of the following rule (§ 1.3024) are now found in § 1.3025.]

14-MCAR--§-1.3024--Aerial-spraying-or-dusting.

A.--Aircraft-spraying-or-dusting.--Any-person-applying-or-offering to-apply-chemicals-or-other-substances-from-an-aircraft-shall-be-deemed to-be-engaged-in-aerial-spraying-or-dusting.

B.--Emergency-provision.--If-the-Governor-declares-an-emergency-to exist-with-respect-to-crop-conditions,-the-Commissioner-may-authorize variances-from-the-regulations.

C.--Spraying-or-dusting-pilots.--Each-commercial-operations-licensee authorized-to-engage-in-aerial-spraying-or-dusting-shall-complete-pilot qualification-forms-furnished-by-the-Department-for-each-person-engaged in-piloting-aircraft-in-the-licensee's-spraying-or-dusting-operation. These-forms-shall-be-forwarded-to-the-Department-of-Transportation.--If the-pilots'-qualifications-meet-the-minimum-qualifications-prescribed-by these-regulations,-certificates-will-be-prepared-and-forwarded,-certifying-that-the-pilots-are-authorized-to-engage-in-aerial-spraying-or-dusting-in-the-licensee's-operation.--These-certificates-shall-be-in-actual possession-of-the-pilots-at-all-times-when-engaged-in-aerial-spraying-or dusting-in-this-state.

D.--Department-of-Agriculture-recommendation.--No-endorsement-authorizing-a-commercial-operator-to-engage-in-aerial-spraying-or-dusting-will be-issued-and-no-pilot-will-be-certified-as-being-qualified-to-do-aerial spraying-or-dusting-unless-the-Department-of-Agriculture-recommends approval-of-such-endorsement-or-certificate.

E.--Aircraft-and-pilot-safety-equipment.--Every-aircraft-used-for aerial-spraying-or-dusting-in-this-state-shall-be-provided-with-a-positive-method-of-shutting-off-distribution-of-chemicals-or-other-substances which-shall-prevent-material-from-leaking-or-dropping-except-over-the areas-of-intended-application.--Every-aircraft-shall-also-be-equipped with-quick-detachable-safety-belt-and-shoulder-harness.--Each-pilot-shall wear-protective-headgear-during-such-flight-operation.

F.--Pilot's-special-qualifications.--Each-pilot-engaging-in-aerial spraying-or-dusting-shall,-in-addition-to-possessing-a-commercial-or

airline-transport-pilot's-certificate,-meet-the-requirements-of-subsection 1.-below,-as-well-as-one-of-the-other-subsections-set-forth-below:

1.--10-hours-of-flying-time-in-the-preceding-six-months-in-the make-and-model-of-aircraft-to-be-used;-and

2.--30-hours-of-actual-aerial-application-or-distribution-of chemicals-or-other-substances;-or

3.--10-hours-of-simulated-crop-spraying-or-dusting-under-the supervision-of-a-pilot-with-a-commercial-or-airline-transport-pilot-certificate-and-a-minimum-of-one-year's-crop-spraying-or-dusting-experience and-the-recommendation-of-such-pilot-who-supervised-the-simulated-training; or

4.--5-hours-of-dual-instruction-in-crop-spraying-or-dusting, such-dual-to-be-given-by-a-pilot-with-an-instructor-rating,-who-has-a minimum-of-one-year's-spraying-or-dusting-experience,-and-the-recommendation-of-such-pilot-who-gave-such-dual-instruction.

G.--Nonresident-applicant.--Every-nonresident-commercial-operation applicant-shall-give-his-permanent-address-and-the-name-of-the-airport from-which-his-operations-are-conducted-in-his-resident-state.

H.--Aircraft.--In-the-application,-the-aerial-applicator-must-inform the-Commissioner-of-all-aircraft-(by-factory-make,-model,-year-and-"N" number)-that-the-aerial-applicator-intends-to-use-within-the-state.

I.--Certificate.--The-applicant-shall-be-the-holder-of-a-commercial agricultural-aircraft-operator-certificate.--A-copy-of-this-certificate with-amendments-shall-be-attached-to-the-application.

J.--Insurance.--The-minimum-insurance-coverage-for-each-accident shall-be-the-following-types-and-amounts:

1.---$100,000-per-person-and-$300,000-per-occurrence-for-bodily injury,-excluding-passengers.

2.---$100,000-per-plane-for-property-damage,-excluding-chemical drift.

K.---The-applicant-must-meet-the-requirements-of-14-MCAR-§-1.3017 unless-specifically-excepted-therefrom.

[Portions of the following rule (§ 1.3025) are now found in § 1.3026.]

14-MCAR--§-1.3025--Aircraft-servicing,-maintaining-and-repairing.

A.---Aircraft-servicing,-maintaining,-and-repairing.---Any-person providing-or-offering-to-provide-aircraft-maintenance-(as-defined-in-FAR Part-1),-major-or-minor-repair-or-alteration-to-airframes-or-aircraft power-plants-or-both,-shall-be-deemed-to-be-engaged-in-the-business-of aircraft-servicing,-maintaining-and-repairing,-and-shall-have-a-commercial-operations-license-with-an-endorsement-to-certify-his-authority-to engage-in-aircraft-servicing,-maintaining-and-repairing.

B.---Requirements.---To-be-eligible-for-an-aircraft-servicing,-maintaining-and-repairing-endorsement,-the-applicant-shall-show-an-available shop-maintenance-facility,-whether-owned-or-leased,-which-meets-the-following-standards.

1.---A-building-or-portion-of-a-building-located-on-a-public-or private-commercial-airport,-of-adequate-size-to-completely-enclose-at least-one-fully-assembled-aircraft-with-sufficient-space-to-work-on-the aircraft.

2.---Adequate-fire-protection-equipment-to-meet-the-standards-of the-local-fire-marshal's-office,-but-not-less-than-one-outward-swinging personnel-exit-door-and-one-fully-charged-fire-extinguisher-with-a-minimum-of-ten-pounds-of-carbon-dioxide-or-its-equivalent.

3.--At-least-one-"A-&-P"-mechanic-or-one-"A"-mechanic-and-one "P"-mechanic-shall-be-employed.

C.--Insurance.--The-minimum-insurance-coverage-for-each-accident shall-be-of-the-following-types-and-amounts:

1.--$100,000-per-person-and-$300,000-per-accident-for-premise hazard-for-bodily-injury.

2.--$100,000-per-accident-for-premise-hazard-for-property-damage.

3.--Products-hazard-insurance-shall-be-carried.

D.--The-applicant-must-meet-the-requirement-of-14-MCAR-§-1.3017.

[Portions of the following rule (§ 1.3026) are now found in § 1.3027.]

14-MCAR-§-1.0026--Commuter-air-carriers.

A.--Any-person-offering-to-provide-scheduled-air-transportation-in this-state-must-obtain-a-commercial-operations-license-and-a-scheduled air-carrier-certificate-of-registration-from-the-Commissioner-before engaging-in-such-activity,-and-annually-thereafter.

B.--As-used-in-these-rules,-"air-carrier"-means-that-person-owning, controlling,-operating-or-managing-aircraft-as-a-common-carrier-of-either persons-or-property,-or-both,-for-compensation-on-regularly-scheduled flights.

C.--These-regulations-do-not-apply-to-that-portion-of-an-air-carrier's operations-in-this-state-which-is-conducted-between-points-named-in-a then-current-certificate-of-public-convenience-and-necessity-issued-by the-Civil-Aeronautics-Board,-or-its-successor.

D.--No-air-carrier-shall-operate-aircraft-on-regularly-scheduled flights-except-in-accordance-with-the-provisions-of-these-regulations.

E.--Requirements.--Any-person-requesting-an-endorsement-to-certify his-authority-to-engage-in-commuter-air-carrier-service-on-his-commercial-operations-license-must-meet-the-following-minimum-requirements.

1.--ATCO-certificate.--The-commuter-air-carrier-shall-be-the holder-of-an-air-taxi/commercial-operator-certificate-with-operation specifications-as-issued-by-the-Federal-Aviation-Administration,-and-a letter-of-registration-from-the-Civil-Aeronauties-Board.--A-copy-of-this certificate-with-operating-specifications-shall-be-attached-to-the-application.

2.--Use-agreements.--A-copy-of-current-use-agreements-with owners-of-each-airport-to-be-served-in-the-state-shall-be-attached-to-the application.--Each-agreement-shall-set-forth-what-facilities-will-be-used on-the-airport.

3.--Faithful-performance-bond.--Covering-advance-ticket-sales.

a.--The-commuter-air-carrier-must-file-with-the-Commissioner,-on-a-form-provided-by-him,-a-fully-executed-copy-of-a-continuous corporate-surety-bond-to-the-State-of-Minnesota-in-the-sum-of-$10,000 conditioned-upon-the-refund-of-all-unperformed-advance-ticket-sales-to passengers-made-by-such-commuter-air-carrier-or-his-agents.--The-aggregate liability-for-the-surety-of-all-breaches-of-the-conditions-of-the-bond in-no-event-shall-exceed-the-principal-sum-of-$10,000.--The-surety-on such-bond-may-cancel-such-bond-upon-giving-sixty-days'-notice-in-writing to-the-Commissioner,-and-thereafter-the-surety-shall-be-relieved-of-the liability-for-any-breach-of-conditions-occurring-after-the-effective-date of-cancellation.--Whenever-a-bond-under-this-section-ceases-to-be-in effect-for-any-reason,-the-commercial-operations-license-shall-be-revoked.

b.--The-bond-shall-not-enlarge-upon-or-alter-in-any-way the-ticket-contract-between-the-commuter-air-carrier-and-its-customers.

4.--Aireraft.--In-the-applieation,-the-eommuter-air-earrier must-inform-the-Commissioner-of-all-aireraft-(by-faetory-make,-model, and-"N"-number)-that-the-eommuter-air-earrier-intends-to-use-within-the state.

5.--Sehedules-and-rates.--The-eommuter-air-earrier-must-submit a-eopy-of-its-proposed-sehedules-and-its-proposed-passenger-and-freight rates-with-eaeh-applieation.--No-sehedule-or-rate-ehange-shall-be-made without-notifying-the-Commissioner-as-to-sueh-ehange-at-least-ten-days before-sueh-ehange-is-to-go-into-effeet.

6.--The-eommuter-air-earrier-shall-file-with-the-Commissioner a-eopy-of-all-reports-whieh-it-files-with-the-Civil-Aeronauties-Board-or its-sueeessor-ageneies,-sueh-filing-to-be-done-within-ten-days-after-sueh reports-are-filed-with-said-ageneies.

F.--Insuranee.--The-minimum-insuranee-eoverage-for-eaeh-aeeident-shall be-the-types-and-amounts-as-speeified-by-the-Civil-Aeronauties-Board.

[Portions of the following rule (§ 1.3027) are now found in § 1.3029.]

14-MCAR-§-1.3027--Flying-elubs.

A.--Flying-Club.-Minn.-Stat.-§§-360.013,-subd.-18-(1967),-reads-as follows:--"-'Flying-Club'-means-any-person-other-than-an-individual-whieh neither-for-profit-nor-reward,-owns,-leases,-or-uses-one-or-more-aireraft for-the-purpose-of-instruetion-or-pleasure,-or-both."

B.--Registration.--Eaeh-flying-elub,-whieh-at-any-time-during-a-pre-eeding-ealendar-year,-has-five-or-more-members-shall-register-annually with-the-Commissioner.--Sueh-registration-shall-report-eonditions-as-of Deeember-31,-of-eaeh-year,-and-shall-be-filed-with-the-Commissioner-by January-31-of-eaeh-year.

1.--The-name-and-address-of-the-flying-club,-the-airport-or airports-at-which-its-aireraft-are-based,-and-the-make,-model-and-"N" number-of-the-aireraft-that-the-club-either-owned-or-used-during-the past-calendar-year.

2.--The-form-of-organization-of-the-flying-club--that-is, whether-it-is-a-corporation-or-a-partnership.

3.--The-name,-home-address-and-phone-number-and-business-address and-phone-number-of-the-Club-Safety-and-Operations-Officer.

4.--A-statement-describing-what-renumeration-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-such-members-to-the-club,-and-a-description-of-the-goods-sold by-such-member-of-the-club.

C.--Club-Safety-and-Operations-Officer.--Every-flying-club-must appoint-a-Club-Safety-and-Operations-Officer-and-set-forth-his-duties-in their-operating-rules-or-bylaws.

D.--Responsibilities-of-the-Club-Safety-and-Operations-Officer.--The Club-Safety-and-Operations-Officer-will-be-responsible-for-the-records-of the-club's-operation.--These-records-must-be-up-to-date-and-in-an-orderly form.

These-records-must-contain-the-following-information.

1.--Names-and-addresses-of-all-current-members.

2.--If-the-flying-club-is-a-corporation,-then-the-articles-of incorporation-and-all-amendments-thereto,-the-current-bylaws,-minutes-of the-corporation,-and-all-shareholder-agreements.--If-the-flying-club-is a-partnership,-then-the-current-articles-of-partnership-and-all-current partnership-agreements.

3.--All-club-operating-rules.

4.--The-share-in-club-assets-held-by-each-member,-stated-by percentage-or-dollars.

5.--The-voting-rights-of-each-member,-stated-by-percentage-or dollars.

6.--The-rights-of-each-member-to-the-assets-of-the-club,-stated by-percentage-or-dollars,-in-case-of-dissolution-of-the-club-if-a-corporation,-and-in-case-of-termination-of-the-club,-if-a-partnership.

7.--A-statement-of-financial-condition-of-the-flying-club-at-the end-of-its-preceding-fiscal-year,-or-at-the-end-of-its-preceding-calendar year,-as-the-case-may-be,-showing-the-assets-and-liabilities-of-the-club.

8.--An-operating-statement-of-the-club-for-the-preceding-fiscal year,-or-the-preceding-calendar-year,-as-the-case-may-be,-showing-the profits-or-losses,-or-a-statement-of-receipts-and-disbursements,-of-the club,-as-the-case-may-be,-for-that-period-of-time.

E.--Inspection-of-records.--The-Commissioner,-or-any-employees-of the-department-designated-by-him,-shall-have-the-right-to-inspect-the books-and-record-of-any-flying-club,-including-but-not-limited-to,-the records-referred-to-above.

F.--Statutory-definitions.--Statutory-definitions,-where-applicable, shall-apply-to-these-rules.--As-a-matter-of-convenience,-the-following statutory-definitions-are-set-forth-below.

1.--Commercial-Operations,-Minn.-Stat.-§-360.013,-subd.-11. "-'Commercial-Operations'-means-any-operations-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, parachute jumping, and forfeitures so long as the purpose and the actual effect thereof is to enforce valid club rules; or

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

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

4. If the club charters, leases or rents their aircraft or any interest in their aircraft to any persons or organizations other than fully qualified members of said club; provided, however, that this paragraph shall not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators; or

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

~~6.--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-Minn.-Stat.-§-360.13,-subd.-16-and 17-(1967)),-provided,-however,-that-this-rule-does-not-prohibit-a-club from-providing-or-arranging-for-"air-instruction,"-so-long-as-it-is-not for-compensation-or-hire,-provided-further-that-this-rule-does-not-prohibit-a-bona-fide-club-member-from-paying-compensation-to-an-"aeronauties instructor"-for-"air-instruction."~~

~~I.--A-flying-club-shall-not-be-deemed-to-be-engaged-in-commercial operations:~~

~~1.--Solely-for-the-reason-that-an-"aeronauties-instructor"-gives "air-instruction"-for-hire-to-bona-fide-members-of-a-flying-club-(see Minn.-Stat.-§-360.013,-subd.-19-(1967)-and-Regulation-(h)(6).~~

~~2.--Solely-for-the-reason-that-a-member-of-the-flying-club-services,-maintains-or-repairs-the-club's-aircraft.~~

Chapter Three §§ 1.3017-1.3018 Seaplane operations.

14 MCAR § 1.3017 Seaplane operations.

A. Compliance with marine traffic rules and regulations. All seaplanes must comply with marine traffic rules and regulations if such rules and regulations do not interfere with the safe operations of aircraft.

B. Approaches and take-offs. All approaches to and take-offs from the water area shall be made in such a manner as to clear all structures on the land by at least 100 feet, and wherever the area of the body of water will permit, such landing and take-offs shall be made at a distance of not less than 300 feet, both laterally and vertically, from any boat or person on the surface of the water, or as near to 300 feet as the area of the water will permit.

14 MCAR § 1.3018 Seaplane operations within the seven-county metropolitan area.

A. Scope. 14 MCAR § 1.3018 covers seaplane operations on all public waters within the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

B. Seaplane operations are permitted only on the following public waters within the seven-county metropolitan area.

1. Anoka County

a. Centerville Lake

b. Clear Lake

c. Coon Lake

d. George Watch Lake

e. Ham Lake

f. Howard Lake

g. Lake George

h. Linwood Lake

i. Martin Lake

j. Mississippi River

k. Mud Lake

l. Otter Lake

m. Peltier Lake

n. Pickerel Lake

o. Reshenav Lake

p. Rice Lake

q. Round Lake

2. Carver County

a. Goose Lake

b. Hazeltine Lake

c. Lake Minnewashta

d. Lake Pettersen

e. Lake Riley

f. Lake Waconia

g. Lundsten Lake

h. Mud Lake

i. Oak Lake

j. Parley Lake

k. Pierson Lake

l. Tiger Lake

3. Dakota County

a. Alimagnet

b. Byllesby Reservoir

c. Crystal Lake

d. Lake Marion

e. Mississippi River

f. Orchard Lake

g. St. Croix River

4. Hennepin County

a. Bryant Lake

b. Diamond Lake

c. Eagle Lake

d. Fish Lake

e. French Lake

f. Lake Independence

g. Lake Minnetonka, except the following areas:

Black Lake, Emerald Lake, French Lake, Forest Lake, Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, Tanager Lake

h. Lake Sarah

i. Medicine Lake

j. Mississippi River

k. Schmidt Lake

l. Whaletail Lake

5. Ramsey County

a. Bald Eagle Lake

b. Lake Owasso

c. Lone Lake

d. Mississippi River

e. Turtle Lake

f. White Bear Lake

6. Scott County

a. Cedar Lake

b. Geis Lake

c. Pleasant Lake

d. Prior Lake East

e. Prior Lake West

f. Spring Lake

7. Washington County

a. Big Carnelian Lake

b. Big Marine Lake

c. Forest Lake

d. Lake Elmo

e. Mississippi River

f. Oneka Lake

g. St. Croix River

C. Prohibited operations. Seaplane operations are prohibited on all public waters within the seven-county metropolitan area not listed in paragraph B of this section. NOTE: See paragraph E of this section.

D. 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:

1. Lake Minnetonka and all bays and lakes therein.

2. White Bear Lake and all bays and lakes therein.

3. Lake Owasso and all bays and lakes therein.

However, this restriction contained in D. shall not apply to the holder of a Private or Personal-use Seaplane Base License issued under 14 MCAR § 1.3011 and § 1.3013 while operating to and from his licensed base subject to the following conditions:

1. Such operations are limited to a maximum of one takeoff and one landing during these restricted hours; and

2. Such operations are authorized only when lake traffic and use permit such operations to be conducted in a safe and reasonable manner.

E. Emergency use. Nothing in 14 MCAR § 1.3018 shall be construed to prohibit the landing or taking off of a seaplane in case of a bona fide emergency.

F. Ski-equipped aircraft. When lakes are frozen, aircraft equipped with either wheels or skis may operate on the lakes if such operations can be conducted in a safe and reasonable manner relative to lake traffic and use.

Chapter Four: --§-1.3028

14-MCAR--§-1.3028--General-operation-rules.

A.--Scope.--This-part-governs-the-operation-of-civil-aircraft-in the-state.

B.--Registration-certificate.--A-registration-certificate-issued-to the-owner-of-the-aircraft-by-the-FAA-shall-be-carried-in-the-aircraft-at all-times,-and-the-current-state-registration-decal-shall-be-affixed-to the-aircraft-in-the-prescribed-manner.

C.--Airworthiness-certificate.--An-airworthiness-certificate-or special-authorization-issued-by-the-FAA-approving-its-operation-shall-be carried-in-the-aircraft-at-all-times-during-flight.

D.--Aircraft-and-engine-records.--The-registered-owner-of-every-aircraft-certificated-as-being-airworthy-by-the-FAA-shall-maintain-and-keep available-for-inspection-and-for-transfer-with-the-aircraft-or-engine-the following-aircraft-and-engine-records:

1.--Flight-time-of-aircraft-and-each-engine.

2.--Reports-of-inspections.

E.--A-mechanical-device-which-records-the-total-time-of-operation or-the-total-number-of-engine-revolutions-may-be-used-in-lieu-of-individual-flight-entries,-provided-the-totals-are-recorded-in-the-record at-regular-intervals.

F.--Entries-shall-be-made-showing-each-repair,-rebuilding,-and alteration-of-any-aircraft,-powerplant,-propeller,-and-such-entries-shall contain:

1.--An-adequate-description-of-the-work-performed.

2.--The-date-of-completion-of-the-work-performed.

3.--The-name-of-the-individual,-repair-station,-or-manufacturer performing-the-work.

~~4.--Signature of the person approving the work performed as airworthy and authorizing the return of the aircraft or component to service.~~

~~G.--General.--An aircraft shall not be flown unless it is in airworthy condition.~~

~~H.--Airworthiness inspection.--An aircraft shall not be flown except for airworthiness flight tests, unless it has been found to be airworthy by a person designated by the FAA.~~

Chapter Four §§ 1.3019-1.3028: Licensing of Commercial Operations.

14 MCAR § 1.3019 General commercial operations rules.

A. 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, parachute jumping and the operation of aircraft for fishing. "Commercial Operations" also means brokering or selling of any of the aforesaid services but does not include any operations of aircraft as common carriers by the federal government or the services incidental thereto. NOTE: Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defined in this chapter.

B. License. Every person who does in fact provide or who advertises, represents or holds themselves out as giving or offering to provide such

service, must be licensed by the Commissioner. The license shall contain endorsements showing the type or types of commercial operations the licensee is authorized to perform. Such persons must be licensed by the Commissioner before they advertise, represent or hold themselves out as giving or offering to provide such service or services.

C. Application. Application for license shall be made on forms supplied by the Commissioner.

D. Fee. The fee shall be $10.00 annually and must accompany the application.

E. Duration and renewal. The license issued under this section shall be effective for one year from the date of issuance thereof and shall be renewed annually. Application for renewal shall be made 30 days before the expiration of the current license.

F. Nontransferability. The license shall not be transferable to other persons.

G. Display. The license issued under this section shall be posted in a prominent place in the office of the licensee.

H. Notice of change. The licensee shall immediately notify the Department of Transportation in writing of any change in the status of such commercial operation relating to ownership, activities, aircraft or key personnel.

I. Place of business.

1. Each applicant for a commercial operations license must have a place of business.

2. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing, then such applicant's base of operations shall be on:

a. An airport licensed for public use by the Commissioner as provided by law or an airport owned by the Metropolitan Airports Commissioner, or:

b. A private airport licensed by the Commissioner if that airport meets the requirements of 14 MCAR § 1.3007, § 1.3008 and § 1.3009.

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

4. A personal-use airport licensed by the Commissioner may be used for commercial operations which are not included in paragraphs 2 and 3 above.

J. Airport authorization. If the applicant does not own the airport, he or she must submit evidence from the owner that he or she meets the airport owner's minimum standards for such commercial operation and is authorized to operate from such airport.

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

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

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

2. An accurate list of airman personnel employed by the commercial operator, together with the airman certificate type, number of ratings, address and where necessary, date of last physical examination.

3. A list of aircraft used in the commercial operation and the current Minnesota Department of Transportation registration decal number.

M. 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.

N. Aircraft maintenance. An applicant whose commercial activity includes the operation of an aircraft and who is also not licensed to perform aircraft servicing, maintaining, and repairing must have a contract or agreement with a commercial operator licensed to perform these services for all aircraft used in the commercial activity, or employ a mechanic certificated by the FAA for the type of servicing, maintaining and repairing to be performed.

O. Cooperation. The applicant for a commercial operations license shall offer full cooperation with respect to any inspection which may be made of his operation upon proper demand at reasonable hours by the Commissioner or any authorized representative of the Commissioner prior to or subsequent to the issuance of a license.

P. Endorsements. To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of 14 MCAR § 1.3019, unless specifically exempted therefrom, and must also comply with the appropriate regulation for the type or types of commercial operations applied for.

Q. Insurance.

1. Unless otherwise specified in this chapter, 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 which provide coverage for each aircraft in the

types and amounts as specified in the appropriate rule for the type or types of commercial operations applied for.

2. The applicant shall ensure that the insurance company or companies which hold the insurance contracts are authorized by the Insurance Commissioner to do business in the State of Minnesota.

3. Any contract of insurance to be approved by the Commissioner shall carry an endorsement stating that such contract cannot be cancelled by the insurer until five days' notice in writing of such cancellation has been given the Commissioner by the insurer. In any case, where an insurance contract is cancelled, notice of such cancellation shall immediately thereafter be given to the Commissioner by the insurer.

14 MCAR § 1.3020 Flight school.

A. Flight school. Any person engaged in giving or offering to give dual flight instruction leading to a pilot's certificate or rating or giving or offering to give solo flight instruction leading to a pilot's certificate or rating for hire or compensation, or advertising, representing, or holding himself out as giving or offering to give such instruction, shall be considered to be operating a flight school, except:

1. Company instruction. A company engaged in flight operation giving flight instruction to its own employees in furtherance of their duties in conjunction with that flight operation.

2. Public schools. Any public school, the University of Minnesota, 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.

3. Aeronautics instructor. Any individual engaged in giving

flying or ground subjects, or both, for hire or compensation, without advertising such occupation, without calling facilities an "air school" or anything equivalent thereto, without employing or using other instructors and without operating an aircraft for compensation or hire for the purpose of flight instruction.

B. Minimum requirements. To be eligible for a flight school endorsement, an applicant shall show compliance with the following minimum requirements:

1. Office. The flight school operator shall show that he or she has an office of adequate size with the necessary facilities and equipment for the operation of the school.

2. Records. The flight school operator shall keep and maintain complete and adequate records of the flight instruction given to all enrolled students, showing the date, the amount of dual or solo instruction, the maneuvers given, the aircraft used and the name of the instructor of each dual flight. These records shall be available for inspection at the flight school office and shall be retained for at least one year from the date of the last entry.

3. Curriculum. The applicant must show to the satisfaction of the Commissioner 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 FAR Part 61. All course outlines shall include a review of Minnesota Statutes and Rules relating to Aeronautics that are pertinent to that course.

a. 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.

b. The flight instruction given to each regularly enrolled student shall be in accordance with such course outline, a copy of which shall be made available to each student.

4. Rules. The flight school operator shall establish and enforce the rules which shall govern the flight school operation, including rules relating to the traffic pattern, practice areas, taxi rules, flight rules and other safety procedures. A diagram of the traffic pattern and the practice area shall be posted on a bulletin board at the flight school. Other rules and safety procedures of the school shall be readily available to all students. A copy of the rules shall be submitted with the application.

5. Insurance. The minimum insurance coverage for each aircraft shall be of the following types and amounts:

a. $75,000 per passenger seat for passenger liability.

b. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

c. $100,000 per plane for property damage.

d. Each flight school operator shall advise the student as to whether or not he or she is specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The flight school operator must then obtain a signed statement of acknowledgement of this disclosure from the student.

6. Faithful performance bond covering students. The applicant must file with the Commissioner a continuous corporate surety bond to the State of Minnesota in the sum of $5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

a. The aggregate liability for the surety for all breaches of conditions of the bond in no event shall exceed the principal sum of $5,000.

b. The surety of any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the flight school license shall be revoked.

c. The bond form shall be provided by the Commissioner.

d. A copy of the executed bond certificate shall be attached to the application.

C. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3021 Ground school and aeronautical correspondence school.

A. Ground school and aeronautical correspondence school. A ground school or aeronautical correspondence school shall be any person giving or offering to give instruction in aeronautical ground subjects leading to a pilot's certificate or rating, for hire or compensation, except any public school, the University of Minnesota, 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.

B. Requirements. To be eligible for a ground school or an aeronautical correspondence school endorsement, the applicant shall meet the following minimum requirements:

1. Classroom. The applicant shall maintain a suitable classroom with adequate seating facilities for the maximum number of students enrolled in each class. Such classrooms shall be properly heated,

lighted and ventilated, and the students shall have access to proper sanitary facilities. This requirement shall not apply to aeronautical correspondence schools.

2. Records. The applicant shall maintain adequate records of the instruction given, which shall show the date, the hours of attendance, the subjects covered, the examination given and the grade achieved by each student. Such records shall be maintained for at least one year from the date of last entry and shall be available for inspection.

3. Curriculum. Each school shall show to the satisfaction of the Commissioner a curriculum so organized as to properly qualify each student completing the particular course for the grade of pilot certificate he or she is seeking. All course outlines shall include a review of the Minnesota Statutes and Rules relating to Aeronautics that are pertinent to that course. In the case of an FAA approved school, the FAA approved curriculum will be acceptable, if the review of the Minnesota Statutes and Rules is included.

4. Faithful performance bond covering ground school and aeronautical correspondence school students. The applicant must file with the Commissioner a continuous corporate surety bond to the State of Minnesota in the sum of $5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

a. The aggregate liability for the surety for all breaches of the conditions of the bond in no event shall exceed the principal sum of $5,000.

b. The surety on any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter

the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the ground school or aeronautical correspondence school license shall be revoked.

c. The bond form shall be provided by the Commissioner.

d. A copy of the executed bond certificate shall be attached to the application.

5. Instructor. The applicant must have at least one FAA certificated flight or ground instructor to certify training reports.

6. Certification. The applicant must be able to certify to the student that he or she has satisfactorily completed the course of instruction or home study in the appropriate knowledge areas for the rating sought.

C. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3022 Aircraft charter.

A. Charter operations. Any person engaged in flying persons or property from place to place, or offering to provide such service for hire or compensation, who does not hold a certificate of public convenience and necessity from the Civil Aeronautics Board or its successor, or who does not hold a license as a commuter air carrier under 14 MCAR § 1.3027, shall be deemed to be engaged in a charter operation and shall have an endorsement on their commercial operations license to certify their authority to engage in charter operations.

B. ATCO certificate. The applicant shall be the holder of an air taxi/commercial operator certificate with operating specifications as issued by the Federal Aviation Administration, and a valid letter of

registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

C. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautic Board.

D. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3023 Aircraft rental or leasing.

A. Aircraft rental or leasing. Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or compensation shall be deemed to be in the business of renting or leasing aircraft and must have an endorsement on their commercial operations license certifying their authority to engage in such activity.

B. Records. The holder of a commercial operations license with an aircraft rental or leasing endorsement shall keep and maintain a complete and adequate set of records to show the following:

1. The name of the pilot renting or leasing an aircraft.

2. The identification of the aircraft rented or leased.

3. The date, time and duration of the flight for which the aircraft was rented or leased.

C. 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, such flight shall be given the lessee by a person holding an effective commercial pilot, flight instructor or airline transport pilot certificate. The commercial operator shall assure that a designated person capable of determining an aircraft is properly serviced is present when an aircraft is checked out.

D. Insurance. The minimum insurance coverage for each aircraft shall be of the following types and amounts:

1. $75,000 per passenger seat for passenger liability.

2. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

3. $100,000 per plane for property damage.

4. 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 flight school's insurance policy and the type and extent of coverage, if any. The commercial operator must then obtain a signed statement of acknowledgement of this disclosure from the renter pilot or lessee.

E. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3024 Air ambulance service.

A. Air ambulance service. Any person engaged in flying ambulance stretcher cases from place to place, or offering to provide such service for hire or compensation, shall be deemed to be engaged in air ambulance service and shall have an endorsement on their commercial operations license certifying their authority to engage in air ambulance service.

B. Aircraft. Each aircraft to be used as an amublance for the purpose of transporting stretcher cases shall have ample area to accommodate a regulation ambulance cot or aircraft ambulance stretcher in a horizontal position, and shall be designed to permit loading without excessive tilting. The aircraft shall be equipped with at least one safety belt for securing the person and cot or stretcher to the aircraft.

C. Department of Health certificate. The air ambulance service shall be the holder of a current authorized air ambulance service certificate

with specifications for non-emergency or emergency service, or both, issued by the Minnesota Department of Health. A copy of the certificate shall be attached to the application.

D. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

E. Transportation of dead human bodies. The provisions contained in this section shall also apply to the transportation of dead human bodies by aircraft. Such bodies shall be enclosed in a suitable container as specified by the State Department of Health and shall be transported on the type of cot or stretcher described in B above.

F. Air taxi/commercial operator certificate. The air ambulance service shall be the holder of an air taxi/commercial operator certificate with operating specifications as issued by the Federal Aviation Administration and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

G. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3025 Aerial spraying or dusting.

A. Aircraft spraying or dusting. Any person applying or offering to apply chemicals or other substances from an aircraft shall be deemed to be engaged in aerial spraying or dusting.

B. Emergency provision. If an emergency is declared with respect to crop conditions, the Commissioner may authorize variances from the rules.

C. Department of Agriculture certification. No commercial operations license to engage in agricultural spraying or dusting will be issued until the applicant furnishes evidence that the requirements of the Minnesota Department of Agriculture are met.

D. Aircraft and pilot safety equipment. Every aircraft used for aerial spraying or dusting in this state shall be provided with a positive method of shutting off distribution of chemicals or other substances which shall prevent material from leaking or dropping except over the areas of intended application. Each pilot shall wear a seat belt, shoulder harness and protective headgear during flight operations.

E. Nonresident applicant. Every nonresident commercial operation applicant shall provide on the application a permanent address for the business.

F. Aircraft. In the application, the aerial applicator must inform the Commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the aerial applicator intends to use within the state.

G. Certificate. The applicant shall certify that he or she is the holder of an FAA commercial agricultural aircraft operator certificate.

H. Insurance. The minimum insurance coverage for each aircraft shall be the following types and amounts:

1. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

2. $100,000 per plane for property damage.

I. The applicant must meet the requirements of 14 MCAR § 1.3019 unless specifically exempted therefrom.

14 MCAR § 1.3026 Aircraft servicing, maintaining and repairing.

A. Aircraft servicing, maintaining and repairing. Any person who for compensation or for hire, provides or offers to provide aircraft maintenance (as defined in FAR Part 1), major or minor repair, alteration

to airframes or aircraft power plants or both, shall be deemed to be engaged in the business of aircraft servicing, maintaining and repairing and shall have a commercial operations license with an endorsement to certify their authority to engage in aircraft servicing, maintaining and repairing.

B. Requirements. To be eligible for an aircraft servicing, maintaining and repairing endorsement, the applicant shall meet the following minimum standards:

1. 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.

2. Adequate fire protection equipment to include at least:

a. One fully charged fire extinguisher with a minimum of ten pounds of carbon dioxide or its equivalent maintained in an operational condition.

b. One outward swinging personnel exit door.

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

C. Insurance. The minimum insurance coverage shall be of the following types and amounts:

1. $100,000 per person and $300,000 per occurrence for premise hazard for bodily injury.

2. $100,000 per occurrence for premise hazard for property damage.

3. Products hazard insurance shall be carried.

4. Each person who provides aircraft servicing, maintaining and repairing shall advise his or her clients as to whether or nor hangarkeepers insurance is in force and the extent of such coverage, if any.

D. The applicant must meet the requirement of 14 MCAR § 1.3019.

14 MCAR § 1.3027 Commuter air carriers.

A. Any person offering to provide scheduled air transportation in this state must obtain a commercial operations license and a scheduled air carrier certificate of registration from the Commissioner before engaging in such activity, and annually thereafter.

B. As used in these rules, "air carrier" means that person owning, controlling, operating or managing aircraft as a common carrier of either persons or property, or both, for compensation on regularly scheduled flights.

C. These regulations do not apply to that portion of an air carrier's operations in this state which is conducted between points named in a then-current certificate of public convenience and necessity issued by the Civil Aeronautics Board or its successor.

D. No air carrier shall operate aircraft on regularly-scheduled flights except in accordance with the provisions of these rules.

E. Requirements. Any person requesting an endorsement to certify their authority to engage in commuter air carrier service on their commercial operations license must meet the following minimum requirements:

1. ATCO certificate. The commuter air carrier shall be the holder of an air taxi/commercial operator certifcate with operation specifications as issued by the Federal Aviaiton Administration, and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

2. Use agreements. A copy of current use agreements with owners of each airport to be served in the state shall be attached to the application. Each agreement shall set forth what facilities will be used on the airport.

3. Faithful performance bond covering advance ticket sales.

a. The commuter air carrier must file with the Commissioner, on a form provided by him, a fully executed copy of a continuous corporate surety bond to the State of Minnesota in the sum of $10,000 conditioned upon the refund of all unperformed advance ticket sales to passengers made by such commuter air carrier or their agents.

b. The aggregate liability for the surety of all breaches of the conditions of the bond in no event shall exceed the principal sum of $10,000.

c. The surety on such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner, and thereafter the surety shall be relieved of the liability for any breach of conditions occurring after the effective date of cancellation.

d. Whenever a bond under this section ceases to be in effect for any reason, the commercial operations license shall be revoked.

e. The bond shall not enlarge upon or alter in any way the ticket contract between the commuter air carrier and its customers.

4. Aircraft. In the application, the commuter air carrier must inform the Commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the commuter air carrier intends to use within the state.

5. Schedules and rates. The commuter air carrier must submit a copy of its proposed schedules and its proposed passenger and freight rates with each application. No schedule or rate change shall be made without notifying the Commissioner as to such change at least ten days before such change is to go into effect.

6. The commuter air carrier shall file with the Commissioner a copy of all reports which it files with the Civil Aeronautics Board or its successor agencies, such filing to be done within ten days after such reports are filed with said agencies.

F. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

G. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3028 Commercial parachuting.

Any person engaged in parachuting for hire or compensation must be licensed in accordance with Minn. Stat. § 360.013, subd. 11 (1978), as a commercial operator. The applicant shall meet the requirements of 14 MCAR § 1.3019.

~~Chapter Five. --§§ 1.3029-1.3031 Airmen.~~

~~14 MCAR § 1.3029 Pilot operating rules.~~

~~A. Pilot certificate. No person shall pilot a civil aircraft in this state unless he has in his personal possession at all times while piloting an aircraft a valid pilot certificate with appropriate ratings issued by the FAA or an appropriate and valid foreign pilot certificate. Such a certificate shall be presented for examination to any inspector of the FAA or state or local law enforcement officer, or a representative of the Department of Transportation upon request of such inspector or enforcement officer.~~

~~B. Medical certificate and renewal. No person shall pilot an aircraft under authority of a pilot certificate issued by the FAA unless he has in his personal possession at all times when piloting an aircraft a medical certificate showing that he has met the physical requirements appropriate to his rating within the following time limits.~~

1.--Student-or-private-pilot:--24-calendar-months.

2.--Commercial-pilot:--12-calendar-months,-or-24-calendar-months for-operations-requiring-only-a-private-pilot-rating.

3.--Airline-transport-pilot:--6-calendar-months,-or-12-calendar months-for-operations-requiring-only-a-commercial-pilot-rating,-or-24 calendar-months-for-operations-requiring-only-a-private-pilot-rating.

C.--Operation-during-physical-deficiency.--A-person-shall-not-pilot any-aircraft-during-a-period-of-any-known-physical-deficiency-or-increase in-physical-deficiency-which-would-render-him-unable-to-meet-the-physical requirements-prescribed-for-the-issuance-of-his-currently-effective-medical-certificate.

14-MCAR-§-1.3030-Student-pilot-limitations.

A.--General-limitations.--No-student-pilot-shall-pilot-an-aircraft carrying-a-passenger-or-on-an-international-flight-or-for-compensation or-hire-or-in-furtherance-of-a-business.

B.--Requirements-for-first-solo.--A-sutdent-pilot-shall-not-operate an-aircraft-in-solo-flight-until-he-is-familiar-with-the-pertinent-provisions-of-Part-61-of-the-Federal-Aviation-Regulations-(FAR)-relating-to the-general-and-visual-flight-rules,-and-he-has-been-found-competent-by a-flight-instructor-to-make-such-flight-and-authority-therefor-has-been endorsed-by-such-instructor-on-the-student's-pilot-certificate-for-solo flight-in-that-make-and-model-of-aircraft.

C.--Flight-area-limitations.--A-student-pilot-shall-not-pilot-an aircraft-outside-a-local-flying-area-designated-by-his-flight-instructor until-his-student-pilot-certificate-is-endorsed-by-an-appropriately-rated flight-instructor-who-has-determined-that-he-is-qualified-to-make-a-solo cross-country-flight-in-accordance-with-FAR.

D.--Aircraft limitations.--A student pilot shall not pilot an aircraft other than that of the category, class, and type which has been endorsed on his student certificate by a flight instructor.

E.--Recent experience.--A student pilot who has not piloted a powered aircraft within 90 days shall not pilot such aircraft in solo flight until he has passed a flight check given by a flight instructor and that fact has been endorsed by such instructor in the student pilot's logbook.

F.--Endorsement of student pilot certificate.--A flight instructor shall endorse the certificate of any student pilot for solo flight or flights in different categories, classes, and types of aircraft only if he has determined that the student is competent to exercise such privileges with safety, and for cross country flight only if he has additionally determined that the student has an elementary knowledge of aeronautical charts, meteorological data, and the use of a magnetic compass, in accordance with FAR.

14-MCAR--§ 1.3031--Private and commercial pilots.

A.--Private pilot.--A private pilot shall not pilot aircraft for compensation or hire, except that he may pilot aircraft in connection with any business or employment in which he is engaged, if the flight is merely incidental thereto and does not involve the carrying of persons or property for compensation or hire, and an aircraft salesman holding a private pilot rating may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time.

B.--Commercial pilot.--A commercial pilot may pilot aircraft for hire.

C.--Airline transport pilot.--An airline transport pilot may exercise the privileges of a commercial pilot with an instrument rating.

~~D.--Rating requirements.--A private or commercial pilot shall not pilot an aircraft carrying passengers other than an aircraft of the type and class for which he is rated, but may pilot other aircraft without passengers unless limitations placed on his certificate prohibit him from doing so.~~

~~(NOTE.--Nothing contained in this section shall be construed as relieving the restrictions with respect to private pilots operating aircraft for hire.)~~

~~E.--Flight instruction limitations.--This section governs flight instruction as follows:~~

~~1.--Aircraft.--Aircraft shall be equipped with fully functioning dual controls.~~

~~2.--Flight time.--A flight instructor shall not give more than 8 hours of dual flight instruction in any one day and not more than 36 hours of dual flight instruction in any 7 day week.~~

~~F.--Instrument flight limitations.--A pilot shall not pilot aircraft under instrument flight rules unless he holds a valid instrument rating issued by the FAA and meets the requirements set forth in G. below.~~

~~G.--Recent flight experience.--No person may operate an aircraft under 14 MCAR § 1.0031 unless he meets the requirements set forth in "Recent Flight Experience Pilot in Command" as set forth in FAR 61.57.~~

Chapter Five § 1.3029: Flying Clubs.

14 MCAR § 1.3029 Flying clubs.

A. Flying club.

1. "Flying club" means any person other than an individual which neither for profit nor compensation, owns, leases, or uses one or more aircraft for the purpose of instruction, business, or pleasure.

2. Intent. A flying club is intended as benefiting the members of the group for pilot proficiency or instruction, or personal business use, or pleasure flying.

B. Registration. Each flying club shall register annually with the Commissioner. This registration shall report conditions as of December 31 of each year, and shall be filed with the Commissioner by January 31 of each year. This registration report shall include the following:

1. 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 the current Minnesota registration decal number of the aircraft that the club either owned or used during the past calendar year.

2. The form of organization of the flying club--that is, whether it is a corporation or a partnership.

3. The name, home address and phone number, and business address and phone number of the Club Safety and Operations Officer.

4. The name of the club's insurance company, the policy number and its expiration date, and the amounts and types of coverage.

5. The amount or share in club assets held by each member of the club.

6. A statement describing what remuneration was paid to members of the club, monthly and annually, during the preceding calendar year, a description of the services rendered by such members to the club, and a description of the goods sold by such member of the club.

C. Club Safety and Operations Officer. Every flying club must appoint a Club Safety and Operations Officer and set forth his or her duties in their operating rules or bylaws:

D. Responsibilities of the Club Safety and Operations Officer. The Club Safety and Operations Officer shall be responsible for the record of the club's operation. These records shall be up to date and in an orderly form and shall contain the following information:

1. Names and addresses of all current members.

2. If the flying club is a corporation, then the articles of incorporation and all amendments thereto, the current bylaws, minutes of corporation, and all shareholder agreements. If the flying club is a partnership, then the current articles of partnership and all current partnership agreements.

3. All club operating rules.

4. The share in club assets held by each member, stated by percentage or dollars.

5. The voting rights of each member, stated by percentage or number of votes.

6. The rights of each member to the assets of the club, stated by percentage or dollars, in case of dissolution of the club if a corporation, and in case of termination of the club, if a partnership.

7. A statement of financial condition of the flying club at the end of its preceding fiscal year, or at the end of its preceding calendar year, as the case may be, showing the assets and liabilities of the club.

8. An operating statement of the club for the preceding fiscal year, or the preceding calendar year, as the case may be, showing the profits or losses, or a statement of receipts and disbursements, of the club, as the case may be, for that period of time.

E. Inspection of records. The Commissioner, or any employees of the department designated by him, shall have the right to inspect the books and record of any flying club, including but not limited to, the records referred to above.

F. Assets. The word "assets" when used herein, shall mean property which 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.

G. Flying clubs can be deemed to be commercial operations as defined in Minn. Stat. § 360.013, subd. 11. A flying club shall be considered to be engaged in commercial operations and therefore a commercial operations license shall be required:

1. If any of the club's assets are used by members of the club who:

a. Do not have a bona fide and significant percentage of the property interest in the assets of the club; or

b. Hold property interest in the club's assets, which property interest 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 thereof is to enforce valid clubs rules; or

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

3. If any member of the club receives a pecuniary gain or receives any special benefits, which are in excess of the reasonable value of the services rendered to the club by said member, or are in excess of the reasonable value of the goods sold to the club by said member; however, this rule does not prohibit a flying club from paying one or more of its

members a reasonable amount for services such as bookkeeping, secretarial, managerial, maintenance and administrative duties of the flying club; or

4. If the club charters, leases or rents their aircraft or any interest in their aircraft to any persons or organizations other than fully-qualified members of said club; provided, however, that this paragraph shall not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators; or

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

6. 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 Minn. Stat. § 360.13, sub. 16 and 17 (1967)), provided, however, that this rule 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.

7. If a person or persons, who are members of a flying club (lessors) lease an aircraft to that flying club (lessee).

8. If lessor, as described in paragraph 7 above, gives air instruction; whether free or for compensation to members of that flying club.

~~Chapter Six: --§§ 1.3032-1.3034~~

~~14-MCAR--§ 1.3032--General air traffic rules.~~

~~(NOTE: --The statements contained in the notes are intended as explanations only and shall not be construed as official interpretations of the regulations.)~~

~~A. --Scope: --The air traffic rules in this part apply to aircraft operated anywhere in Minnesota except;~~

1.--Aircraft engaged in special flight operations, requiring deviation from these rules, which are conducted in accordance with the terms and conditions of a certificate of waiver issued by the FAA, and in accordance with the provisions of a permit issued pursuant to the laws of this state.

B.--Authority of the pilot.--The pilot in command of the aircraft shall be directly responsible for its operation and shall have final authority as to operation of the aircraft.--In emergency situations which require immediate decision and action, the pilot may deviate from the rules prescribed herein to the extent required by conditions of safety. When such emergency authority is exercised, the pilot, upon request of the Commissioner, shall file a written report of such deviation.

C.--Letdown procedure.--No person may make an instrument letdown on an airport served by a state owned radio navigation aid except when using a procedure approved by the Administrator of the Federal Aviation Administration.

14 MCAR § 1.3033--General flight rules.

A.--Application.--Aircraft shall be operated at all times in compliance with the following general flight rules and also in compliance with either the visual flight rules or the instrument flight rules, whichever are applicable.

B.--Preflight action.--Before beginning a flight, the pilot in command of the aircraft shall familiarize himself with all available information appropriate to the intended operation.--Preflight action for flights away from the vicinity of an airport, and for all IFR flights, shall include a careful study of available current weather reports and

~~forecasts,-taking-into-consideration-fuel-equirements,-an-alternate-course-of-action-if-the-flight-cannot-be-completed-as-planned,-and-also any-known-traffic-delays-of-which-he-has-been-advised-by-air-traffic control.~~

~~6.--Careless-and-reckless-operation.--No-person-shall-operate-an-aircraft-in-a-careless-or-reckless-manner-so-as-to-endanger-the-life-or property-of-others-either-in-the-air-or-on-an-airport.~~

~~(NOTE:--Examples-of-aircraft-operation-which-may-endanger-the-lives-or property-of-others-are-as-follows:~~

~~1.--Any-person-who-"buzzes,"-dives-on,-or-flies-in-close-proximity-to-a-farm,-home,-any-structure,-vehicle,-vessel,-or-group-of-persons on-the-ground.--In-rural-districts,-the-flight-of-aircraft-at-low-altitude often-causes-injury-to-livestock.--A-pilot-who-engages-in-careless-and reckless-flying-and-who-does-not-own-the-aircraft-which-he-is-flying,-unduly-endangers-the-aircraft,-the-property-of-another.~~

~~2.--The-operation-of-aircraft-at-an-insufficient-altitude-endangers-persons-or-property-on-the-surface-or-passengers-within-the-aircraft.--Such-flight-may-also-constitute-a-violation-of-14-MCAR-§-1.3033-H.~~

~~3.--Lack-of-vigilance-by-the-pilot-to-observe-other-air-traffic. In-this-respect,-the-pilot-must-clear-his-position-prior-to-starting-any maneuver,-either-on-the-ground-or-in-flight.~~

~~4.--Passing-other-aircraft-too-closely.~~

~~5.--An-operation-conducted-above-a-cloud-layer-in-accordance with-VFR-minimums-which-results-in-the-pilot-becoming-involved-in-instrument-flight,-unless-the-pilot-possesses-a-valid-instrument-rating,-the aircraft-is-properly-equipped-for-instrument-flight,-and-all-IFR-requirements-are-observed.)~~

D.--Airspace-restricted-areas.--The-Commissioner-may-designate-as-a danger-area,-an-area-within-which-he-has-determined-that-a-hazard-to-aircraft-in-flight-exists.--No-person-shall-operate-an-aircraft-within-a-restricted-area-or-danger-area-unless-permission-for-such-operation-has-been issued-by-appropriate-authority.

E.--Right-of-way.--An-aircraft-which-is-obligated-by-the-following rules-to-keep-out-of-the-way-of-another-shall-avoid-passing-over-or-under the-other,-or-crossing-ahead-of-it-unless-passing-well-clear.

(NOTE.--Right-of-way-rules-do-not-apply-when,-for-reasons-beyond-the pilot's-control,-aircraft-cannot-be-seen-due-to-restrictions-of-visibility.--The-aircraft-which-has-the-right-of-way-will-normally-maintain its-course-and-speed-but-nothing-in-these-rules-relieves-the-pilot-from the-responsibility-for-taking-such-action-that-will-best-avert-a-collision.)

1.--Distress.--An-aircraft-in-distress-has-the-right-of-way-over all-other-air-traffic.

2.--Converging.--Aircraft-converging-shall-give-way-to-other aircraft-of-a-different-category-in-the-following-order:--airplanes-and rotorcraft-shall-give-way-to-airships,-gliders-and-balloons;-airships shall-give-way-to-gliders-and-balloons;-gliders-shall-give-way-to-balloons.--When-two-or-more-aircraft-of-the-same-category-are-converging-at approximately-the-same-altitude,-each-aircraft-shall-give-way-to-the-other which-is-on-its-right.--In-any-event,-mechanically-driven-aircraft-shall give-way-to-aircraft-which-are-seen-to-be-towing-or-refueling-other-aircraft.

(NOTE.--In-effect,-an-aircraft-will-give-way-to-another-of-a-different class-which-is-less-maneuverable-and-is-unable-to-take-as-effective

action to avoid collision. For this reason, aircraft towing or refueling other aircraft are given the right of way.)

3. Approaching head on. When two aircraft are approaching head on, or approximately so, each shall alter its course to the right.

4. Overtaking. An aircraft that is being overtaken has the right of way, and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the aircraft shall absolve the overtaking aircraft from this obligation until it is entirely passed and clear.

(NOTE. Passing an overtaken aircraft on the right is required because the pilot in side by side, dual control aircraft is seated on the left, and has a better view of that side. Further, in narrow traffic lanes, passing on the left of an overtaken aircraft would place the overtaking aircraft in the path of the oncoming traffic.)

5. Landing. Aircraft, while on final approach to land, or while landing, have the right of way over other aircraft in flight or operating on the surface. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right of way, but it shall not take advantage of this rule to cut in front of another which is on final approach to land, or to overtake that aircraft.

(NOTE. Pilots must recognize that once committed to a landing in certain aircraft, the pilot has little chance to avoid other aircraft which may interfere with that landing; therefore, careful observance of this rule is important to the safety of all concerned.)

F.--Proximity of aircraft.--No person shall operate an aircraft in such proximity to other aircraft as to create a collision hazard.--No person shall operate an aircraft in formation flight when passengers are carried for hire, except when it is required for parachuting operations. No aircraft shall be operated in formation flight except by prearrangement between the pilots in command of such aircraft.

G.--Aerobatic flight.--No person shall engage in aerobatic flight:

1.--Over congested areas of cities, towns, settlements, or over an open air assembly of persons.

2.--Within any control zone or federal airway.

3.--When the flight visibility is less than 3 miles.

4.--Below an altitude of 1,500 feet above the surface.

(NOTE.--Aerobatic maneuvers performed over a congested area or an open air assembly of persons, or in areas where considerable air traffic exists, create an undue hazard to persons or property.--Flight visibility of at least 3 miles is believed to be a prerequisite to aerobatic flight in order that the pilot, after scanning the entire vicinity, may be reasonably assured that no other aircraft is within dangerous proximity prior to performing such maneuvers.)

H.--Minimum safe altitudes.--Except when necessary for takeoffs or landing, no person shall operate an aircraft below the following altitudes:

1.--At an altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface.

2.--Over congested areas.--Over the congested areas of cities, towns, or settlements, or over an open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal

radius of 2,000 feet from the aircraft. Helicopters may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with 14 MCAR § 1.3033 A.; however, the Commissioner, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which event helicopters shall conform thereto.

(NOTE: This rule recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement at less than 1,000 feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety, and, further, to maintain an altitude along the flight path so selected from which such an emergency landing can be effected at any time.)

3. Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In such event, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle, or structure. Helicopters may be flown at less than the minimums prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with 14 MCAR § 1.3033 A.

(NOTE: When flight is necessary at an altitude of less than 500 feet above the surface, the pilot must avoid creating any hazard to persons or property on the surface which may result from such flight. In no event, should the pilot expose his passengers to unnecessary hazard while engaging in flight at low altitude. The maneuverability of the

helicopter-permits-safe-flight-below-the-minimums-required-in-14-MCAR §-1.3033-H.,-provided-good-judgment-and-caution-are-exercised-by-the pilot.)

4.--IFR-operations.--No-pilot-shall-fly-at-an-altitude-less-than the-minimum-IFR-altitude-established-by-the-FAA-for-that-portion-of-the route-over-which-the-operation-is-conducted.--Such-altitude-shall-be-that which-the-safe-conduct-of-flight-permits-or-requires,-considering-the character-of-the-terrain-being-traversed,-the-meteorological-services-and navigational-facilities-available,-and-other-flight-conditions.--Where-the FAA-has-not-established-such-a-minimum,-operations-shall-be-conducted-at not-less-than-1,000-feet-above-the-highest-obstacle-within-a-horizontal distance-of-5-miles-from-the-center-of-the-course-intended-to-be-flown.

I.--Operation-on-and-in-the-vicinity-of-an-airport.--Aircraft-shall be-operated-on-and-in-the-vicinity-of-an-airport-in-accordance-with-the following-rules:

1.--When-approaching-for-landing,-all-turns-shall-be-made-to the-left-unless-the-airport-displays-standard-visual-markings-approved-by the-Commissioner-and-which-indicate-that-all-turns-are-to-be-made-to-the right,-or-unless-otherwise-authorized-by-air-traffic-control.

(NOTE.--Where-right-hand-turns-and-clockwise-flow-of-traffic-are-desirable in-the-interest-of-safety,-airport-markings-visible-from-the-air-will-in-form-the-transient-pilots-of-the-necessity-for-making-turns-to-the-right.)

2.--At-airports-where-there-is-a-control-tower-in-operation, two-way-communication-shall-be-maintained-with-the-control-tower-for traffic-control-instruction.--In-case-of-radio-failure,-visual-instruc-tions-may-be-issued.--On-airports-without-control-towers-but-which have-an-operative-FAA-Flight-Service-Station,-when-within-a-5-statute-

mile-radius,-if-the-aireraft-radio-equipment-so-allows,-maintain-two-way radio-communication-between-the-aireraft-and-the-station.--If-the-air-eraft-radio-equipment-allows-only-reeeption-from-the-station,-monitor the-station-frequency.

3.--Aireraft-operating-from-an-airport-shall-conform-to-the traffic-patterns-prescribed-for-that-airport.

4.--The-Commissioner-may,-when-necessary-in-the-interest-of safety,-prescribe-traffic-patterns-for-an-airport-which-shall-supersede any-other-traffic-patterns-previously-prescribed.

J.--Air-traffic-control-instructions.--No-person-shall-operate-an aireraft-contrary-to-air-traffic-control-instructions-in-areas-where-air traffic-control-is-exercised.

K.--Water-operations.--An-aireraft-operated-on-the-open-water-shall, insofar-as-possible,-keep-clear-of-all-vessels-and-avoid-impeding-their navigation.--The-following-rules-shall-be-observed-with-respect-to-other aireraft-or-vessels-operated-on-the-water:

1.--Crossing.--The-aireraft-or-vessel-which-has-the-other-on its-right-shall-give-way-so-as-to-keep-well-clear.

2.--Approaching-head-on.--When-aireraft,-or-an-aireraft-and-a vessel,-approach-head-on,-or-approximately-so,-each-shall-alter-its-course to-the-right-to-keep-well-clear.

3.--Overtaking.--The-aireraft-or-vessel-which-is-being-overtaken has-the-right-of-way,-and-the-overtaking-aireraft-shall-alter-its-course to-keep-well-clear.

4.--Special-circumstances.--When-two-aireraft,-or-an-aireraft and-a-vessel,-approach-so-as-to-involve-risk-of-collision,-each-shall proceed-with-careful-regard-to-existing-circumstances-and-conditions-in-cluding-the-limitations-of-the-respective-craft.

5.--All-approaches-to-and-take-offs-from-the-water-area-shall-be made-in-such-a-manner-as-to-clear-all-structures-on-the-land-by-at-least 100-feet,-and-wherever-the-area-of-the-body-of-water-will-permit,-such landing-and-takeoffs-shall-be-made-at-a-distance-of-not-less-than-300-feet, both-laterally-and-vertically,-from-any-boat-or-person-on-the-surface-of the-water,-or-as-near-to-300-feet-as-the-area-of-the-water-will-permit.

(NOTE:--The-rules-for-operating-aircraft-on-the-surface-of-the-water-conform-to-marine-rules-for-the-operation-of-vessels.--The-"special-circumstances"-rule-is-provided-for-situations-wherein-it-may-be-impracticable or-hazardous-for-a-vessel-or-another-aircraft-to-bear-to-the-right-because of-depth-of-waterway,-wind-conditions,-or-other-circumstances.)

L.--Aircraft-lights.--Between-sunset-and-sunrise:

1.--All-aircraft-in-flight-of-operated-on-the-ground-or-under way-on-the-water-shall-display-position-lights.

2.--All-aircraft-parked-or-moved-within-or-in-dangerous-proximity-to-that-portion-of-any-airport-used-for,-or-available-to,-night-flight operations,-shall-be-clearly-illuminated-or-lighted,-unless-the-aircraft are-parked-or-moved-in-an-area-marked-with-obstruction-lights.

3.--All-aircraft-at-anchor-shall-display-anchor-lights,-unless in-an-area-within-which-lights-are-not-required-for-vessels-at-anchor.

(NOTE:--Aircraft-must-display-appropriate-lights-on-the-surface-of-the water-between-the-hours-of-sunset-and-sunrise-in-order-to-conform-to marine-rules.)

14-MCAR-§-1.3034--Visual-flight-rules-and-instrument-flight-rules-in Minnesota,-all-aircraft-shall-be-operated-in-compliance-with-the-Visual and-Instrument-Flight-Rules-as-stated-in-FAR-Part-91.

Chapter Six § 1.3030: Parachuting and Skydiving.

14 MCAR § 1.3030 Parachuting and skydiving.

A. All parachute jumps performed in the State of Minnesota must comply with all safety and be conducted in accordance with Federal Aviation Regulation Part 105.

B. For parachute jumps that occur at an airport, the airport manager/owner shall hold the control authority and responsibility to close and open the airport.

C. Parachute jumps may not be performed at a public-owned airport unless such jump is part of an airshow or other event in which a waiver has been granted by the Federal Aviation Administration, or unless permission has been granted by the Commissioner.

1. If the parachute jump requires the permission of the Commissioner, notification must be made ten days in advance.

2. A public-owned airport shall be closed during a parachute jump, but not for more than two hours in any 24-hour period.

D. Permanent Drop Zones. A permit shall be required and approved by the Commissioner for parachuting areas designated as permanent drop zones. A permanent drop zone shall be permitted for use by parachutists for one year from the date of permit unless suspended or revoked by the Commissioner.

1. A permanent drop zone permit will be issued when it is shown that the use of the site does not:

a. Impose undue hazards to persons or property.

b. Endanger the users or use of existing surface communication or transportation.

2. Application for renewal of a permanent drop zone permit shall be submitted annually.

3. A permanent drop zone may be located at a privately-owned airport.

4. The person or organization must show that they have the permission of the property owner.

5. A permanent drop zone shall be depicted on all aeronautical charts and NOTAMS shall be filed when applicable.

~~Chapter Seven.--§§ 1.3035-1.3039 Basic Safety Regulations Governing Parachuting and Skydiving.~~

~~14 MCAR § 1.3035 Definitions.~~

~~A.--Parachute.--A device used or intended to be used to retard the fall of a body or object through the air.~~

~~B.--Automatic release.--A device whereby the main or reserve parachute is automatically opened at a preset altitude or time span after activation.~~

~~C.--Student parachutist.--A person who does not hold or is not qualified to hold a U.S.P.A. (United States Parachute Association) or an F.A.I. (Federation Aeronautique Internationale) license.~~

~~D.--Parachutist.--A person who holds or is qualified to hold a U.S.P.A. Class A, B, C, or D license or an F.A.I. license.~~

~~E.--Equivalent of a license.--A parachutist who has fully completed his qualifications for a license or rating and has had entry to that effect made in his personal log by the Club Safety Officer, the Area Safety Officer, instructor, or an authorized employee of the Department of Transportation.~~

~~F.--Equivalent of a Class A license.--A parachutist who has completed all of the following requirements:~~

1.--Made-at-least-25-free-fall-jumps-including:

12-stable-delays-of-at-least-10-seconds

6-stable-delays-of-at-least-20-seconds

3-stable-delays-of-at-least-30-seconds

2.--Landed-within-50-meters-of-target-center-on-5-jumps-with delays-of-at-least-30-seconds.

3.--Demonstrated-ability-to-hold-heading-during-free-fall,-and to-make-a-360-degree-turn-to-both-the-right-and-left.

4.--Demonstrated-that-he-is-qualified-and-able-to-jumpmaster himself-to-include-independently-selecting-and-properly-using-a-correct exit-and-opening-point.

5.--Demonstrated-that-he-is-qualified-to-properly-inspect-(check) and-adjust-his-own-parachute-equipment-prior-to-a-jump.

6.--A-logbook-endorsement-by-a-U.S.P.A.-Instructor/Examiner,-a U.S.P.A.-Instructor,-his-Club-Safety-Officer-or-Assistant-Safety-Officer, that-he-has-received-training-for-unintentional-water-landings.

G.--Equivalent-of-a-Class-B-license.--A-parachutist-who-has-completed all-of-the-following:

1.--Met-all-requirements-for-a-Class-A-license.

2.--Made-at-least-50-free-fall-jumps,-including:

15-stable-delays-of-at-least-30-seconds

2-stable-delays-of-at-least-45-seconds

3.--Able-to-complete-two-alternate-360-degrees-flat-turns-to the-right-and-left,-a-"Figure-8"-followed-by-a-back-loop-in-free-in-10 seconds-or-less.

4.--Landed-within-25-meters-of-target-center-on-10-jumps-during which-he-selected-the-exit-and-opening-points.

5.--Demonstrated his ability to keep track of other canopies and remain a safe distance from them.

H.--Equivalent of a Class C license.--A parachutist who has completed all of the following:

1.--Met all the requirements for a Class B license.

2.--Made at least 100 free fall jumps, including:

30 stable delays of at least 30 seconds

5 stable delays of at least 45 seconds

3.--Able to properly complete an International Series (Figure 8, back loop, Figure 8, back loop) in free fall in less than 18 seconds.

4.--Demonstrated his ability to control his vertical rate of descent and horizontal movement, coordinating the two.

5.--Landed within 15 meters of target center on 25 free fall jumps during which the parachutist selected the exit point.

6.--Made one intentional night jump.

7.--Made one intentional water jump.

I.--Equivalent of a Class D license.--A parachutist who has completed all of the following:

1.--Met all the requirements of a Class C license.

2.--Completed 200 controlled free fall jumps, including:

100 delays of at least 20 seconds

40 delays of at least 30 seconds

5 delays of at least 45 seconds

5 delays of at least 60 seconds

3.--Able to properly complete the following maneuvers on heading: back loop, front loop, left turn, right turn, right barrel roll and left barrel roll in 18 seconds or less.

4.--Landed-within-2-meters-of-target-center-on-10-free-fall delays-during-which-the-parachutist-selected-the-exit-and-opening-points.

5.--Made-one-night-jump-with-a-delay-of-at-least-20-seconds, with-certification-of-prior-night-jump-training.

J.--Area-Safety-Officer-(A.S.O.)-must-hold-at-least-a-Class-C-license or-equivalent-and-must-be-appointed-by-the-U.S.P.A.-to-supervise-safety over-a-given-area.

K.--Club-Safety-Officer-(C.S.O.)-must-hold-at-least-a-Class-B-license or-equivalent-and-must-be-approved-by-the-Area-Safety-Officer.

L.--Public-airport.--Any-airport-licensed-by-the-Commissioner-as-a public-airport.

M.--Controlled-airspace.--Airspace-of-defined-dimensions-within-which air-traffic-control-is-exercised-by-the-Federal-Aviation-Administration.

N.--Congested-area.--Area-over-any-city,-town-or-settlement,-or-an open-air-assembly-of-persons.--(NOTE:--An-area-on-the-ground-on-which-a pilot-would-not-be-able-to-make-a-forced-landing-without-undue-hazard-to persons-or-property.)

O.--Drop-zone.--The-area-into-which-a-parachutist-should-reasonably expect-to-land.

14-MCAR--§-1.3036--Safety-regulations-for-parachuting.

A.--A-person-engaging-in-parachuting-in-the-State-of-Minnesota-must be-a-member-of-a-parachute-jumping-organization-approved-by-the-Commissioner-or-must-be-able-to-produce-evidence-that-he-has-received-instructions-from-an-instructor-and-that-such-instructor-authorized-this-person to-engage-in-parachute-jumping,-or-hold-or-be-qualified-to-hold-a-U.S.P.A. or-F.A.I.-license.

B.--Persons desiring to form a parachute jumping organization must submit training standards of student parachutists to the Commissioner for his approval.--(NOTE:--The training outline as recommended by the U.S.P.A. is recommended.)--The minimum parachutist training program should cover the following:-parachutes and associated equipment,-exit techniques,-stability,-canopy manipulation,-malfunctions,-emergency procedures and landings.--The instruction given by an instructor should be entered in the student's log and signed by such instructor.

C.--All currently licensed parachute riggers must have FAA certificates.

D.--No person may make a parachute jump,-and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft over or into an unapproved drop zone in the State of Minnesota without notification to and permission from the Commissioner.

1.--For parachute jumps onto or within three miles of any public airport,-written approval of that airport's management must be submitted with the request for approval.--Any drop zone for exhibition jumps must have prior approval from the Commissioner for such use.

(NOTE:--For parachute jumps at any airport with a functioning control tower,-controlled airspace or congested area,-authorization must also be secured in accordance with FAR Part 105 of their regulations.)

2.--If a new area not previously approved is requested,-the request for approval must be received by the Commissioner at least ten working days in advance of the date of the jump to permit inspection of the area for approval or disapproval by the Commissioner.

E.--All jumps must be recorded in the parachutist's personal logbook and also in the organization's master logbook.--The personal logbook must

be-signed-after-each-jump-by-a-witnessing-licensed-parachutist-or-witnessing-pilot.--Master-logbooks-must-show-all-jumps-made,-including-jumps made-by-guests-and-visitors.--Personal-and-organization-logbooks-shall-be available-for-inspection-by-any-federal,-state-or-local-enforcement-officer.

F.--Medical-examination.--Each-person-engaged-in-parachuting-shall hold-at-least-a-valid-statement-issued-by-a-practicing-physician-signed and-dated-within-two-years-of-any-jump-certifying-that-said-person-has-had a-physical-examination-or-be-on-military-jump-status.--A-nonresident---that is-a-person-not-residing-in-Minnesota,-but-wishing-to-jump-in-Minnesota at-a-sanctioned-jump-meet,-may-obtain-a-written-waiver-of-this-requirement from-the-department.

G.--Age.--Parachutists-and-student-parachutists-must-have-reached-the age-of-legal-majority,-or-be-at-least-16-years-of-age-with-written,-notarized-parental-or-legal-guardian-consent.--It-shall-be-the-responsibility of-the-pilot-of-the-aircraft-or-the-Club-Safety-Officer-to-inspect-personally-the-notarized-consent-documents-of-jumpers-between-16-and-legal majority.

H.--Equipment.--Each-parachutist-or-student-parachutist-must-be equipped-as-follows:-two-airworthy-parachutes-on-a-single-harness-consisting-of-a-back-pack-with-a-main-canopy-and-a-chest-pack-with-at-least an-approved-TSO'd-canopy,-or-tandem-assembly.--The-chest-pack-(emergency chute)-must-be-repacked-according-to-FAA-regulations-by-an-FAA-licensed parachute-rigger.--If-a-pilot-chute-is-used-in-the-chest-pack,-it-shall be-the-spiral/vane-type.--Back-pack-should-be-packed-in-a-deployment-device.--Parachutes-must-meet-minimum-federal-safety-standards-set-forth in-FAA-TSO-C-23-or-any-other-applicable-federal-regulations,-or-be approved-by-a-rigger-properly-licensed-by-the-FAA.

I.--Instruments.--For-delayed-falls-of-more-than-20-seconds,-an-altimeter,-stop-watch,-or-an-automatic-opening-device-must-be-used.--An-altimeter-may-be-used-in-conjunction-with-the-stop-watch.--All-student-parachutists-must-use-a-recognized-automatic-release-device-for-the-main-or reserve-parachute.--This-automatic-release-device-will-be-used-by-all jumpers-until-they-are-Class-A-qualified.--(NOTE.--Examples-of-automatic-release-devices.--Sentinel,-KAP-3,-Military-Fl-B,-and-Hi-Tec.)

J.--Clothing.--Boots,-helmet,-goggles,-and-adequate-protective clothing-must-be-worn-by-student-jumpers.--Gloves-are-mandatory-if-the temperature-is-below-40-degrees-F.-at-jump-altitude.

K.--Mae-West-type-or-Coast-Guard-approved-type-flotation-gear-must be-worn-when-parachuting-into-or-within-one-mile-of-an-open-body-of-water. (An-open-body-of-water-is-defined-as-one-in-which-a-parachutist-could-possibly-drown-in-the-event-he-actually-landed-in-it.)--For-planned-water jumps,-a-manned-rescue-craft-for-each-jumper-must-be-in-the-target-area. At-least-one-lifeguard-experienced-in-life-saving-techniques,-including resuscitation,-must-be-in-each-rescue-craft.--If-such-water-jump-area-is approved-as-a-water-drop-zone-and-the-parachutists-are-qualified,-no further-notification-will-be-required.--Any-new-area-will-require-approval by-the-Commissioner.--All-exhibition-water-jumps-will-require-approval by-the-Commissioner.

L.--Pilots-and-all-other-occupants-must-wear-emergency-parachutes while-flying-and-dropping-sport-parachutists.--Approved-safety-belts must-be-worn-by-parachute-jumpers-until-the-aircraft-reaches-an-altitude of-at-least-1,000-feet-above-ground.

M.--No-wings,-cloth-extensions,-or-other-forms-of-control-surface. that-restrict-the-jumper's-ability-to-activate-his-main-or-reserve-parachute-may-be-used.

N.--A-ground-crew-shall-be-on-the-drop-zone-during-all-jumps-and-instructed-to-stop-jumps-by-prearranged-signal-in-case-of-a-sudden-weather change,-other-aircraft-in-the-drop-zone-area,-or-other-emergency-conditions.--During-actual-jumps-a-target-may-be-displayed-on-the-field.--Removal-of-the-target-is-a-signal-to-stop-jumps-and-land-aircraft-immediately. Manned-ground-to-air-communications-radio,-panels,-smoke,-and-lights-at night-are-approved-prearranged-signal-methods.

O.--All-injuries-caused-by-parachuting-which-require-treatment-or-examination-by-a-physician-shall-be-reported-to-the-Commissioner-within-24 hours.--In-case-of-a-fatality-the-Commissioner-must-be-notified-immediately.

P.--No-person-may-make-a-parachute-jump-and-no-pilot-in-command-of an-aircraft-may-allow-any-person-to-make-a-parachute-jump-from-that-aircraft-if-that-person-appears-to-be:

1.--Under-the-influence-of-intoxicating-liquor.

2.--Using-any-drug-that-affects-his-faculties-in-any-way-contrary-to-safety.

Q.--Parachute-jumps-from-within-or-through-clouds-are-prohibited. No-pilot-in-command-of-an-aircraft-may-allow-any-person-to-make-a-parachute-jump-from-that-aircraft-unless-cloud-conditions-meet-the-following requirements:

1.--Within-controlled-airspace-at-a-distance-less-than-1,000 feet-under-or-one-mile-horizontally-from-any-cloud-formation.

2.--Outside-the-controlled-airspace-at-a-distance-less-than 500-feet-under-or-2,000-feet-horizontally-from-any-cloud-formation.

R.--Flight-visibility.--No-person-may-make-a-parachute-jump-and-no pilot-in-command-of-an-aircraft-may-allow-a-parachute-jump-to-be-made from-that-aircraft:

1.---Through any part of the controlled airspace when the flight visibility in that part is less than 5 miles.

2.---Through any part of the airspace outside of the controlled airspace when flight visibility is less than 3 miles.

S.---Minimum opening altitudes (above ground).---Student parachutists. 2,500 feet; parachutists, 2,200 feet; Class C licensee, or equivalent, 2,000 feet.---Intentional water jumps.---2,000 feet.

T.---Maximum ground wind for student parachutists.

Steerable Canopy	Nonsteerable Canopy
First 15 jumps.---12 m.p.h.	First 15 jumps.---8 m.p.h.
Over 15 jumps.---18 m.p.h.	Over 15 jumps.---15 m.p.h.

U.---Before a jump, wind direction and ground wind speed shall be determined by qualified personnel.

V.---Night jumps shall be made only with the written approval of the Commissioner.---Approval will only be considered for those jumpers holding a Class B, C, or D license, or equivalent.---Clearance will be given by individual parachutist's name, not a general blanket clearance for any one group.---Jumpers at night between sunset and sunrise must wear a bright light visible for at least three miles in all directions from the time the canopy opens until the surface is reached.

W.---Whenever parachute jumps are in progress, the drop areas must be kept clear of spectators.---Drop zones or areas used for parachuting shall be unobstructed, with the following minimum distances from the target to the nearest hazard:---student parachutist, 300 meters; U.S.P.A. Class A and B license, or equivalent, 200 meters; U.S.P.A.---Class C license, or equivalent, 100 meters; U.S.P.A.---Class D license, or equivalent, 25 meters.---A tree or bush less than 30 feet high is not considered a

hazard.--Ditches,-telephone-and-power-lines,-poles,-towers,-houses, buildings,-hangars,-and-highways-are-hazards.--All-vehicles-shall-be-kept clear-of-the-drop-zone.

All-drop-zones-shall-be-approved-by-the-Commissioner.

The-organization-must-show-that-it-has-the-approval-of-the-drop-zone-owner.

X.--If-an-aircraft-to-be-used-for-hauling-parachutists-must-be-altered in-any-way,-such-as-door-removal,-it-must-have-FAA-STC-approval-or-approved instructions-for-door-removal-for-that-particular-aircraft-prior-to-operation.--This-does-not-apply-if-the-aircraft-manufacturer-has-issued-a-service-bulletin-or-other-approved-instruction-for-door-removal.--If-a-static-line-hookup-is-installed-it-must-be-done-by-an-FAA-certificated-aircraft mechanic-and-an-appropriate-entry-must-be-made-in-the-aircraft-log.

Y.--Altitude-classification-and-requirements.

1.--Altitude-classification.

Low.--from-2,000-feet-up-to-and-including-14,500-feet-MSL, providing-field-elevation-is-less-than-2,000-feet.

Intermediate.--from-14,500-feet-MSL-up-to-20,000-feet-above the-ground.

High.--over-20,000-feet-above-the-ground.

2.--Low-altitude-jumps-may-be-made-without-special-training-or equipment,-providing,the-elapsed-time-from-altitudes-8,000-feet-up-to 12,000-feet,-including-the-exact-time-of-exit-from-the-aircraft,-does-not exceed-30-minutes.--If-elapsed-time-from-or-above-8,000-feet-is-expected to-exceed-30-minutes,-supplementary-oxygen-must-be-in-use-by-each-individual-up-to-one-second-prior-to-exit-from-the-aircraft.--(NOTE.--Any time-oxygen-is-used-it-must-be-aviation-type-breathing-oxygen.)

3.--Intermediate-altitude-jumps-may-be-made-by-Class-B,-C,-D, or-equivalent,-license-holders-only.--Each-parachutist-and-all-occupants must-be-on-supplementary-oxygen-source-at-all-times-from-ground-up-to time-of-exit.

4.--High-altitude-jumps-may-be-made-by-Class-C-and-D,-or-equivalent-experience,-license-holders-only.--They-must-have-a-current-FAA-Class 2-medical-certificate.--Each-parachutist-and-all-occupants-must-be-on supplementary-oxygen-source-at-all-times-from-ground-up-to-point-of-exit and-be-equipped-with-individual-supplementary-oxygen-source-attached-and functioning-during-free-fall-and-be-equipped-with-high-altitude-protective clothing.

5.--For-intermediate-and-high-altitude-jumps,-each-parachutist must-have-individual-approval-of-the-Commissioner.

Z.--Exceptions.--In-any-case-where-it-is-determined-that-the-public interest-and-safety-will-not-be-adversely-affected,-the-Commissioner-may waive-any-of-the-requirements-stated-in-14-MCAR-§-1.3039,-subject-to-such conditions-or-limitations-as-may-be-necessary.

14-MCAR-§-1.3037--Commercial-parachute-jumping--exhibitions.

A.--Any-parachute-organization-making-exhibition-jumps-for-which-a fee-is-charged-or-compensation-is-received-must-be-licensed-in-accordance with-Minn.-Stat.-§-360.013,-subd.-11-(1957),-as-a-commercial-operator. The-license-shall-indicate-the-jumpers-by-name-authorized-under-this-license.--All-named-jumpers-must-hold-at-least-a-U.S.P.A.-Class-C-license, or-equivalent.--In-the-case-of-a-commercial-jump,-all-safety-regulations are-applicable.

B.--Any-individual-parachute-jumper-making-exhibition-jumps-for-which a-fee-is-charged-or-compensation-is-received-must-be-licensed-in-accordance

with-Minn.-Stat.-§-360.013,-subd.-11-(1957),-as-a-commercial-operator. The-license-shall-contain-endorsement-showing-the-phases-of-commercial operations-the-licensee-is-authorized-to-perform.--To-be-licensed-as-a commercial-parachutist,-the-applicant-must-hold-at-least-a-U.S.P.A. Class-C-license,-or-equivalent.--In-the-case-of-a-commercial-jump,-all safety-regulations-are-applicable.

14-MCAR--§-1.3038-Parachuting-schools-and-clubs.

A.--Every-person-or-organization-engaging-in-parachuting-shall-be licensed-in-accordance-with-Minn.-Stat.-§-360.013,-subd.-11-(1957),-as-a commercial-operator.--There-is-no-distinction-made-in-these-rules-between a-parachuting-school-and-a-parachuting-club.--The-license-shall-contain endorsements-showing-the-operations-that-the-licensee-is-authorized-to perform.

1.--The-organization-shall-keep-and-maintain-complete-and adequate-records-of-the-instruction-given-to-all-students,-showing-the date-and-time,-the-type-of-instruction-given,-and-the-name-of-the-instructor.--These-records-shall-be-available-for-inspection-for-at-least a-year-after-date-of-entry.

2.--Curriculum.--The-organization-must-show-to-the-satisfaction of-Commissioner-a-curriculum-so-organized-as-to-ensure-that-the-student completing-the-course-will-receive-a-U.S.P.A.-Class-A-rating,-or-equivalent.--The-instruction-given-by-an-instructor-must-be-entered-in-the student's-log-and-signed-by-such-instructor.--A-copy-of-the-curriculum shall-be-submitted-by-the-organization-with-its-application.--(NOTE: The-training-outline-as-recommended-by-the-United-States-Parachute Association-is-recommended.)

3.--Rules-and-regulations.--The-organization-shall-establish and-enforce-the-rules-and-regulations-which-shall-govern-its-parachuting operation.--These-rules-and-regulations-shall-be-prominently-posted-at its-base-of-operation-and-a-copy-shall-be-submitted-with-the-application.

4.--Drop-zone.--The-applicant-must-show-a-drop-zone-located-outside-controlled-airspace.--The-drop-zone-to-be-used-must-be-specifically approved-by-the-Commissioner.--The-size-must-meet-the-minimum-requirements-for-the-jumpers-using-the-drop-zone-in-14-MCAR-§-1.3036-W.--The organization-shall-show-by-written-documentation-that-it-has-a-right-of access-to-the-land-to-be-used-as-a-drop-zone-as-owner,-co-owner,-tenant, or-by-any-other-right-of-entry.

5.--Instructors.--The-organization-must-show-it-has-instructors who-hold-U.S.P.A.-instructor-certificates,-and-that-its-instruction-is being-supervised-by-said-instructors.

6.--All-safety-regulations-heretofore-outlined-must-be-complied with.

7.--Insurance.--The-organization-applying-for-a-parachuting training-or-school-endorsement-on-his-license-must-hold-insurance-contracts valid-and-in-force-for-the-duration-of-the-license-which-provide-coverage for-each-accident-in-the-following-types-and-amounts-with-a-reliable-insurance-company-or-companies-authorized-to-do-business-in-the-State-of Minnesota.

a.--$75,000-minimum-per-passenger-seat-for-passenger liability.

b.--$100,000-per-person-and-$300,000-per-accident-minimum for-aircraft,-public-liability-for-bodily-injury.

c.--$100,000-per-plane-for-property-damage.

8.--Club-Safety-Officer.--The-organization-must-include-in-its commercial-operations-application-the-name-of-the-Club-Safety-Officer, his-qualifications,-and-an-approval-of-him-by-the-Area-Safety-Officer. The-Club-Safety-Officer-shall-be-personally-responsible-for-maintaining and-enforcing-the-rules-and-regulations-set-forth-herein.--The-Club-Safety Officer-must-be-approved-by-the-Commissioner-before-acting-in-that-capacity. The-Club-Safety-Officer,-after-receiving-approval-from-the-Commissioner, may-submit-up-to-two-names-of-persons-who-are-qualified-as-jumpmasters-to act-as-Assistant-Club-Safety-Officers.--Such-assistants-must-be-approved by-the-Commissioner-before-acting-in-that-capacity.--The-Assistant-Club Safety-Officers-are-charged-with-the-same-responsibilities-as-the-Club Safety-Officer.--A-Club-Safety-Officer-or-his-assistant-must-be-present whenever-jumping-is-taking-place-by-anyone-not-"A"-licensed-or-having equivalent-experience.

9.--Articles-of-incorporation.--The-organization-shall-attach to-its-initial-application-a-copy-of-its-articles-of-incorporation-and-all amendments-thereto-or-a-copy-of-its-partnership-agreement,-as-the-case-may be,-along-with-a-copy-of-its-operating-rules-and-regulations.--The-organization-shall-immediately-notify-the-Commissioner-of-any-subsequent-changes in-such-documents.

10.--Members.--At-the-time-of-the-original-application,-the-organization-shall-list-the-names-and-addresses-of-its-members.--On-or before-license-renewal-and-each-subsequent-year-the-organization-must send-to-the-Commissioner-a-list-of-the-names-and-addressees-of-its-members,-trainees-and-students.

11.--If-any-parachuting-school-or-organization-can-make-an-affirmative-showing-that-it-is-not-engaging-in-and-will-not-engage-in

eommereial-operations-or-in-any-training-for-whieh-a-fee-is-eharged-or eompensation-is-reeeived,-within-subd.-11-of-Minn.-Stat.-§-360.013,-then, and-in-sueh-event,-sueh-a-sehool-or-organization-may-be-exempted,-on-an annual-basis,-by-the-written-permission-of-the-Commissioner,-from-seeuring a-eommereial-operations-lieense.--If-the-Commissioner-grants-sueh-exemption, then-no-eommereial-operations-lieense-is-neeessary,-but-sueh-sehool-or organization,-however,-must-eomply-with-14-MCAR-§-1.3038-A.,-4.,-6.,-8., 9.,-10.--If-they-do-not-apply-annually-for-exemption-and-do-not-make-a showing-annually-that-they-are-not-a-eommereial-operation-under-said-subd. 11,-then-a-eommereial-operations-lieense-will-be-required.

14-MCAR--§-1.3039--Reserved-for-future-use.

Chapter-Eight.--§§-1.3040-1.3041.

14-MCAR-§-1.3040--Violations.--Minn.-Stat.-§-360.022-(1973).--"Any-person violating-any-of-the-provisions-of-§-360.018,-or-any-of-the-rules,-regulations-or-orders-issued-pursuant-to-the-provisions-of-§-360.015,-shall-be guilty-of-a-misdemeanor,-and-eaeh-sueh-violation,-or-in-the-ease-of-eontinuing-offenses,-eaeh-day's-violation-shall-eonstitute-a-separate offense."

14-MCAR--§-1.3041--Suspension-or-revoeation.--Minn.-Stat.-§-360.018, subd.-1-(6)-(1973).--"The-Commissioner-is-authorized-to-suspend-or-revoke any-lieense-or-eertifieate-of-registration-of-an-aireraft-or-lieensee-of eommereial-operations-issued-by-him,-or-to-refuse-to-issue-any-sueh lieense-or-eertifieate-of-registration,-when-he-shall-reasonably-determine that-any-aireraft-is-not-airworthy-or-that-any-lieensee-of-eommereial operations-is-not-qualified,-has-engaged-in-advertising-by-means-of-false

or-deceptive-statements,-has-been-found-guilty-of-gross-incompetency-or gross-negligence,-has-been-found-guilty-of-fraud,-dishonesty,-forgery,-or theft,-has-wilfully-violated-the-provisions-of-§§-360.013-to-360.075,-the rules-and-regulations-prescribed-pursuant-thereto,-or-any-other-statute of-this-state-relating-to-aeronautics,-or-any-act-of-Congress-or-any-rule or-regulation-promulgated-pursuant-thereto,-is-addicted-to-the-use-of narcotics-or-other-habit-forming-drug-or-to-the-excessive-use-of-intoxicating-liquor,-has-made-any-false-statement-in-any-application-for-registration-of-a-federal-license,-certificate,-or-permit,-or-has-been-guilty of-other-conduct,-acts,-or-practices-dangerous-to-the-public-safety-and the-safety-of-those-engaged-in-aeronautics."

Minn.-Stat.-§-360.018,-subd.-10-(1973).--"The-Commissioner-is-empowered to-suspend-or-revoke-any-certificate-of-approval-or-license-issued-by-him when-he-shall-determine-that-an-airport,-restricted-landing-area,-or-other air-navigation-facility-is-not-being-maintained-or-used-in-accordance with-the-provisions-of-Laws-of-1945,-Chapter-303,-and-the-rules-and-regulations-lawfully-promulgated-pursuant-thereto."

Chapter-Nine.--§-1.3042.

14-MCAR--§-1.3042--Firing-of-unmanned-rockets.

A.--Any-unmanned-rocket,-except-aerial-firework-displays-and-model rockets,-are-defined-as-rockets,-using-not-more-than-four-ounces-of propellant-or-using-a-slow-burning-propellant,-made-of-paper,-wood-or breakable-plastic,-containing-no-substantial-metal-parts-and-weighing not-more-than-16-ounces-including-the-propellant.

B.--Operating-limitations.--No-person-may-operate-an-unmanned-rocket under-the-following-conditions:

~~1.--In-a-manner-that-creates-a-collision-hazard-with-other-aircraft.~~

~~2.--In-controlled-airspace.~~

~~3.--Within-5-miles-of-the-boundary-of-any-public-airport.~~

~~4.--At-any-altitude-where-clouds-or-obscuring-phenomena-of-more than-5/10-coverage-prevail.~~

~~5.--At-any-altitude-where-the-horizontal-visibility-is-less-than 5-miles.~~

~~6.--Into-any-cloud.~~

~~7.--Within-1,500-feet-of-any-person-or-property-that-is-not associated-with-the-operation.~~

~~8.--At-night.~~

~~C.--Exceptions.--In-any-case-where-it-is-determined-that-the-public interest-and-safety-will-not-be-adversely-affected,-the-Commissioner-may waive-any-of-the-requirements-stated-in-Chapter-Nine,-14-MCAR-§-1.3042-B.,-subject-to-such-conditions-or-limitations-as-may-be-necessary.~~

Chapter Seven ~~Chapter-Ten~~ § 1.3031 ~~§-1.3043--General~~ Repealer.

14 MCAR § 1.3033 ~~§-1.3043--General~~ Repealer. All rules ~~and-regulations~~ of the Department of ~~Aeronautics~~ Transportation, Aeronautics Division, promulgated prior to the date thereof are hereby repealed.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION — AFFIDAVIT OF MAILING

AERONAUTICS DIVISION

In the matter of the Proposed)
Adoption of Rules, Amendments)
and Deletions Governing the)
Aeronautics Rules.)

- -

Kenneth H. Bjork, being first duly sworn, deposes and says:

That on the 22nd day of October 1979, at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid and return requested, to all persons at the addresses shown on the attached Certificate of the Secretary of State.

/s/ Kenneth H. Bjork

Kenneth H. Bjork
Minnesota Department of Transportation

Subscribed and sworn to before me
this 25th day of October, 1979.

Margaret M. Hansen

Notary Public

MARGARET M. HANSEN
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires April 15, 1985

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION GOVERNING REVISION AERONAUTICS RULES

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Jean M. Hansen, being duly sworn on oath deposes and says:

1) That she is an employee of the Transportation Division of the State of Minnesota.

2) That on the 4th day of October, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 4th day of October, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Jean M. Hansen

Subscribed and sworn to before me this 4th day of Oct, 1979.

Notary Public, Ramsey

April 9, 1985 County, Minnesota

My Commission expires .

Janet Secor

JANET E. SECOR
Notary Public Ramsey Co., Minn.
MY COMMISSION EXPIRES
April 9, 1982

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION GOVERNING REVISION OF AERONAUTICS RULES

CERTIFICATE OF DELIVERY SECRETARY OF STATE LIST

I hereby certify that the attached 339 labels 7 sheets constitute the complete list of persons, associations, and other interested groups who as of 1:40 o'clock P M., this 4th day of October, 1979, have requested pursuant to M.S. 1974, 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Donna Scott

3/.58

Ken Bjork -
Annex

Admin. 613
10/1/76

CENTRAL MAILING STATION **Mail Pick-Up Slip**

Date Oct 22 19 79 Time _____ M

Department DOT

Division adm

DEPT. DIV	REQ. SEQUENCE NO.	LINE
79000	17278	01

F.Y.	OBJ. 201	AMOUNT SEE BELOW	MMDDYY	SUB. ACTV.	TASK	SUB. TASK

COST/CLIENT	SOURCE	RECEIPT ACCT. 160991298	REV. 907

Please Do Not Use Tape On Front Of Slip

CLASS	Pieces	Amount	Do Not Write in Space Below
First @ .13			
First Overweight			
Third			
Fourth			
Foreign	First Class		
Airmail	Mail Amendments		
Certified	Aeronautics		
Registered			
Insured			
Special Del.			
Bulk Mailing			
TOTAL	406	63.78	

Signed Kathleen Davis
Authorized Signature

Ext. No. 2920

379346

Airlake Industrial Park, Box 517, Lakeville, 55044

Amen, Harry J., Star Route 2, Pequot Lakes 56472

Amundson Flying Service, Route 1, Box 175, Bricelyn 56014

Andersen, Wayne W., Route 1, Redwood FAlls 56283

Aquatrol Corporation, 2258 Terminal Road, St Paul 55113

Ayer, John E., Ayer Aviation Aero, Municipal Airport, LeSueur 56058

B & J Aerial Spray Service, Humboldt 56731

Beech Aero Center of Mpls, 13601 Pioneer Trail, Eden Prairie 55343

Benson Flying Service, 504 18th Street, North, Benson 56215

Bergemann Aerial Crop Service, Route 1, Box 114, Garden City 56034

Biske, Donal L., Winsted Municipal Airport, Winsted 55395

Block, E.J., 619 South Saratoga, St Paul 55116

Bohman Airways, Inc., Island View Route, Ranier 56668

Brainerd-Crow Wing Co. Airport Commission, City Hall, Brainerd, 56401

Call, O'Wild Air, Route 5 Mankato Airport, Mankato 56001

Charles Aerial Spray, Hancock 56244

Crystal Shamrock, 6000 Douglas Drive North, Mpls 55429

Deel, Dave, Jackson 56143

Duluth, Airport Authority, John C. Grinden, Duluth Int'l Airport, Duluth 55811

Ekstrom, Reynold, Route 2, Cass Lake 56633

Elmo Aero, Inc., Lake Elmo Airport, Lake Elmo 55042

Erickson, Clayton, Route 2, Hawley 56549

Ferris, Sandra 9039 Pierce St. N.E. Blaine 55434

Flying Scotchman, Inc., 5201 Irving Avenue North, Mpls 55430

Garrett, Viola M., City Clerk-Treas., Pine River 56474

Gartner, Burkhardt & Schulman, Attn: A. Shulman, 112 7th Street NE, Rochester 55901

Haberer, Herman H., 22905 West Martin Lake Drive NE, Stacy 55079

Halvorson, Thomas L., Halvair Div. Duluth Int'l Airport, Duluth 55811

Hart, Patrick V., 112 East Liberty Street, Mankato 56001

Hay, Mr. & Mrs. Frank B., Route 5, Box 460, Brainerd, 56401

Hoffman's Crop Spraying Service, Route 2, Nicollet 56074

Horton, Don, 1160 Northern Federal Bldg., St Paul 55102

Hovda, James A., 4701 Elliot Avenue South, Mpls 55407

Ingle, Jim, Ingle Spraying Service, Fort Pierre, South Dakota 57532

International Jet Inc., Box 170-D, Lakeville 55044

Johnson, John Arlen, Sacred Heart 56285

Jose, Dorothy, City Clerk-Treasurer, Stephen, 56757

Klaphake, Ronald, City Hall, Morris 56267

Kloos, Lawrence C., Jr., Route 1, Barrett 56311

Korkki Aviation Inc., International Airport, Duluth 55811

Lange, Alden W., Flight Training Ct., Int., 10100 Flying Cloud Drive, Eden Prairie 55343

L.L. LeJeune Company, P.O. Box 19070, 118 West 60th Street, Mpls 55419

Matson, C.E., 2368 Joy Avenue, White Bear Lake 55110

Marine Iron & Ship Bldg., Co., 325 Lake Avenue South, Duluth 55801

McCall Aviation, Route 4, Box 57, Montevideo, 56265

Mesaba Aviation, 2002 Airport Road, Grand Rapids 55744

Midwest Helicopter, Inc., Route 5, Box 460, Brainerd 56401

MN Aviation Trades Assn., Inc., Box 6444, Mpls 55423

Mohr's Air-Marine Service, Crane Lake 55725

Moore, Glen, Crookston Flying Service, Inc., Municipal Airport, Crookston 56716

Nelson, Leonard T., St James Municipal Airport, St James 56081

Nord, Terry, Hallock Mun.Airport, Hallock 56728

Notch Electric, 334 Central Avenue, Long Prairie 56347

Olmsted County Flying Club, Inc., P.O. Box 6035, Rochester 55901

Olson, Raymond, Route 1, Hackensack 56452

Orr Public Airport, Orr 55771

Progressive Helicopter Services Inc., 5301 Chantrey Road, Edina 55436

Raiber, Ken, 309 West 2nd Street, Canby 56220

Ready Flying Service, Inc., 8 Division Street, Buffalo 55313

Red Baron Flyers, Caledonia 55921

Ricks, Lowell, Elbow Lake

Royalaire Co., Hector Airport, Hector 55342

Runke, George Jr., Cosmos 56228

Ryan AG Service, Inc., Attn: Jerome Johnson, Box 312, East Grand Forks

Saef-Air Repair, Inc., E.E. Francis, Fleming Field, So St Paul 55075

Sharkey, Edwin, 111 East Main, New Prague 56071

Sky-Farmer Aerial Sprayers, Inc., Attn: T.K. Pfeil, Box 166, Hwy 13 South, Waseca 56093

South Dakota Skydrivers Inc., Box 63, Sioux Falls, South Dakota 57101

Straight, Annabelle M., City of Pelican Rapids 56572

Tamarac Helicopter Corp., Gary Behrens, Press, Box 297, Evansville 56326

Thunderbird Aircraft Co., 5100 Eden Avenue, Mpls 55436

Valley Sky Divers Inc., % Don Solberg, 630 7th Street, West Fargo, ND 58078

Vermilion Aviation Inc., PO Box 397, Ely 55731

Vocational Flight Training, Box 360, Maple Lake 55358

Vogan, Virl, Gunflint, Lake, Grand Marais 55604

Waldref, Jerome, 760 San Ysidro Lane, Santa Barbara, California 93108

Weber's Aero Repair, Inc., Alexandria Airport, Alexandria 56308

Weeks, T.N., City Clerk, Windom 56101

West Central Airways Inc., Box 432, Fergus Falls 56537

Wiederkehr Ballons Intl., Inc., 1604 Euclid Street, St. Paul 55106

Willmar Air Service, Inc.,Muncipal Airport, Willmar 56201

Wings, Inc., Attn: John Lindberg, Hangar #1, St Paul Downtown Airport, St Paul 55107

Worthington Flying Service, Inc., PO Box 605, Worthington 56187

Wyant, Clinton W., Attorney at Law, Aitkin 56431

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1422 CITY HALL ANNEX
ST. PAUL, MN
55102

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BLOOMINGTON MN
55431

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4132 88TH LANE
ST PAUL MN
55112

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418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON JAMES
7703 NORMANDALE RD
MPLS MN
55435

ANDERSON STANFORD
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANTHONY DICK WDSM RADIO
1105 E. SUPERIOR ST.
DULUTH, MN
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ARNOLD ROBERT MESPA
55 SHERBURNE AVE.
ST PAUL, MN
55103

ARROWHEAD REG. DEV COMM.
211 W 2ND ST
DULUTH MN
55802

ARROWHEAD REGIONAL DEV CO
200 ARROWHEAD PLACE
DULUTH MN
55802

ASSOCIATED GEN CONTR.OF MN.
111 E. KELLOGG BLVD.
ST. PAUL, MN
55101

ASSN OF MINN COUNTIES
2305 FORD PKWY
ST PAUL MN
55116

BARATTO DIVINE M
1192 BUSH ST
ST PAUL MN
55106

BEGALKA D REV
212 N ELK ST
BELLE PLAINE MN
56011

BEST FLANAGAN ET AL
4040 IDS CENTER
MPLS MN
55402

BLADIN PAPER CO W J LICKE
115 1ST ST SW
GRAND RAPIDS MN
55744

BLAHA GERALD
457 GOODHUE ST
ST PAUL MN
55102

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7009 PORTLAND AVE
RICHFIELD MN

SAX DUVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN

SCARBOROUGH WILLIAM
DIV.ED. U.M.
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56267

SCHMIDT WARREN WELLCOME M
GARDEN CITY MN
56034

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MARSHALL, MN
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250 SO 4TH ST
MPLS MN
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DULUTH MN
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BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BRUNING C.R.DEPT.CLINIC.E
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MPLS. MN
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BUSCH NOEL
SUITE 705 510 MARQUETTE
MPLS MN
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56001

CARVER CO. AUDITOR
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CHASKA, MN
55318

CHIEF EDITOR ST INFO UNIT
1231 25TH ST NW
WASHINGTON DC
20037

CHILDS J L
4012 LYNN AVE S
MPLS MN
55416

CHRISTIAN SCI COMM ON PUB
1821 UNIV AVE SUITE 271
ST PAUL MN
55104

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
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CITY CLERKS OFFICE
126 NO. MARSHALL
LITCHFIELD, MN
55355

CITY OF ALBERT LEA
221 E CLARK ST
ALBERT LEA MN
56007

CITY OF ALEXANDRIA
114 7TH AVE W BOX 231
ALEXANDRIA MN
56308

CITY OF ANOKA
CITY HALL 2015 1ST AVE
ANOKA MN
55303

CITY OF APPLE VALLEY
14200 CEDAR AVE SO
APPLE VALLEY MN
55124

CITY OF BLAINE
9150 CENTRAL AVE NE
BLAINE MN
55434

CITY OF BRAINERD
CITY HALL
BRAINERD MN
56401

CITY OF BRECKENRIDGE
CITY HALL
BRECKENRIDGE MN
56520

CITY OF BROOKLYN CENTER
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

CITY OF BROOKLYN PARK
5800 85TH AVE NO
BROOKLYN PARK MN
55443

CITY OF BURNSVILLE
1313 E HWY 13
BURNSVILLE MN
55337

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139 E FIRST AVE
CAMBRIDGE MN
55008

CITY OF CHAMPLIN
12001 HWY 52
CHAMPLIN MN
55316

CITY OF CHANHASSEN
7610 LAREDO
CHANHASSEN MN
55317

CITY OF CHASKA
205 E 4TH ST
CHASKA MN
55318

CITY OF COTTAGE GROVE
7516 80TH ST SO
COTTAGE GROVE MN
55016

CITY OF CRYSTAL
4141 DOUGLAS DRIVE NO
CRYSTAL MN
55422

CITY OF DETROIT LAKES
106 E HOLMES ST
DETROIT LAKES MN
56501

CITY OF DULUTH
CITY HALL
DULUTH MN
55802

CITY OF EAGAN
3795 PILOT KNOB ROAD
EAGAN MN
55122

CITY OF EAST BETHEL
2751 VIKING BLVD NE
WYOMING MN
55092

CITY OF E GRAND FORKS
P O BOX 453
E GRAND FORKS MN
46721

CITY OF EDEN PRAIRIE
8950 EDEN PRAIRIE RD
EDEN PRAIRIE MN
55343

CITY OF EDINA
4801 W 50TH ST
EDINA MN
55424

CITY OF GOLDEN VALLEY
7800 GOLDEN VALLEY RD
GOLDEN VALLEY MN
55427

CITY OF HASTINGS
100 SIBLEY ST
HASTINGS MN
55033

CITY OF HUTCHINSON
37 WASHINGTON AVE WEST
HUTCHINSON MN
55350

CITY OF JORDAN FRANK HOUSER2
10 E 1ST
JORDAN MN
55352

CITY OF LAKE INDEPENDENCE
RT 1 BOX 123A
MAPLE PLAIN MN
55359

CITY OF MAPLE GROVE
9401 FERNBROOK LANE
MAPLE GROVE MN

CITY OF MAPLEWOOD
1380 FROST AVE
MAPLEWOOD MN
55109

CITY OF MOUNDSVIEW
2401 HWY 10
ST PAUL MN
55113

CITY OF ROSEMOUNT
BOX 455
ROSEMOUNT MN
55068

CITY OF ST PAUL
445 CITY HALL
ST PAUL MN
55102

CITY OF WHITE BEAR LAKE
250 MILLER AVE
WHITE BEAR LK MN
55110

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

DAWSON JEAN MN GOV'T REPORT
ROOM B12 CAPITOL
ST PAUL MN
55155

DUPONT MIKE
5720 EXCELSIOR BLVD
MPLS MN
55416

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ENDERSON WILLIAM
3644 NICOLLET AVE
MINNEAPOLIS MN
55409

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

CITY OF MINNEAPOLIS
5801 66TH AVE NO
BROOKLYN CTR MN
55429

CITY OF NEW HOPE
4401 XYLON AVE NO
NEW HOPE MN
55428

CITY OF ROSEVILLE
2701 NO LEXINGTON AVE
ROSEVILLE MN
55113

CITY OF SHAKOPEE
129 E 1ST AVE
SHAKOPEE MN
55379

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DAYTON, HERMAN, ET AL
800 MIDLAND BANK BLDG.
MPLS., MN
55401

DZUGAN KEN ST.PAUL PLANNING
25 W. 4TH. ST.
ST PAUL, MN
55102

ECKLUND WM EELLHABER-LARSON
W 1080 1ST NATL BANK
ST PAUL MN
55101

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

CITY OF MINNETONKA
74600 MINNETONKA BLVD
MINNETONKA MN
55343

CITY OF OKONO
PO BOX 66
CRYSTAL BAY MN
55323

CITY OF ST CLOUD
CITY HALL
ST CLOUD MN
56301

CITY OF SHOREVIEW
4665 NO VICTORIA ST
SHOREVIEW MN
55112

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

COUNTY ATTYS COUNCIL
40 NO MILTON ST STE 106
ST PAUL MN
55104

DAKOTA CO MENTAL HEALTH CTR
744 19THAVE NO
SO ST PAUL MN
55075

DEVELOP DISABILITIES PROG
STATE PLAN 200 CAP SQ.
ST. PAUL, MN
55155

EDINA HEALTH DEPT
4801 W 50TH ST
EDINA MN
55424

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

FARSETH PAUL FOOD STAMPS PRO
WELFARE DEPT 690 N ROBT
ST PAUL MN

CITY OF MORRIS
CITY HALL
MORRIS MN
56244

CITY OF ROCHESTER
1421 3RD AVE SE
ROCHESTER MN
55901

CITY OF ST LOUIS PARK
5005 MINNETONKA BLVD
ST LOUIS PARK MN
55416

CITY OF WAYZATA
600 RICE STREET
WAYZATA MN
55391

COHEN LAWRENCE
1291 1 APPLETREE SQU
MPLS MN
55420

DANIELSON RODNEY L.
411 MAIN ST. SU 210
ST. PAUL, MN
55102

DICKSON GARY L
4665 NO VICTORIA ST
SHOREVIEW MN
55112

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

FED-ST REPORTS INC.
5203 LEESBURGPIKE S1201
FALLS CHURCH, VA
22041

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FITZPATRICK LEO
8138 HENSLOWE AVE S
COTTAGE GROVE MN
55016

FORBES GORDON MINN RRS AS
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FRIESEN MILLER A
RAMP BD 624 13TH ST S
VIRIGINIA MN
55792

FRISON FRANK NECA
RM 305 200 SO ROBERT
ST PAUL MN
55107

GEBERT KENNETH L
300 PUBLIC HEALTH CTR
MPLS MN
55415

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GOLDBERG PROF MELVIN
WM MITCHELL COL OF LAW
ST PAUL MN
55105

GRAHAM THOS H.
900 MIDLAND BK. BLDG.
MPLS., MN
55401

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HAIK RAYMOND A
4344 IDS CENTER
MPLS MN
55402

HALVERSON SUE R
720 AMERICAN CENTER BLD
ST PAUL MN
55101

HARRY, RICK
1000 LAKESHORE DR.
MOOSE LAKE, MN
55767

HARTFELDT WILL
2855 METRO DRIVE STE800
BLOOMINGTON MN
55420

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAYES, THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HAVEN ROBT TWIN TN TREATM
1706 UNIV AVE
ST PAUL MN
55104

HEAD & TRUHN
1007 SCO LINE BLDG
MPLS MN
55402

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

HEALTH CENTRAL
2810 57TH. AVE. NO.
MINNEAPOLIS, MN
55430

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HEARING EX.OFF. M GREENBERG
1745 UNIV AVE
ST PAUL MN
55104

HEIM, PAUL M.
5501 NORMAN CENTER DR.
MPLS., MN
55437

HELTZER JAMES DAYTON HUDS
777 NICOLLET MALL
MPLS MN
55402

HINIKER JAMES COMM OF ADMIN
200 ADMIN BLDG
ST PAUL MN

HOGLUND RICHARD C
BOX 755
WILLMAR MN
56201

HOLEY GEORGE
1509 SW SIXTH STREET
FARIBAULT MN
55021

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

IMS PAUL

ECHO MN

INGRAM ALAN NASW MN CH
22 NO DALE ST
ST PAUL MN

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
ST PAUL MN
55164

INTERSTATE POWER RW STEEL
1000 MAIN ST
DUBUQUE IA
52001

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON LEAGUE OF AM
111 E FRANKLIN SU 201
MPLS MN
55404

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENCS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHANSEN BUS SERV INC.
11911 HWY. 52
CHAMPLIN, MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON KEL MACI
HANOVER BLDG
ST PAUL MN
55101

JOHNSON LEROY
1207 98TH LANE NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRUNDT
BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KELLY BARBARA SOLID WASTE
4001 PEBBLEBROOK DR
BLOOMINGTON MN
55437

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

LAKE SUPERIOR INDUSTRIAL BUR
626 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANGEVIN, DAVID P.
8748 IDEN AVE. SO.
COTTAGE GROVE MN
55016

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEG REPORT SERV-P STURDEVANT
PO BOX 3259
ANNAPOLIS MD
2140

LEWIS DR.G.M JR.
ABBOTT 110 E 18TH ST
MPLS MN
55403

LOCH DAVID REG 5 REG DEV COG
11 IOWA AVE
STAPLES MN
56479

LOEFFLER DOROTHY MRS
U OF M 101 EDDY HALL
MPLS MN
55455

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS MN
55404

MAHCF RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
55420

MALECKI JAMES
1 SO STATE ST
NEW ULM MN
56073

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MARLATT RALPH J
1320 SOO LINE BLDG
MPLS MN
55402

MARQUARDT PHILIP
RTE 2 BOX 209
JANESVILLE MN
56048

MASTOR & BALE, LTD.
315 PEAVEY BLDG.
MPLS. MN
55402

MAUL WARREN E.
605 4TH. AVE. SO.
MPLS., MN
55415

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCNEILLY GREG MNDSVIEW ED AS
741 SHERBURNE AVE
ST PAUL MN
55103

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
55431

MIDLAND GLASS-BARTO R.J.
P.O. BOX 69
SHAKOPEE, MN
55379

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MILLER THOMAS F
1628 IDS CENTER
MPLS MN
55402

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN CHAP ASSOC BLDRS-CON
7204 W 27TH ST
MPLS MN
55426

MINN. DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN GOV ENG COUNCIL
2400 SHERWOOD HILL RD
MINNETONKA MN
55343

MINN HOSPITAL ASSN
2333 UNIV AVE SE
MPLS MN
55414

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN.MTR.TRANSP. .J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MINN NEWSPAPER ASSN
84 S 6TH ST STE 400
MPLS MN
55402

MINN PCA WATER QUALITY
1935 W CO RD B 2
ROSEVILLE MN
55113

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN. POLLUTION CONTROL AGCY
1935 W CO RD B2
ROSEVILLE MN
55113

MINN RETAIL FEDERATION
180 METRO SQUARE BLDG
ST PAUL MN
55101

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN RURAL ELECTRIC ASSN
4901 W 77TH ST
MPLS MN
55435

MINN. SERV. STA. ASSN.
1115 2ND. AVE. SO.
MPLS., MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
STPAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN. TBR. PRODUCERS ASSN.
333 W. SUPERIOR ST.
DULUTH, MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA COMM
802 2ND ST
HUDSON WI
54016

MINNESOTA AFL-CIO
175 AURORA AVE
ST PAUL MN
55103

MIXA FRANK LK MNTKA CONS DIS
402 E LAKE ST
WAYZATA MN
55391

MN AUTOMOBILE DEALERS ASS
277 UNIV AVE
ST PAUL MN
55103

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MN SOC SERV ASS J HOGD
614 PORTLAND
ST PAUL MN
55102

MN ST COUNCIL FOR HANDICAPP
METRO SQ 7TH & ROBERT
ST PAUL MN
55101

MN ST PHARMACEUTICAL ASSN
2469 UNIVERSITY AVE
ST PAUL MN
55114

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOSS DR JEROME
125 PEIK 159 PILLSBURY
MPLS MN
55455

MOSTCA
PO BOX J
PERHAM MN
56573

MOTOR VEHICLE MFRS ASSN
411 MAIN ST (215)
ST PAUL MN
55102

MPLS ASSN RETARDED CITIZE
2344 NICOLLET AVE. SO.
MPLS., MN
55404

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

MURPHY PATRICK FSR INC
BOX 986 COURTHOUSE STA
ARLINGTON VA
22216

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NOZISKA HOWARD
7851 METRO PKWY S 103
MPLS MN
55420

NW COUNTRY ELEVATOR ASSN
P.O.BOX.15004COMM.STAT
MPLS., MN
55415

O'CONNELL RAY
MN GAS CO 733 MARQ AVE
MPLS MN
55402

PHAR MFGRS ASSN GROSSMAN S.
1155 15TH. ST. N.W.
WASHINGTON,DC
20005

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PRICE WALT C REISS COAL CO
1011 SO 8TH ST
SHEBOYGAN WI
53081

RALPH BURKE ASSOCIATES
5200 W 73RD ST
MPLS MN
55435

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROSS ALFRED
6396 MAPE RD
LINO LAKES MN
55

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NURSING HOME ADMRS BD EXAMRS
RM 340 717 DELAWARE SE
MPLS MN
55414

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

PAYNE COL ALVIN

DEGRAFF MN
56233

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PORTER DAVID
3002 27 AVE S
MPLS MN
55406

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RIEKE, DAVID
SCORPION IND. INC.
CROSBY, MN
56441

ROYAL ESQUIRE REALTY INC
1612 PIONEER BLDG
ST PAUL MN
55101

NELSON HOWARD I

LINDSROM MN
55045

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

OLOFSON ARTHUR MBO & MAINC
927 SOO LINE BLDG
MPLS MN
55402

PETERSON DOUG AM RED CROSS
11 DELL PLACE
MPLS MN
55403

PIDGEON, JOHN G. CITY MGR.
BLOOMINGTON CITY HALL
BLOOMINGTON, MN
55431

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

RAUENHORSTCORP-RONALD G KIRK
7900 XERXES S S-2200
MPLS MN
55431

REGION NINE DEV. COMM.
120 S. BROAD ST.
MANKATO, MN
56001

RITTER, JERRY
1011 NICOLLET MALL
MPLS., MN
55403

NERDA
706 ALWORTH BLDG
DULUTH MN
55802

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PETERSON, H. COMM LABOR&I
444 LAFAYETTE RD.5TH FL
ST. PAUL, MN
55101

PINNETTI NICK M HALEY & A
40 CENTRAL PARK S
NEW YORK NY
10019

PRAUSE J.C.
1313 COON RAPIDS BLVD.
COON RAPIDS, MN
55433

RADMAN RICHARD-LABOR TEMP
411 MAIN STREET
ST. PAUL, MN
55102

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

RENNER R.H. ST PAUL AREA
300 OSBORN BLDG.
ST PAUL MN
55102

ROSENTHAL ABE MN TRANS SE
SUITE 310 N 1821 UNIV
ST PAUL MN
55104

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHMIDT WARREN WELLCOME M
GARDEN CITY
MN
56034

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWINN, ROBT. P.
1830 SOO LINE BLDG.
MPLS., MN
55402

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

SHABATURA EUGENE H
2833 LAKE AVE. SO.
DULUTH, MN
55802

SHEEHY LEE E
625 ADMIN BLDG
ST PAUL MN
55155

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

SMITH BOB III
PIONEER BLDG
ST PAUL MN
55101

SNYDER, R.W. U OF M
AM 248C CLASS OFF BLDG.
ST PAUL MN
55108

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SOUTHWEST REGIONAL DEV COMM
25TH & BROADWAY
SLAYTON MN
56172

SPRAGUE CHARLOTTE B
AREA HOSPITAL BOX 339
WINDOM MN
56101

ST. PAUL FOOD RETAILERS ASSN
555 WABASHA ST. STE.204
ST. PAUL, MN
55102

STATE & FEDERAL AGENCIES
1101-15TH NW
WASHINGTON DC
20005

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STONE JOHN F MOSS FLAHERTY
2350 IDS CENTER
MPLS MN
55402

SULLIVAN J KIRK
P.O. BOX 50
BOISE, IDAHO
83728

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

SWANSON DALE
1068 SO LAKE ST
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

THORNTON, P.J.
107 SO. 15TH. AVE. W.
VIRGINIA, MN
55792

TOWNSHIP OF WHITE BEAR
1281 HAMMOND RD
WHITE BEAR LK MN
55110

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

US DEPT OF AGRICULTURE
252 FEDERAL BLDG
ST PAUL MN
55101

VALLY CENTER DRUG
4827 W 124TH ST
SAVAGE MN
55378

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALTERS THOMAS MN MFG HOUSE
4530 W 77TH ST STE 227
MPLS MN
55435

WALZ SAM CO ADMINISTRATIO
ANOKA CTY COURTHOUSE
ANOKA MN
55303

WAMPLER LINUS DIR USW OF AM
609 PROVIDENCE BLDG
DULUTH MN

WASHINGTON COUNTY
14900 61ST ST NO
STILLWATER MN
55082

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WEST CENTRAL REG. DEV.
ADM BLDG,COMMUNITY COLL
FERGUS FALLS MN
56537

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WHITLOCK MARSHALL LCRAR
RM.44 ST. OFF. BLDG.
ST. PAUL, MN
55155

WM. MITCHELL LAW LIB.
875 SUMMIT AVE.
ST. PAUL, MN
55105

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WRIGHT CO COMMUNITY SERVICES
7NW 1ST ST
BUFFALO MN
55313

91.50

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Division adm

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COST/CLIENT	SOURCE	RECEIPT ACCT 160991298	REV 907

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CLASS	Pieces	Amount	Do Not Write in Space Below
First @ .13			
First Overweight			
Third	1657	1514 32	
Fourth			
Foreign			
Airmail			
Certified			
Registered			
Insured			
Special Del.			
Bulk Mailing			
TOTAL			

Signed Katherine Dawe
Authorized Signature

Ext. No. 2420

379348

1040 pcs 956.50

1657 1514.32

61-51

COMMERCIAL OPERATORS

Mr. George Ahlsten
Traverse Air, Inc.
Route 2, Box 99
Wheaton, MN 56296

Mr. Ralph Angell
Angell Flying Service
Box 265
Austin, MN 55912

Aero Training Assoc.
Box 77
Fern Park, FL 32730

Mr. Chuck Androsky
Superior Skydivers
1106 Ogden
Superior, WI 54880

Mr. Earl Adams
Adams Aviation
4065 - 125th St. W
Rosemount, MN 55068

Mr. Wes Anderson
Anderson Repair
Box 105
Chatfield, MN 55923

Mr. Wayne Anderson
Aerial Crop Cop
Route 1, Box 179
Redwood Falls, MN 56283

Mr. Richard Anderson
The Photo Lab
813 Portland Ave. So.
Minneapolis, MN 55404

Mr. Paul Anderson
Anderson Aerial Spraying Inc.
Box 11
Canby, MN 56220

Mr. Harold Anderson
Box 456
Anderson Spraying Service
Mahnomen, MN 56557

Mr. Dean Anderson
Skyview Flight Service
Route 1
Jackson, MN 56143

Mr. C. O. Anderson
Red Baron Air Service
Municipal Airport
Buffalo, MN 55313

Mr. C. Evans Anderson
Anderson Flying Service
Kennedy, MN 56733

Mr. A. George Benn
Amazon Aviation, Inc.
Fleming Field
So. St. Paul, MN 55075

Mr. Shannon Bowers
North-Lake Acft. Sales
Crane Lake, MN 55725

Bellanca Aircraft Corp.
Municipal Airport
Alexandria, MN 56308

Mr. Alan Bowers
Sundance Airways, Inc.
Downtown Airport
St. Paul, MN 55107

Mr. Gerald Bergman
Aero Maintenance
8222 Stebner Rd.
Duluth, MN 55811

Mr. Kenneth Bordner
Bordner Consultants, Inc.
One Appletree Square
Bloomington, MN 55420

Mr. Douglas Beebout
Beebout Aerial Spraying
Route 1
Milroy, MN 56263

Mr. Rolland Bordenkircher
Rolland's Spray Service
Box 48
Argyle, MN 56713

Mr. Mike Baumgartner
Baumgartner Farms
Route 1
Roseau, MN 56751

Mr. Leslie Boler
Hollandale,
Minnesota 56045

Mr. Frank Bauer, Jr.
Bauer Spray Service
Hwy. 169, Box 98
Bancroft, Iowa 50517

Mr. W.E. Bolduc
Bolduc Aviation Service
5930 Lakeland Ave. No.
Minneapolis, MN 55429

Mr. James Bates
Waseca Aviation, INC.
3 Summit Lane
Waseca, MN 56093

Mr. Arnold Boehmlehner
Route 1
Wheaton, MN 56296

Mr. Wayne Bardwell
Bardwell Aerial Service
Clearbrook, MN 56634

Mr. Tim Bjella
Star Route
Silver Bay, MN 55614

Mr. David Bachand
Bachand Bros. Aerial Spray
Brooks, MN 56715

Mr. John Billingsly
Aerodrome, Inc.
Box 199
Owatonna, MN 55060

AOPA Air SAfety Foundation
Air Rights Bldg.
7315 Wisconsin Ave.
Washington, D.C. 20014

Mr. Garland Bernhardt
Bernhardt Flying Service
Route 1
Baudette, MN 56623

Leh Bryczek
Burlington Northern Airmotive
3600 East 70th St.
Mpls, MN 55450

Mr. Bruce Burnevik
J. B. Balloons
10123 Mississippi Blvd.
Coon Rapids, MN 55433

Burnett Co. Flying Serv.
Route 2 Box 16
Siren, WI 54872

Mr. Gerald L. Buesing
Buesing Bros. Trucking
2285 Daniels St.
Long Lake, MN 55356

Mr. Al Buckner
Crystal Skyways
Crystal Airport, Hwy. 52
Minneapolis, MN 55429

Mr. D. G. Buchanan
B & B Aircraft Sales, Inc.
321 Pike Lake
Duluth, MN 55811

Mr. Leo Brown
General Mills
3500 E. 70th St.
Minneapolis, MN 55450

Mr. Orville Brede
Brede Aviation Inc.
Fleming Field
So. St. Paul, MN 55075

Mr. Lee Bradshaw
White Bear Gliding
2809 Park Ave. #310
Minneapolis, MN 55407

Mr. Keith Blake
Blake Rotorcraft, Inc.
22 Second St. No.
Long Prairie, MN 56347

Mr. Jon Clauson
Fleming Aviation, Inc.
Fleming Field
So. St. Paul, MN 55075

Mr. Duane Christopherson
Surfside Aviation
6980 Lake Drive
Circle Pines, MN 55014

Mr. Richard A. Christian
Maple Hill Route
Box 95B
Grand Marais, MN 55604

Mr. Philip Chermak
Aviation Services, Inc.
Route 5, Box 235
Little Falls, MN 56345

Mr. Gene Charpentier
Box 2068
Bejou, MN 56516

Mr. Ed Chapman
Balloon Ascensions Unlimited
Route 2, Box A349
Prior Lake, MN 55372

Mr. Roy Carlson
Modern Constructors
Box 457 325 Lake Ave. So.
Duluth, MN 55801

Mr. Bryon Carlson
Carlson Airspray
Lake Bronson, MN 56734

Mr. Tom Cameron
Cambridge Flite Service
Route 4
Cambridge, MN 55008

Mr. Ed Caffrey
Northstar Aviation, Inc.
2289 Co. Rd. J
Minneapolis, MN 55432

Mr. Harvey Deterling
Fairmont Flying Service
Route 2, Box 329
Fairmont, MN 56301

Mr. Douglas Duncan
Arrowhead Aviation, Inc.
Star Route 2, Box 74
Hibbing, MN 55746

Mr. Ronald Deck
Deck Flying Service
Box 675
Hillsboro, ND 58045

Mr. Arnold Drube
Terra-Mat
12404 Chippewa Lane
Burnsville, MN 55337

Dakota Aviation, Inc.
Route 3
Grafton, ND 58237

Mr. John Dreyer, Jr.
Minneapolis Sky Share, Inc.
6 Lost Rock Lane
St. Paul, MN 55110

Mr. Paul Dagnon
Dagnon Aviation
6632 Lower 162nd St. West
Rosemount, MN 55068

Mr. John Dreyer, Jr.
Dreyer Enterprises
6 Lost Rock Lane
St. Paul, MN 55110

Mr. Dick Cross
Cirrus Flight Operations
2289 Co. Rd. J
Mpls., MN 55432

Mr. Charles Draine
Mississippi Valley Airways
Route 3
Winona, MN 55987

Mr. William Craig
Craig Airspray
Bathgate, ND 58216

Mr. Chuck Doyle
Zoo Helicopters
Airlake Industrial Park
Lakeville, MN 55044

Mr. William Covington
Mid-Continent Airlines
Box 1588, Int'l Airport
St. Paul, MN 55111

Mr. Gene Domich
Ede Aire
Route 3, Box 392
Detroit Lakes, MN 65601

Mr. Jim Conroy
Aero Tech, Inc.
2289 Co. Rd. J
Minneapolis, MN 55432

Mr. Gary Donner
Donner Aerial Spraying
Route 1
Belview, MN 56214

Mr. J. A. Cochrane
Sunray Sales & Service
7901 Flying Cloud Drive
Eden Prairie, MN 55343

Mr. Tom Doherty
Forest Lake Aviation
Route 1, 5385 Scandia Trail
Forest Lake, MN 55025

Mr. Conrad Clement
Nationwide Aviation, Inc.
Hwy. 16 West
Grand Meadow, MN 55936

Mr. Larry Diffley, INC.
Bemidji Aviation Services
Box 624, Municipal Airport
Bemidji, MN 56601

Exec-U-Air, Inc.
Downtown Airport
St. Paul, MN 55107

Mr. Maurice Gent
Gent Aviation
612 - 3rd Ave. SW
Sleepy Eye, MN 56085

Mr. H. R. Elliot
Elliott Flying Service
13801 Pioneer Trail
Eden Prairie, MN 55343

Mr. Douglas Gale, Pres.
Minnesota Skydivers Club
3919 Lakewood Ave.
White Bear Lake, MN 55110

Mr. Leslie Ellingson
Ellingson Aircraft Service, Inc.
Box 55
Warroad, MN 56763

Mr. David Fuhr
Fuhr Flying Service
Circle Lane Farms
Wabasso, MN 56293

Mr. S. F. Ellertson
Ellertson & Associates
718 Central Ave.
Minneapolis, MN 55414

Mr. Todd Fruen, Pres.
Air Charter, Inc.
2289 County Road J
Minneapolis, MN 55432

Mr. Allen Ellenson
Route 2
Salol, MN 56756

Mr. Paul Frisch
Box 11
Dumont, MN 56236

Mr. Richard Ekdahl
Delta Ag Aero
Box 308
Graceville, MN 56240

Friesenborg & Larson
Aerial Spraying, Ltd.
Box 120
Buffalo Center, IA 50424

James Einarson
Einarson Bros. Fly Service
Rt 9, Box 116
Int'l Falls, MN 56649

Mr. Richard Ford
Ford Aviation, Inc.
Crystal Airport
Minneapolis, MN 55429

Mr. Francis Einarson
Lake of Woods Flying Service
Box 546
Baudette, MN 56623

Mr. Jim Flynn
Jim Flynn Aerial Sprayers Inc.
Route 2
Red Lake Falls, MN 56750

Mr. Charles Easbey
Blue Earth Flying Service, Inc.
Municipal Airport
Blue Earth, MN 56013

Mr. Terrance Fladeland
Fladeland Ag Service, Inc.
Route 1
Red Lake Falls, MN 56750

Mr. Rodney Dunn
Pelican Lake
Orr, MN 55771

Mr. Ronald Falk
Falk Aerial Spray
2917 No. Third St.
Fargo, ND 58102

Mr. Al Grazzini
Equity Leasing Corp.
5100 Eden Ave.
Minneapolis, MN 55436

Mr. Douglas Grant
Grant's Flying Service
Box 263
Windom, MN 56101

Mr. Ralph Graham
Twin Town Aviation Service Co.
244 Fillmore Ave. East
St. Paul, MN 55107

Mr. Ralph Graham
Graham Aviation Center, INC.
244 Fillmore Ave.
St. Paul, MN 55107

Mr. Gerald Graham
Sun Aviation
Box 529
Cambridge, MN 55008

Mr. Sherman Graber
Worthington Aviation
Municipal Airport
Worthington, MN 56187

Mr. Don Glaser
Wings North
6300 Sunnybeach Road
Grand Rapids, MN 55744

Mr. Duane Gjesvold
Aerial Sprayers
Box 311
Mahnomen, MN 56516

Mr. William Gilk
G & R Aircraft Sales, Inc.
13601 Pioneer Trail
Eden Prairie, MN 55344

Mr. Raymond Gieseke
New Ulm Aerial Spraying Serv, Inc.
10 Woodland Drive
New Ulm, MN 56073

Mr. Andrew Hannula
Northern Patrol, Inc.
Box 303
Grand Rapids, MN 55744

Mr. John Hanauer
Swift Soaring School
50 East Snelling
Appleton, MN 56208

Mrs. Rex Hammarback
Hammarback Aviation, Inc.
Box 261
Ada, MN 56510

Mr. Terence Haglund
Aerial Burials, Inc.
827 Hennepin Ave.
Minneapolis, MN 55413

Mr. Floyd Gutowski
Northland Aircraft Sales
2 Lake Southwood
Eveleth, MN 55734

Gustafson AAA Spraying, Inc.
Box 7
Little Sauk, MN 56346

Mr. Stephen Gulbrandson
9 High Road North
Inver Grove Hts., MN
55075

Mr. George Gruber
Gruber Aviation
Municipal Airport
Sandstone, MN 55072

Mr. Al Grazzini
Thunderbird Aviation of Crystal,
Crystal Airport
Mpls, MN 55429

Mr. Al Grazzini
Thunderbird Aviation, Inc.
14091 Pioneer Trail
Eden Prairie, MN 55343

Hereford Farms, INC.
Mr. Larry Hagen
Gatzke, MN 56724

Imperial Helicopters
Hangar #3
Fleming Field
So. St. Paul, MN 55075

Mr. Jim Hendrickson
Mesaba Aviation
2002 Airport Road
Grand Rapids, MN 55744

Mark Hurd Aerial Surveys Inc.
345 Pennsylvania Ave. So.
Minneapolis, MN 55426

Mr. Don Hendrickson
Anoka Aviation, Inc.
2289 County Road J
Minneapolis, MN 55432

Mr. Leslie Hubbell
L. V. H. Aircraft
1722 Morningside Ave.
Duluth, MN 55803

Mr. Roger Hemmingsen
Hemmingsen Aerial Sprayers
611 No. Eaton
Fosston, MN 56542

Mr. Tom Hron, Jr.
St. Cloud Aviation, Inc.
Municipal Airport
St. Cloud, MN 56301

Mr. Del Hemmingsen
Hemmingsen Flying Service
Erskine, MN 56535

Mr. George Hook
Hook Spray Service, INC.
Box 42
Monticello, MN 55362

Mr. Marvin Hayes
Hayes Aerial Spraying
4379 Brownsdale Ave. So.
Minneapolis, MN 55424

Mr. John Holmberg
Teryjon Aviation
Rt. 1, Box 94A
St. Peter, MN 56082

Mr. Dale Hardy
Willmar Aerial Spraying, Inc.
Box 169
Olivia, MN 56277

Mr. Ward Holliday
Ward Holliday Aviation, Inc.
Lake Elmo Airport
Lake Elmo, MN 55042

Mr. Dale Hardy
Olivia Flying Service, Inc.
Box 169
Olivia, MN 56277

Mr. Alfred Hoiland
Bagley Aviation
Box 61
Bagley, MN 56621

Mr. Henry Hansen
Hansen Aerial Spraying
Box 79
Doran, MN 56530

Mr. Steve Hlusak
No. Hennepin Flying Club
8032 Georgia Ave. No.
Brooklyn Park, MN 55445

Chuck Hanratty
Instrument Flight Training
Downtown Airport
St. Paul, MN 55107

Mr. Ronald Hink
Ron's Aerial Spraying
Route 1
St. Hilaire, MN 56754

Mr. Ray Johnson
Midwest Aviation
Box 168
Marshall, MN 56258

Mr. Lindley Johnson
Peterson & Johnson Airspray, Inc.
Box 27
Argyle, MN 56713

Mr. Duane Johnson
Tyler Aerial Spraying
Highway 14
Tyler, MN 56178

Mr. Carl Johnson
Morris Aviation
305 West 9th St.
Morris, MN 56267

Mr. Jim Jilek
Indian Head Airways
Route 1, Box 246
Rush City, MN 55069

Mr. John Jenson
Jenson Airspray
2016 - 4th Ave. No.
Grand Forks, ND 58201

Mr. Donald Jensen
Freeborn County Aircraft
Route 2, Box 288
Albert Lea, MN 56007

Mr. William Jeffers
Jeffers Flying Service
Route 1, Municipal Airport
Wadena, MN 56482

Mr. Jack Jasperson
Pine Aviation
830 - 7th Ave. West
Pine City, MN 55063

Mr. Jon Iverson
Sport Parachute Center
13106 Grand Ave.
Burnsville, MN 55337

Mr. Thomas Kimmel
Charter Flights
6225 - 34th Ave. So.
Minneapolis, MN 55450

Mr. Willard Kiehm
Kiehm Flying Service
Delavan, MN 56023

Mr. Harley Kennedy
Wheaton Flying Service
606 Broadway
Wheaton, MN 56296

Mr. James Kelly, Pres.
Condor Aviation, Inc.
Hangar 15A
Crystal, MN 55429

Mr. Budd Kelly
B & K Aerial Applicators
Route 2
Welch, MN 55089

Mr. Curtis Keller Co Inc.
84 Crocus St.
Mahtomedi, MN 55115

Mr. Robert Kearney
101 Goodyear Ave.
Mankato, MN 56001

Mr. Del Junker
Brainerd Aircraft Sales
Route 8, Box 60
Brainerd, MN 56401

Mr. Gary Judd
Judd Enterprises
Rt 2
Rice, MN 56367

Mr. Richard Johnstone
Aero-Commander of MN
4928 Poppy Lane
Edina, MN 55435

Mr. Kurt Krueger
Krueger Seaplane Base, Inc.
Vergas, MN 56587

Mr. Robert Leaders
Leaders Flying Service
Box 157
Clear Lake, MN 55319

Mr. Howard Kron
Howard's Flying Service
Box 526
Montevideo, MN 56265

Rex Larson Spray Service
Mr. Rex Larson
Lakota, Iowa 50451

Mr. Roger Krause
Lake-State Airways
Route 1, Box 137
New Ulm, MN 56073

Mr. Larry Larson
Rapid River Grain & Seed
Box 458
Baudette, MN 56623

Mr. Arlyn Kraft
Kraft Ag Aviation, Inc.
Mapleton, ND 58059

Mr. Curtis Larson
Larson Aviation
Box 139
Stephen, MN 56757

Mr. Oliver Koski
Koski Airways
Box 365
Windom, MN 56101

Mr. Kermit LaQuey
Business Aviation Services
Box 275
Spring Park, MN 55384

Mr. Glen Koopmans
Delta Skydivers
310 - 9th Ave. SE
Faribault, MN 55021

Mr. William Kurtz
Steve's Flight Service
Route 2
Aitkin, MN 56431

Mr. LeRoy Koch
Koch Aerial Enterprises
Route 2
LeRoy, MN 55951

Mr. William Kurtz
Kurtz-Johnson Aero Ag, Inc.
Route 2
Aitkin, MN 55760

Mr. William Knox
Knox Flying Service
Route 1, Box 24
Fisher, MN 56723

Mr. Eugene Kunde
Kunde's Aircraft Service
8707 Dellwood Road
Mahtomedi, MN 55155

Mr. Charles Klettenberg
Itasca Star Route
Park Rapids, MN 56470

Mr. Don Kummer
Sauk Centre Aviation
Rt 4, Box 168
Sauk Centre, MN 56378

Mrs. Martha King
King Accelerated Ground Schools
Box 261000
San Diego, CA 92126

Mr. Richard Krupicka
Sunnyhill Aerial Sprayers
Route 4, Box 186
Austin, MN 55912

Mr. Stewart Lucke
Inkster,
North Dakota 58244

Mr. Richard Mathias
Mathias Aerial Spraying
Route 1
Wheaton, MN 56296

Mr. Eldon Lowinske
Lowinske Flying Service
Box 426
Sleepy Eye, MN 56085

Mr. Malcolm Manuel ✓
Triangle Aviation, Inc.
Carleton Airport
Stanton, MN 55081

Mr. William Lothert
Lothert's Aerial Spraying
Route 1 Box 73
Olivia, MN 56277

Mr. William Magie
Wilderness Wings Airways
Box 188
Ely, MN 55731

Mr. Charles Lofton
Charlie's Aerial Application
Star Route A
Roseau, MN 56751

ManDrake Airplanes, INC.
Administration Bldg.
Downtown Airport
St. Paul, MN 55107

Mr. Gary Loge
Ren Da, Inc.
Box 214
Virginia, MN 55792

Mr. Ed Majerle
Taconite Aviation
Municipal Airport
Eveleth, MN 55734

Mr. Larry Linrud
Tri-State Aviation
Box 820
Wahpeton, ND 58075

Mr. Ed Majerle
Taconite Aviation
Int'l. Airport
Duluth, MN 55811

Mr. Thomas Lindee
Lindee Air, Inc.
2289 Co. Rd. J
Minneapolis, MN 55432

Mr. Jack Lysdale
Lysdale Flying Service
Fleming Field
So. St. Paul, MN 55075

Mr. Leslie Lewis
Modern Aero of MN, Inc.
14801 Pioneer Trail
Eden Prairie, MN 55434

Mr. David Lux
Lux Spray Service
Route 1
Cosmos, MN 56228

Mr. Lon Levitz
Alexandria Aviation
Rt 4, Box 23
Alexandria, MN 56308

Mr. Donald Luthi, Pres
Red River Transport & Develop Co.
Box 5021
Fargo, ND 58102

Mr. Julian LePage
Warroad Airways Inc.
Box 128
Warroad, MN 56763

Mr. Gil Lundquist
Eagle Aviation
Municipal Airport
Faribault, MN 55021

Mr. Bill Miller
Miller Aerial Spraying
Box 186
Tracy, MN 56175

Mr. Bruce Nagorske
Windom Aerial Agri Serv.
Route 1
Bingham Lake, MN 56118

Midstate Airlines
Box 277
Marshfield, WI 54449

Mr. Donald Murray
Murray's Flying Service
54 Park Drive
Mt. Iron, MN 55768

Mr. William McMaster
Lake of the Woods Airways
Route 1, Box 19
Baudette, MN 56623

Mr. Carl Moser
Moser Sales
6009 Shane Drive
Minneapolis, MN 55435

Tom McCue
Ely Lake Aviation Inc.
Box 49, Ely Lake Drive
Eveleth, MN 55734

Mr. William Morse
Bill Morse Seaplane Base
Box 715
Grand Rapids, MN 55744

Mr. Don McCready
Advantair, Inc.
1212 Woodhill Road
Burnsville, MN 55337

Mr. Ralph Moberg
Moberg's Air Base
819 America Ave.
Bemidji, MN 56601

Mr. Ed Mayer
Mayer Aviation, Inc.
Lake Elmo Airport
Lake Elmo, MN 55042

Minnesota Aircraft Sales
New Airline Terminal Bldg.
International Airport
Duluth, MN 55811

Mr. K. E. Maxwell
Maxwell Aircraft Service, Inc.
Crystal Airport
Minneapolis, MN 55429

Minn-Dak Aviation
Route 1
Drayton, ND 58225

Mr. Thomas Marty
Marty's Spraying Service
Box 84
Chokio, MN 56221

Mr. Lloyd Milnar
Northgate Co.
Mantorville, MN 55955

Mr. Gene Martin
Route 1, Box 341
Moorhead, MN 56560

Mr. James Milner
Aviation Seminars
Box 294
Princeton Junction, NJ 08550

Mr. Gary Mattson
Rt 3, Box 10
Springfield, MN 56087

Mr. Dale Miller
International Fueling Co.
Municipal Airport
Rochester, MN 55901

Mr. L. F. Norris
4701 Upper Terrace
Edina, MN 55435

Mr. Anthony Otto
Blue Ribbon Aviation
1013 Quinmore Ave.
Lakeland, MN 55043

Mr. Tom Nord
Nord Aviation
Ft. Pembina Airport
Pembina, ND 58271

Omniflight Helicopters INC.
Route 7, Hwy. 51 So.
Janesville, WI 53545

Mr. Steve Niederhauser
Agri-Copter Service
Gully, MN 56646

Mr. Raymond Olson
Lake Country Enterprises, Inc
Route 1
Hackensack, MN 56452

Mr. Daniel Neuman
Midland Aviation Co.
2289 County Road J
Minneapolis, MN 55432

Mr. Dave Oliver
The Chuting Stars
Box 14341
Minneapolis, MN 55414

Mr. Andrew Neuman
Neuman Air Charter, Inc.
Box 37
Rochester, MN 55901

Mr. Gary Oleen
Oleen Aerial Spraying
Route 1, Box 292
Morris, MN 56267

Mr. William Nelson
Nelson Aero Ag Service
Box 1067
Elbow Lake, MN 56531

Mr. Arnold Odegaard
Wood City Aero Service, Inc.
1651 Airport Road
Cloquet, MN 55720

Mr. Steve Nelson
Nite Lite Assoc.
3308 Longfellow Road
Fargo, ND 58102

Mr. Harold Nyberg
Nyroth Flying Service, Inc.
Rt 1
Fredericksburg, Iowa 50630

Mr. Clare Nelson
Nelson-Sugden Flying Service
Hallock, MN 56728

Mr. Tom Novak
Tom's Aero Repair
Box 604
Elysian, MN 56028

Mr. Brent Nelson
Valley Sprayers, Inc.
Abercrombie, ND 58001

Mr. Aage Nost
Arrowhead Airways
2289 County Road J
Minneapolis, MN 55432

Mr. Patrick O. Neal
Box 133
Grand Marais, MN 55604

Northwestern College
AV Department
3003 No. Snelling
Roseville, MN 55113

Mr. Tom Pfeffer
Pfeffer Custom Service
Box 16A, Route 1
Mapleton, MN 56065

Mr. Paul Reder
Paul's Aerial Spraying
Route 1
Lakefield, MN 56150

Mr. Dwight Peterson
D. W. Peterson, Inc.
186 South Sixth
Warren, MN 56762

Mr. Dwight Rector
Rector's Flying Service
11 Third St. East
Ada, MN 56510

Mr. Ralph Petersen
Petersen Aerial Spray
Box 192
Heron Lake, MN 56137

Mr. Martin Rantanen
Rantanen Flying Service
1610 Nelson Drive
Thief River Falls, MN 56701

Mr. Dwaine Pattison
Elbow Lake Aviation Inc.
Box 298
Elbow Lake, MN 56531

Mr. William Ramsey, Pres.
Viking International Airlines
7000 - 34th Ave. So.
Minneapolis, MN 55450

Mr. Roy Pankratz
Pankratz Aerial Spray
Route 1 Box 96
Nelson, MN 56355

Mr. Roger Raaen
Rt 1
Valley Air Spray
Fertile, MN 56540

Mr. Gordon Pankratz
MN Aerial Ag Service
Box 452
St. Peter, MN 56082

Ron Quesenberry, Admin
Evergreen Helicopters
Box 8565
Roanoke, VA 24014

Mr. Clifford Pankratz
Route 1, Box 160
Springfield, MN 56087

Mr. Merrill Pulkrabek
Pulkrabek Airspray, Inc.
Box 112
Warren, MN 56762

Pagra Air Taxi, Inc.
Route 5, Box 122A
Mankato, MN 56001

Mr. Clarke Poole
AGS, Inc.
Box 43548, 700 Fulton Ind. Blvd.
Atlanta, GA 30336

Mr. Jeffrey Pagel
Pagel's Aerial Spray
Route 2
Atwater, MN 56209

Mr. Harry Philipp
Philipp's Aviation
Route 2
Thief River Falls, MN 56701

Mr. Richard Owen
Ormo Leasing Corp.
3428 Coolidge St. NE
Minneapolis, MN 55418

Mr. Dean Philipp
Dean's Aerial Spraying
Route 2
Thief River Falls, MN 56701

Mr. James Rygwall
Anoka Aero
14339 Ramsey Blvd.
Anoka, MN 55303

Mr. George Runke, Jr.
Sky-Ag, Inc.
Route 1
Cosmos, MN 56228

Mr. Gary Rosenwinkel
Aircraft Sales
Box 1219
Hopkins, MN 55343

Mr. Warren Rohwer
Rt. 1
Prairie View Aerial Serv.
Rushmore, MN 56168

Mr. Carl Rodréguez
Rod's Flying Service
Municipal Airport
Park Rapids, MN 56470

Mr. Wayne Riggin
Riggin Flight Service
Route 1, Box 196
Milbank, SD 57252

Mr. John Riedl
Airmotive Enterprises, Inc
Box 446
Brainerd, MN 56401

Mr. Earl Richards
Distributor Sales
1651 Airport Road
Cloquet, MN 55720

Willis Reynen
Hollandale Air Sprayers, Inc.
Hollandale, MN 56045

Mr. James Reese
Reese Aviation
870 Redwood Drive
Apple Valley, MN 55124

Mr. Greg Schultz
Snowbird Aviation, Inc.
Route 2
Roseau, MN 56751

Mr. Gerald Schultz
Bob's Salvage Yard
Rt 1, Box 138
North Branch, MN 55056

Mr. Allan Schulz
Master Aviation
6841 Xerxes Ave. So.
Richfield, MN 55423

Mr. Darrol Schroeder
Schroeder Aviation, INC.
Davenport, ND 58021

Mr. Bruce Schiltz
Lake Line Helicopters, Inc.
13601 Pioneer Trail
Eden Prairie, MN 55344

Mr. William Schilling
Duluth Aircraft Salvage
171 Pike Lake
Duluth, MN 55811

Mr. Dennis Scanlan
Holman Aviation, INC.
200 W. Plato Blvd.
St. Paul, MN 55107

Mr. Richard Sanders
Bonanza Valley Aviation
Box 207
Brooten, MN 56316

Mr. Thomas Sandeen
Box 60, Rt. 1
Hector, MN 55342

Mr. George Sanborn
Sanborn Aviation, Inc
Downtown Airport
St. Paul, MN 55107

Mr. Robert Smuhl
Mississippi/Mankato Skydivers
Rt. 4, Box 106
Mankato, MN 56001

Mr. Myron Swenson, Jr.
Winona Aviation Services, Inc.
Max Conrad Field
Winona, MN 55987

Skyline School of AV Maint.
34th Ave. So. at 63rd St.
International Airport
Minneapolis, MN 55417

Donald Stuber
American Aviation Co.
10000 Flying Cloud Drive
Eden Prairie, MN 55343

Mr. Ervin Simpson
Simpson Aerial Service
Route 2 , Box 131
Herman, MN 56248

Mr. Beuford Stohr
Stohr's Spray Service
Woden, Iowa 50484

Mr. Bob Sikkink
Flying Dutchman, Inc.
Municipal Airport
Rochester, MN 55901

Mr. Michael Stieren
Air-Ag, Inc.
Box 231
Glenville, MN 56036

Mr. Lucky Shol
West Central Airways, Inc.
Route 4, Box 432
Fergus Falls, MN 56537

Mr. Terrel Stern
J & S Aviation, Inc.
Box 94
Staples, MN 56479

Mr. Michael Shannon
Shannon Spray Service
Box 206
Clinton, MN 56225

Mr. Richard Steinke
Box 109
Stephen Aviation
Stephen, MN 56757

Mr. Glenn Shannon
Shannon Aerial Spray
Clinton, MN 56225

Mr. Tim Steffen
Brainerd Helicopter Serv.
Box 482
Brainerd, MN 56401

Mr. Gerald Sethney
Maule Aircraft Sales
Rt 1
Deerwood, MN 56444

St. Croix Valley Skydivers
Osceola,
Wisconsin 54020

Mr. Philip Schwenk
Schwenk Aircraft Co. Rt. 2
Murdock, MN 56271

Mr. William Souder
Ranger Flying Association
4200 Cedar Lake Road
Minneapolis, MN 55416

Mr. Leon Schultz
North Air Flite
Box 86
Roseau, MN 56751

Mr. Clifford Snyder
Skyline Flite, Inc.
2289 Co. Road J
Minneapolis, MN 55432

Mr. Alex Vaver
Red Baron Flyers, Inc.
Route 1
Caledonia, MN 55921

Mr. Herbert Weiler
Weiler Aerial Spray
Box 111
Euclid, MN 56722

Mr. Vic Vacanti
Page Airways of Mpls, Inc.
Mpls/St. Paul Int'l Airport
St. Paul, MN 55111

Mr. James Weigand
Weigand Air Ag
Route 1, Box 55B
Wendell, MN 56590

Mr. Kevin Udenberg
Municipal Airport
Box 355
Two Harbors, MN 55616

Mr. Jim Weckman
Air Repair, Inc.
Municipal Airport
Hutchinson, MN 55350

Mr. Francis Treat
431 So. Snelling St.
St. Paul, MN 55105

Mr. Bob Watkins
Customaire Aviation, Inc.
Route 4, Box 1
Albert Lea, MN 56007

Mr. Marvin Tiedens
MGT Distributors
6425 Egg Lake Road
Hugo, MN 55038

Mr. Clifford Walstad
Walstad Spraying Service
Route 2, Box 85
Moorhead, MN 56560

Mr. Neil Tellijohn
Agri Helicopters
840 Havana Road
Owatonna, MN 55060

Mr. Warren Walkinshaw
Walkinshaw Aircraft
Argusville, ND 58005

Mr. Neil Tellijohn
Ag-Aire, Inc.
840 Havana Road
Owatonna, MN 55060

Mr. Roger Wagner
Wagner Spraying Service
Route 1, Box 59
Barnesville, MN 56514

Mr. Peter Tanis
Tanis Aircraft Serv. Inc.
Box 117
Glenwood, MN 56334

Mr. Donald Vrtacnik
Don's Flying Service
413 North Spring
Luverne, MN 56156

Mr. Clarence Taylor
Pipestone Aviation
Route 3
Pipestone, MN 56164

Mr. Leonard Vitha
112 Vista Villa
Waseca, MN 56093

Mr. Robert Swenson
Northern Eagle Airways, Inc.
Regional Airport - Rt. 3
Thief River Falls, MN 56701

Vic's Flight Service, Inc
Route 2
Glencoe, MN 55336

Mr. Stanley Zych
Stan's Aircraft Sales
Graceville, MN 56240

Mr. Darrell Zimmerman
Zimmerman Aerial Spraying
Rt 2, Box 129
Wheaton, MN 56248

Mr. Walter Zimmer
Midway Seaplane Base
Bemidji, MN 56601

Mr. Luther Younggren
Luke's Aerial Spraying, Inc
Box 566
Hallock, MN 56728

Mr. David Yaggie
Yaggie Aerial Spray
Breckenridge, MN 56520

Wood's Flying Service, INC.
4719 Chestnut St.
Grand Forks, ND 58201

Mr. Kurt Woidtke
Route 2
Roseau, MN 56751

Mr. John Witt
Witts Pitts
10112 Pillsbury
Bloomington, MN 55420

Mr. Robert Wiplinger
Wipaire, Inc.
So. Doane Trail
Inver Grove Hts, MN 55075

Mr. Donald Wetenkamp
Don's Aerial Spraying
Tintah, MN 56583

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PRIVATE COMMERCIAL

AIRPORTS

Mr. Marion Gill
Route 2
Perham, MN 56573

Northwestern Hospital Assoc.
120 Labree Ave. So.
Thief River Falls, MN
56701

Mr. LeRoy Frost, Sr.
Route 2
Pequot Lakes, MN 56472

Mr. Thomas Mattson
4050 Coon Rapids Blvd.
Anoka, MN 55343

Federal Reserve Bank Bldg.
250 Marquette Ave.
Minneapolis, MN 55480

Mr. James Lyons
Route 5, Box 17
Detroit Lakes, MN 56501

Mr. Anders Christensen
11313 So. Ewing Circle
Bloomington, MN 55431

Mr. John Lindquist
Sky Harbor Airpark
Route 1, Box 167
Webster, MN 55088

Mr. Louis Cermak
Route 2
Bovey, MN 55709

Mr. C. J. Krotz
Box 69
Maple Hill Route
Grand Marais, MN 55604

Mr. W. K. Blewett
Sky Manor Airport
Park Rapids, MN 56470

Mr. Donald Kalash
Route 2, Box 135
Windom, MN 56101

Mr. John Beckel
Route 1
Baudette, MN 56623

Mr. Thor Herseth
Ray,
Minnesota 56669

Mr. Paul Baker
202 E. Jackson
Mankato, MN 56001

Mr. Phillip Helmer
Sugar Hills
Box 369
Grand Rapids, MN 55744

Mr. Roger Hallgren, M.D.
109 Robert Circle
Belle Plaine, MN 56011

Mr. Joseph Givens
Dawson Mills Airport
Dawson, MN 56232

Mr. Earl Wurm
Maple Lake Seaplane Base
Maple Lake, MN 55358

Mr. Herbert Wilson, Mgr.
Graceville Development Corp.
Graceville, MN 56240

Mr. Marvin Wick
25 No. 12th Avenue East
Duluth, MN 55805

Mr. Paul Rydberg
Box 63
Pine City, MN 55063

Mr. Dennis Pierson
Route 1
Ivanhoe, MN 56142

Mrs. Ella Ostlund
c/o Clarence Ostlund
Pine River, MN 56474

PERSONAL USE

SEA PLANE BASES

&

AIRPORTS

Mr. George Ahlsten
Rt 2
Wheaton, MN 56296

Curtis N. Auenson
Ulen, MN 56585

Mr. Daniel Ackerman
1441 Great Plains Blvd
Chaska, MN 55318

Conrad Assen
Route 2, Box 114
Sunburg, MN 56289

Mr. A. G. Aschenbeck
1930 Shoreline Drive
Wayzata, MN 55391

George W. Arneman
Route 2, Box 21
New Richland, MN 56072

Delmer Arndt
Route 3
Windom, MN 56101

Art Anthony
Route 1, Box 152-B
Two Harbors, MN 55616

Mr. Jerome Anderson
228 Second St. SE
Crosby, MN 56441

Mr. Delbert Anderson
Route 2, Box 57
Starbuck, MN 56381

Mr. C. Gordon Amundson
2697 Ethel Ave.
Wayzata, MN 55391

Lyle E. Allison
Route 3, Box 80A
Sleepy Eye, MN 56085

Mr. John Benson
5855 Lake Ave.
White Bear Lake, MN
55110

Vernon Behrens
Okabena, MN 56161

Mr. Herman Behrens
2001 Long Lake Road
New Brighton, MN 55112

Alfred Bayerkohler
Barrett, MN 56311

Thomas Bauer
Rt 1
Graceville, MN 56240

Marlyn D. Bartsch
RR #1, Box 115
Bingham Lake, MN 56118

Michael Barnes
Route 1, Box 820
Lindstrom, MN 55045

Mr. John Barnes
601 Watkins St.
Mora, MN 55051

Alvin G. Ayers
Route 5
St. Cloud, MN 56301

Milo Ayer
Glencoe, MN 55336

Mr. Paul Brutlag
Route 1, Box 2
Wendell, MN 56590

Mr. William Bruggeman
Route 2, Box 56
Bethel, MN 55005

Richard Brown
4825 Enchanted Lane
Mound, MN 55364

Kenton F. Brown
Route 1, Box 162
Hancock, MN 56244

Mr. Dennis Braun
Route 1
Sleepy Eye, MN 56085

Mr. Harvey Bolin
Brandon,
Minnesota 56315

Mr. Leo Boese
Holloway,
Minnesota 56249

Capt. Paul Block
Bloomington Police Dept.
2215 West Old Shakopee Rd.
Bloomington, MN 55431

Donald Beyer
Route 2, Box 80
Fairmount, ND 58030

Mr. John Benson
Hwy 61
White Bear Lake, MN 55110

Mr. Larry Carlson
755 Hidden Lane
Excelsior, MN 55331

Marie Conley
Route 2
Mora, MN 55051

James Caldbeck
Route 3
Spring Valley, MN 55975

Conrad Clement
Highway 16 West
Grand Meadow, MN 55936

W.H. Burnham, M.D.
7130 Willow Creek Road
Eden Prairie, MN 55344

Mr. Glen Claire
6036 - 150th St. SE
Prior Lake, MN 55372

Mr. John Busse
Box 68
Montrose, MN 55363

Mr. Walter J. Christison
Route 1, Box 120
Plainview, MN 55964

Mr. Robert Busch
1021 Boone Ave. No.
Minneapolis, MN 55427

Roy A. Christianson
Route 1
Halstad, MN 56548

Mr. William Burk
Box 209
Amboy, MN 56010

Richard H. Christensen
Route 3
Sleepy Eye, MN 56085

Mr. Leonard Burckwest
Box 223
Spring Lake, MN 56680

Mr. Clifford Chandler
Route 1
Cushing, MN 56443

Marvin Bullock
Browns Valley, MN 56219

Mr. Charles Chandler
Route 3, Box 207
Bemidji, MN 56601

Dean E. Budde
RR2
Mankato, MN 56001

Charles Carson
2410 Lakeview Drive
Fergus Falls, MN 56537

Walter J. Bryce
Route 1, Box 136
Glenwood, MN 56334

Mr. Raymond Carlson
2125 Anderson Road
Duluth, MN 55811

George Doherty
Rt 3, Box 85
LeSueur, MN 56058

Francis Dillenburg
Route 3
Foley, MN 56329

Mr. Lester Demmer
Hartland, MN 56042

Bernard Deml
Route 1, Box 76
Carlos, MN 56319

Mr. William Daugherty, Jr.
Box 428
Wolverton, MN 56594

Mr. Dennis Danielson
Lake Bronson
Minnesota 56734

William Daly
Route 1
Minnesota Lake, MN 56068

Ralph Cutler
Route 4, 1001 So. Union
Mora, MN 55051

Charles J. Craven
Huntley, MN 56047

William Covington
P. O. Box 206
Two Harbors, MN 55616

Mr. John Erickson
Route 2
St. Cloud, MN 56301

Adorphus Erdahl
Route 2, Box 3B
Blue Earth, MN 56013

Art Engelbrecht
Route 4, Box 287
Alexandria, MN 56308

William Engle
Route 1, Box 264
Lyle, MN 55953

Allen Ellenson
Rt 2, Box 41
Salol, MN 56756

Mr. Reynold Ekstrom
Route 2
Cass Lake, MN 56633

Mr. Bill Eastman
Box 7
Nisswa, MN 56468

Mr. Bill Eastman
1441 W. Medicine Lake Dr.
Minneapolis, MN 55441

Ronald Dupre
10805-250th St.
Chisago City, MN 55013

Mr. Robert Dykstra
616 No. Leadale
Sioux Falls, SD 57103

Mr. W. E. Freeman
Route 2
Palisade, MN 56469

Mr. John Haugland
3883 Morris Thomas Road
Duluth, MN 55810

Mr. Tony Fox
6701 W. 110th St.
Bloomington, MN 55438

John B. Hastings
Pinehaven Tree Farm
Wyoming, MN 55092

Mr. Harold Fenske
Rt 2
Blue Earth, MN 56013

Mr. Bruce Hanson
6980 Lake Drive
Circle Pines, MN 55014

Russell Feder
111-3rd Street SW
Madelia, MN 56062

Delmar Hagen
Gatzke, MN 56724

Mr. Don Farrell
Box 6177
Rochester, MN 55901

Mr. Richard Gould
102 Peninsula Road
Minneapolis, MN 55441

Warren Ewen
RR 1
Jeffers, MN 56145

Everett D. Graves
Hayfield, MN 55940

Stanley Ewald
Brownton, MN 55312

Donald W. Grant
Glyndon, MN 56547

Donald Erpelding
Route 2
Watkins, MN 55389

Mr. Claire Gilstad
1909 Fairmount Ave.
St. Paul, MN 55105

Arnold Ernst
Route 1
Wolverton, MN 56594

Melvin & Marvin Getten
710 Highway 101 North
Wayzata, MN 55391

Martin A. Erickson
Swift, MN 56682

Richard R. Garrett
Star Route 60
Pine River, MN 56474

Sherman Humburg
Route 2
Blue Earth, MN 56013

Fayette Jipson
Chokio, MN 56221

Hubbard Broadcasting, Inc.
3415 University Ave.
St. Paul, MN 55114

Arthur Jennrich
26140 Cambodia Ave. West
Farmington, MN 55024

Hopkins Police Dept.
1010-1st St. So.
Hopkins, MN 55343

Duane Janssen
Barnesville, MN 56514

Mr. George Hook
Rt 2
Big Lake, MN 55309

Mr. Orliss Jacobson
Rt 1, Box 66
Wells, MN 56097

Mr. Orbin Holt
Route 1
Bigfork, MN 56628

James Jackson
Route 3
Brainerd, MN 56401

Donald Holmes
Route 3, Box 280F
Brainerd, MN 56401

Mr. Nanno Itzen, Jr.
Wheaton,
Minnesota 56296

Mr. Detmer C. Hines
Rt 1
Ada, MN 56510

Gary Israelson
Wolverton, MN 56594

Floris Henslin
Route 2, Box 122
Dodge Center, MN 55927

Ralph Ireland
Route 4, Box 130
Mankato, MN 56001

Mr. Calvin Hedlund
4818 Overlook Lane Circle
Minneapolis, MN 55437

Lawrence Ireland
Route 4, Box 282
Mankato, MN 56001

Albert Heaser
474 No. Owasso Blvd
St. Paul, MN 55112

Mr. John Ingebrigtson
6926 Jersey Circle
Minneapolis, MN 55427

David Keller
11829 Square Lakes Trail No.
Stillwater, MN 55082

LaVerne Kehret
Route 4
Austin, MN 55912

William Kangas
Route 1, Box 167
Bovey, MN 55709

Mr. Clarence Jung
9220 Jewel Lane No.
Forest Lake, MN 55025

Albert K. Joyner
Box 406
Osseo, MN 55369

Mr. John Joyce
919 Lake Ave.
White Bear Lake, MN 55110

Willis H. Johnson
Hazel Run, MN 56247

Russell B. Johnson
Route 2, Box 192
Maple Plain, MN 55359

Mr. Richard Johnson
Route 4
McGregor, MN 55760

J. Burton Johnson
Route 3, Box 134
Appleton, MN 56208

J. J. Koskovich
Route 1, Box 1103
Shakopee, MN 55379

Roland Kohlmeyer
Rt 1
Fountain, MN 55935

George Koch
Taunton, MN 56291

Donald E. Kloos
408 E. Third Street
Chaska, MN 55318

Orlando Klassen
Route 2, Box 232
Mountain Lake, MN 56159

Walter Klask
Route 1
Ada, MN 56510

Roland Klamar
Gatzke, MN 56724

Harold Klamar
Route 1
Gatzke, MN 56724

Glenn Kinneberg
Spring Grove, MN 55974

Mr. Ralph Kent
Route 2
Gibbon, MN 55335

Mr. Thomas LeJeune
9975 Oak Shore Drive
Lakeville, MN 55044

R. W. Matson, M.D.
Route 1
Spring Valley, MN 55975

Mr. B. J. Larson
10044 Nicollet Ave. So.
Minneapolis, MN 55420

Mr. Richard Martin
Route 1, Box 96
Easton, MN 56025

Mr. James Laabs
Route 2
Jordan, MN 55352

David Lux
Route 1
Cosmos, MN 56228

Ms. Helen Kuski
336 South 8th Ave.
Ely, MN 55731

Paul A. Lunde
Route 1, Box 48
Preston, MN 55965

Mr. James Kusch
6805 Longfellow Ave.
Minneapolis, MN 55423

Mr. Russell Lund, Jr.
905 Tonkawa Road
Long Lake, MN 55356

Mr. James Kurz
Route 2
Jordan, MN 55352

Mr. Marvin Luger
1545 LaMotte Drive
Hugo, MN 55038

Mr. Mark Kunz
Route 2
Madelia, MN 56062

Mr. Merlin Long
6371 Bayridge Road
Mound, MN 55364

Mr. Courtney Kuckler
9365 - 122nd St. No.
Hugo, MN 55038

William Lohmeyer
Route 2, Box 177
Mountain Lake, MN 56159

Harold R. Kral
20801 Larkin Road
Corcoran, MN 55340

Mr. Lewis Lindemer
45 East Golden Lake Road
Circle Pines, MN 55014

Norman E. Kottke
Stewart, MN 55385

Robert Lennartson
3180 Midway Road
Duluth, MN 55810

Walter Mickelson
21253 Polk St. NE
Cedar, MN 55011

Elmer Nelson
Elbow Lake, MN 56531

E. R. Mertesdorf
Vernon Center, MN 56090

Mr. Gerald Nagle
Route 1
Belle Plaine, MN 56011

Alfred Melchert
Route 2
Paynesville, MN 56362

Raymond E. Myers
Rt 1, Box 411
Pequot Lakes, MN 56472

Mr. John Melby
Box 97
Ashby, MN 56309

Mr. Donald Mueller
Box M
Grand Rapids, MN 55744

Mr. Dean Meixell
Route 1, Box 191
Lake Crystal, MN 56055

Mr. Loren Morey
Route 1
Motley, MN 56466

Mr. Don McClanathon
Box 56
Oak Island, MN 56741

James Monson
19 Dove Lane
St. Paul, MN 55110

W.A. Mavencamp
Rt. 1
Maple Lake, MN 55358

Edwin Molnau
Rt. 1, Box 109B
Waconia, MN 55387

Mr. L. A. Mattson
17 Irene St.
Lindstrom, MN 55045

Merlin Mollet
6565-255th St. W.
Farmington, MN 55024

William W. Mattila
Box 44
Wright, MN 55798

Wesley Miller
Route 1
Brewster, MN 56119

Mr. Robert Matta
Route 3, Box 92
Northfield, MN 55057

Peter J. Mikkelson
Rt 2
Lake Crystal, MN 56055

Mr. Michael O'Donnell
Route 1
Warroad, MN 56763

Forrest H. Passer
Wells, MN 56097

Mr. O.C. Oberg
Northern States Power Co.
414 Nicollet Mall
Minneapolis, MN 55401

Mr. Frank Parzyck
Buyck,
Minnesota 55715

Mr. Robert Nunn
Carlson's Airport
Angle Inlet, MN 56711

Wallace R. Partlow, Jr.
Box 355
Farmington, MN 55024

Mr. John E. Norlen
Box 280
Two Harbors, MN 55616

Mr. Bob Palmer
North Memorial Hospital
3220 Lowry Ave. No.
Minneapolis, MN 55422

Mr. Phil Niezgocki
Rt 1
Clearwater, MN 55320

Mr. Leon Otto
Route 1, Box 154
Redwood Falls, MN 56283

Mr. Donald Nietz
Route 1
Zumbro Falls, MN 55991

Mr. J.D. Ostrander
Box 227
Cohasset, MN 55721

Bernard Nietfeld
Route 1
Melrose, MN 56352

Otis Olson
9500 County 15
Maple Plain, MN 55359

Byron Nielson
Lake Lillian, MN 56253

Orrin Olson
Sunburg, MN 56289

Mr. Steve Niederhauser
Gully, MN 56646

Mr. Gerald Olsen
5918 Hobe Lane
White Bear Lake, MN
55110

Wallace W. Nelson, Supt.
Southwest Experiment Station
University of Minnesota
Lamberton, MN 56152

Mr. Steven Ojard
Box 34
Knife River, MN 55609

E. W. Peterson
Menahga, MN 56464

Merlyn Reberg
Route 2, Box 57
Rice, MN 56367

Mr. Dale Peterson
13416-34th Ave. No
Plymouth, MN 55441

Mr. Walter H. Quast
Box 233
Hutchinson, MN 55350

Allen Dean Peterson
Rt 1
Truman, MN 56088

Raymond L. Pratt
Route 2
Palisade, MN 56469

Mr. Robert Penders
8850 Dellwood Road No.
Mahtomedi, MN 55115

Mr. John Power, Jr., MD
1017 East 1st St.
Duluth, MN 55805

Mr. Richard Peil
Route 1, Box 223
Mound, MN 55364

H. Gary Posthuma
Route 1, Box 18
Hadley, MN 56133

A. Neil Pearson
426 Leicester Ave.
Duluth, MN 55803

Warren Porter
Route 2, Box 26
Jacobson, MN 55752

Eugene Payne
Box 39
DeGraff, MN 56233

B. H. Pietenpol
Spring Valley, MN 55975

Leonard Pavek
Hinckley, MN 55037

Earl R. Perkins
Lazy Meadows, Route 1
Pipestone, MN 56164

Mr. Steven Pauly
3153 Priest Lane
Mound, MN 55364

Duane E. Petit
Route 2, Box 252
Lakeyille, MN 55044

Mr. Arlen Paulsrud
Chandler Field
Buxton, ND 58218

William Peterson
Rt. 1, Box 50
Prior Lake, MN 55372

Ray Rivard
Box 109-D
Shafer, MN 55074

Dennis Schauer
12-Hi Mobile Home Park
Montrose, MN 55363

Ramon F. Rigenhagen
Box 332
Trimont, MN 56176

Henry Schaar
13565 Idell Avenue
Hastings, MN 55033

Don Ricks
Norcross, MN 56274

Mr. Donald F. Saucke
Rt 3
Northfield, MN 55057

Mr. Ron Richter
Route 2, Box 90A
Grand Rapids, MN 55744

Mr. David Sampson
6821 - 167th Ave. NE
Forest Lake, MN 55025

Richfield Police Dpet.
6700 Portland Ave. So.
Richfield, MN 55423

Ray Salzwedel
Rt 1
Lakefield, MN 56150

Mr. William Richards
Star Route Box 68A
Silver Bay, MN 55614

Mr. Paul Rydberg
Box 63
Pine City, MN 55063

Paul D. Reynolds
RFD 3, Box 103
Princeton, MN 55371

Syvert Rodi
Route 3
Benson, MN 56215

Frank Rekucki
2650-15th Street NW
New Brighton, MN 55112

Mr. Francis Robertson
Star Route 4, Box 145
Hibbing, MN 55746

Mr. John Regenold
38 Peninsula Road
White Bear Lake, MN 55110

Mr. Samuel Roane
19315 Jersey Ave. West
Lakeville, MN 55044

Mr. Roy Redman
Route 1, Box 39
Kilkenny, MN 56052

Mr. Jon Roadfeldt
1548 West Sextant Ave.
St. Paul, MN 55113

Charles F. Sellman
Box 506
Mabel, MN 55954

Charles A. Sell
45 Woodhill Road
St. Cloud, MN 56301

Loren P. Seidel
13115-170th Street North
Marine on St. Croix,
Minnesota 55047

Thomas Secrest
1258 Stagecoach Trail No.
Stillwater, MN 55082

Alfred Schwab
7217 NE River Road
Elk River, MN 55330

Mr. James Schubitzke
Route 1, Box 19F
Saginaw, MN 55779

Mr. Sylvester Schmitt
Rt 1
Eden Valley, MN 55329

Mr. Darwin Schmidt
Box 144
Vesta, MN 56292

Mr. Bennie Schmidt
Ada, Minnesota 56510

Frederick Schauss
5500 Maple Hts Road
Excelsior, MN 55331

Emil Sowieja
Dodge Center, MN 55927

Emery Sowieja
1595-220th Street East
Farmington, MN 55024

LuVerne Sondrol
Sunburg, MN 56289

Mr. Norman Skalicky
Albany,
Minnesota 56307

Walter P. Sieg
Route 2
Truman, MN 56088

Donald L. Shipp
Route 1, Box 54
Center City, MN 55012

Mr. George Shetka
10760 Island Drive
St. Paul Park, MN 55071

Alfred E. Shelton
4662 Beckman Road
Saginaw, MN 55779

Merle Sheetz
Rt 1, Box 198
Wrenshall, MN 55797

Mr. Gerald Sethney
Route 1, Box 198A
Deerwood, MN 56444

Eldred Stocker
Rt. 1
Jordan, MN 55352

John L. Tidgwell
Stacy, MN 55079

Mr. Wayne Stewart
2038 W. Broadway
Minneapolis, MN 55411

Mr. Thomas Sons
Norwood, MN 55368

Mr. Henry Stewart
Route 2
Cannon Falls, MN 55009

Raymond Thorn, Jr.
Route 7, Box 336
Mankato, MN 56001

Mr. C. W. Stark
1269 - 12th Ave. NW
New Brighton, MN 55112

Mike Thibodo
544 Lake Bayview Ct.
Shoreview, MN 55112

Virgil Stahlberg
Rt 2, Box 12
Iron, MN 55751

Jerome A. Then
RR6
St. Cloud, MN 56301

Clifford R. Swift
Route 1
Wendell, MN 56590

Joseph E. Teubner
701-1st Ave. NW
Winnebago, MN 56098

John Swiderski
Route 2
Onamia, MN 56359

Charles Telford
RR #2
Appleton, MN 56208

Mr. John Swanson
Lake Vermilion
Cook, MN 55723

Mr. Neil Tellijohn
Agri Helicopter, Inc.
Owatonna, MN 55060

Edward Swanson
RR2, Box 10
North Branch, MN 55056

Mr. Paul Taylor
Route 6, Box 104
Prior Lake, MN 55372

Donald P. Swanson
Route 1
North Branch, MN 55056

Philip A. Stoltenberg
Route 3
Spring Valley, MN 55975

Mr. Alfred Vieira
180 Pine St.
Circle Pines, MN 55014

Mr. Leo White
9348 Zane Ave. No.
Brooklyn Park, MN 55443

Eddie Velo
Rt 1
Rothsay, MN 56579

Robert Wetherbee
Route 2, Box 70
Fairmount, ND 58030

Donald R. Varner
12728-217th Ave. NW
Elk River, MN 55330

Mr. Raymond Weston
7025 - 50th Ave. No.
Minneapolis, MN 55428

Mr. Richard Vanman
263 1/2 Peninsula Road
Medicine Lake, MN 55441

Mr. Walt Wermerskirchen
Route 1, Box 233A
Monticello, MN 55362

Mr. Brian Van Beusekom
Route 1, Box 175
Rockford, MN 55373

Ms. Margarethe Weideman
Route 1, Box 316
Two Harbors, MN 55616

Valley News Co.
205 W. Spring St.
Mankato, MN 56001

Wallace W. Weber
3031 Countryside Blvd
Apt 23C
Clearwater, FL 33519

Willis Van Norman
Route 3, Box 25
St. Charles, MN 55972

Robert Weber
Skymeadow Route 1
17238 Knox Path East
Hastings, MN 55033

Gary Underland
Route 1, Box 242
Medford, MN 55049

Mr. Phil Watt, Mgr.
Red Lake Wildlife Mgmt Area
Box 100
Roosevelt, MN 56673

Robert E. Turner
Rt 4
Windom, MN 56101

Mr. Ray Wallace
NE Star Box 37
Middle River, MN 56737

Roger Tollefsrud
Route 4
Rochester, MN 55901

James S. Votava
Rt 2, Box 13
McIntosh, MN 56556

Mr. Clinton Wyant
Route 2
Palisade, MN 56469

Herbert C. Wurst
Route 2
Plainview, MN 55964

Stanley Zych
Graceville, MN 56240

Mr. Tom Wright
10051 Brookside Ave.
Bloomington, MN 55431

Marlin Ziermann
Mayer, MN 55360

Wiley Enterprises, Inc.
400-2nd St. SE
Osseo, MN 55369

Frank Ziegler, Jr.
RFD 1
Fairfax, MN 55332

Mr. Erwin Winter
Route 2, Box 45
Maynard, MN 56260

Luther Younggren
Box 566
Hallock, MN 56728

Lester Wiltscheck
Route 2, Box 41
New Ulm, MN 56073

Mr. Clarence Wilson
Route 5, Haven Road
St. Cloud, MN 56301

Lloyd Will, Sr.
Rt. 2
Windom, MN 56101

Mr. Paul Wilcox
12312 Parkwood Drive
Burnsville, MN 55337

Mr. Mark Wiest
Route 2, Box 30
Le Sueur, MN 56058

Robert Brekke, Sr.
Nielsville Flying Club
Nielsville, MN 56568

Emanuel Block
Tel-Air Flying Club, Inc.
1491 Simpson
St. Paul, MN 55165

E. Jerome Berger
Riverview Flyers
9712 Park Ave. So.
Mpls, MN 55420

Arnold Beeler
Fergus Falls Flying Club
219 East Vernon
Fergus Falls, MN 56537

LeRoy Heuer
Yankee Flying Club
Box 184
Osseo, MN 55369

Richard Hample
Jackson Aero Club
604 Second St.
Jackson, MN 56143

G.R. Haney
Agassiz Flyers, Inc.
Herman, MN 56248

Walter Gieseke
Austin Flying Club
Box 73
Austin, MN 55912

Gordon Erickson
Cambridge Pilots, Inc.
Box 233
Cambridge, MN 55008

George Ellison
Air Bel
1310 Randolph Ave.
St. Paul, MN

Thomas Dunlap II
Flying Gulls
Airport
Brainerd, MN 56401

Paul Crowder
Little Falls Pilots Ass'n
Little Falls, MN 56345

Harold Bush
S.E. Minnesota Flying Club
Box 6664
Rochester, MN 55901

Forrest Broderius
Hector Skyhawks
Hector, MN 55342

Dr. Ed Nelson
Thief River Falls Flying Club
Box 157
Thief River Falls, MN 56701

Duane Nelson
North Hennepin Flying Club
8032 Georgia Ave. No.
Brooklyn Park, MN 55455

Gerald Muckala
Perham Flying Club
New York Mills, MN 56567

Dennis Mills
Associated Flite, Inc.
3101 West 69th St. #227
Mpls, MN 55435

Fred Merrill
Flying Cloud Cherokees
5840-12th Ave. So.
Mpls, MN 55417

John McDonald
Crow Wing Flying Club
Route 10, Box 29B
Brainerd, MN 56401

John Marschall
Flying Gophers
1200 Highland Ave.
So. St. Paul, MN 55075

Donald Marpe
Research Flying Club
9551 Riverview Road
Eden Prairie, MN 55344

John Lilja
Northaire Flying Club, Inc.
1610 Garland Lane
Wayzata, MN 55391

Ardis Hoversten
Hector Flyers
Box 676
Hector, MN 55342

Robert Schultz
Flywell Flying Club
2119 Violet Lane
New Brighton, MN 55112

Roger Schmiesing
T-Bird Flying Club
Route 1, Box 120
St. James, MN 56081

John Schaefer
Brainerd Aero Club
Route 10, Box 218
Brainerd, MN 56401

Dale Sauer
Twin City Navy Flying Club
East 62nd & 31st Ave. So.
Mpls, MN 55435

Marvin Ryan
Pomme De Terre Flying Club
Morris, MN 56267

Gary Rawic
Communter Flying Club
9724 Avocet St. NW
Coon Rapids, MN 55433

Gerry Quilling
Twin City Cloud 7, Inc.
Box 1801
St. Paul, MN 55111

Dennis Pierson
Ivanhoe Flying Club, Inc.
Route 1
Ivanhoe, MN 56142

Jerry Olinger
Mankato Flyers
Box 115
Mankato, MN 56001

Baron Ogren
Sky-Hi Enterprises, Inc.
713 Central Ave.
Red Wing, MN 55066

Arvin Zaikaner
St. Paul J.C. Flying Club
1149 Ivy Hill Drive
St. Paul, MN 55116

Duane Wething
Detroit Lakes Flying Club
1241 Summit
Detroit Lakes, MN 56501

Marshal Weber, Sr.
Savage Flying Society
6313 Warren Ave.
Edina, MN 55435

James Walker
Bemidji Flying Club
Box 26
Bemidji, MN 56601

Norman Trehus
Royal Flying Club
Spring Grove, MN 55974

Kenneth Stradtman
Contact Flyers
St. James, MN 56081

W.V. Souder
Ranger Flying Association
4200 Cedar Lake Road
Mpls, MN 55416

Kenneth Simonitch
Ortonville Aero, Inc.
Box 128
Ortonville, MN 56278

Robert Shafer
Red Lake Falls Flying Club, Inc.
Box 457
Red Lake Falls, MN 56750

Wendell Setterberg
Canadian Hoppers
8 Division St.
Buffalo, MN 55313

INTERESTED PERSONS

OF

PAST RECORD

William F. Carr
Box 584
Stewartville, MN 55976

James C. Broadbent
2410 Hillside Lane S.W.
Rochester, MN 55901

Victor Branch
Rt 2
Dodge Center, MN 55927

Mr. Robert Block
Route 2, Box 98
Eyota, MN 55934

Roger W. Bestland
Rochester, MN 55901

Mr. Roger Barnes
3727 - 50th Ave. SE
Rochester, MN 55901

Jerry Allen
200 N. Main
Stewartville, MN 55976

Mr. Richard Alberts
Route 2
Pine Island, MN 55963

Mr. William Engle
Route 1
Lyle, MN 55953

Everett A. Engel
Kings Park
Oronoco, MN 55960

Kenneth Duncanson
Brookwood Park Lot 8
Route 2
St. Charles, MN 55972

Mr. Kenneth Dufault
Argyle,
Minnesota 56713

Mr. Tom Drews
427 Fletcher Ave.
Warren, MN 56762

DMar Flying Club, Inc.
Payne,
Minnesota 55774

Mr. Jerry Dillon
c/o Meyers Printing Co.
500 South Third St.
Minneapolis, MN 55415

Howard Deters
Rt. 2
Spring Grove, MN 55974

Howard Deters
Caledonia,
Minnesota 55921

Mr. Joe Deden
44 St. Albans Place
Chatfield, MN 55923

Mr. Paul Hanson
216 Independence Ave. So.
Clarks Grove, MN 56016

Mr. David J. Karter
827 Hennepin Ave.
Suite 201 Demos Bldg.
Minneapolis, MN 55403

Mr. John Hanson
508 - 6th St. NE
Stewartville, MN 55976

Mr. William Jours
Chatfield,
Minnesota 55923

Mr. Walter Halloran
2040 - 13th Ave. NW
Rochester, MN 55901

Steven L. Jones
Rt. 2, Box 224
Winnebago, MN 56098

Mr. John Guy
Route 1, Box 91
St. Charles, MN 55972

Donald Jenmyr
Caledonia,
Minnesota 55921

Mr. Paul Groth
Route 2
Zumbrota, MN 55992

Mr. Arthur Howard
807 - 4th Ave. SE
Stewartville, MN 55976

Robert Gores, D.D.S., M.S.
Sixth Floor
Marquette Bank Bldg.
Rochester, MN 55901

Mr. Roger Hjelle
Hjelle Insurance Agency
3131 Fernbrook Lane No.
Minneapolis, MN 55441

Mr. William Friederich
Route 2
Chatfield, MN 55923

Hubert Higtvedt
Mabel, MN 55954

Mr. Earl Friedline
728 - 9th St. SW
Rochester, MN 55901

Mr. Alvin Hein
Mabel, MN 55954

Duane Flanders
Benson Pilots Association
c/o Benson High School
Benson, MN 56215

Mr. Warren Havens
1820 1/2 - 2nd St. SW
Rochester, MN 55901

FAA-GADO
6201-34th Ave.
Mpls, MN 55450

Mr. Arthur Hauft
3732 - 3rd Place NW
Rochester, MN 55901

Robert N. LaQua
Box 474
Plainview, MN 55964

Leonard T. Kurland, M.D.
Dept of Edpdemiology
Mayo Clinic
Rochester, MN 55901

Ross Kramer, Att MATA
501 Titus Bldg
6550 York Ave. So
Mpls, MN 55435

Earl & Paul Kruger
Plainview,
Minnesota 55964

Mr. Lyle Kruegel
702 Ford Ave.
Spring Valley, MN 55975

Herman Kopischke
Rt 2, Box 79
Janesville, MN 56048

James Kirk
Development Engineer
Boise Cascade Corp
International Falls, MN 56649

Mr. Gordon Kimber
Preston,
Minnesota 55965

Glenn Kinneberg
Caledonia,
Minnesota 55921

Howard Kennedy
Box 179
Zumbro Falls, MN 55991

MN Business Aircraft Association
William Ford, President
c/o Burlington Northern Airmotive
Mpls, MN 55450

Mr. Thomas McDonough
927 - 17 1/2 St. SE
Rochester, MN 55901

Mr. Robert Maier
Sabin,
Minnesota 56580

Mr. Marvin Madsen
Mankato,
Minnesota 56001

Mr. Burton Lofgren
St. James,
Minnesota 56081

Atty Robert A. Levy
Thompson, Neilsen, Klaverkamp, Jones
4444 IDS Center
Mpls, MN 55402

LeVan & Montgomery - Co-Owners
Plainview, MN 55964

Mr. LeRoy Leinenweber
Route 1
St. James, MN 56081

Mr. Bob Lauler
226 - 9th Ave. SE
Rochester, MN 55901

Mr. Larry Larson
Sargeant,
Minnesota 55973

Mr. Chester Oehlke
Route 1, Box 105
Stewartville, MN 55976

Mr. Tom Noble
857 Dakota
Shakopee, MN 55379

K.E. Relyea
515 S.W. 3rd St.
Faribault, MN 55021

Roger D. Nimz
Rt 2
Blue Earth, MN 56013

Mr. Kenneth Neustel
973 Gorman Ave.
West St. Paul, MN 55118

Mr. B. Reinnertson
Box 134
Rochester, MN 55901

Paul Munnis
1353-9th Ave. S.E.
Rochester, MN 55901

Mr. John Reed
Pine Island,
Minnesota 55963

Mr. Dave Moran
Republic Airlines
7500 Airline Drive
Minneapolis, MN 55450

Florian Reding
Mazeppa, MN 55956

Mr. O. C. Moen
Route 1, Box 221
Ortonville, MN 56278

Mr. William Radio
City Manager
1411 Pacific Ave.
Benson, MN 56215

Gary Moeller
Green Isle, MN 55338

Mr. Glenn Purdue
5645 Emerson Ave. So.
Minneapolis, MN 55419

Ms. Shari Mills, Pres.
MN Chapter 99's, Inc.
Route 2, Box 291
Jordan, MN 55352

Mr. Monte Posey
Route 2
Spring Valley, MN 55975

MN Seaplane Pilots Association
James Balensiefer, President
6980 Lake Drive
Circle Pines, MN 55014

Mr. Thomas Payne
A E & T, Inc.
DeGraff, MN 56233

Lyle Ross
Rt 2
Lonsdale, MN 55046

Richard Rosetter
Montevideo,
Minnesota 56265

Richard D. Rosetter
Rt 1
Granite Falls, MN 56241

Floyd Romslo
4717 10th Ave. So.
Mpls, MN 55407

John Roemer
1424 Windsor Chase Dr. S.W.
Rochester, MN 55901

Mr. John Roemer
Pine Island,
Minnesota 55963

Donald Rivard
Rt 2
Argyle, MN 56713

Floran J. Riding
Rt 1, Box 85
Meseppa, MN 55956

Mr. Darrel Smith
c/o Meyers Printing Co.
500 South Third St.
Minneapolis, MN 55415

Mr. Ronald Schultz
Mankato,
Minnesota 56001

Mr. Claude Schmidt
MAC
Box 1700 - Twin City Airport
St. Paul, MN 55111

Orville Schultz
Canby, MN 56220

Clarence Schultz
Rt 1
Elgin, MN 55932

Mr. L. L. Schroeder
905 Parkway Drive
St. Paul, MN 55106

Mr. Jerry Scheevel
Route 1
Preston, MN 55965

Ralph Selland
Madelia, MN 56062

John Sell
Rt. 1
Plainview, MN 55964

Mr. David Routh
Route 1, Box 39
New Richland, MN 56072

Mr. Sterling Weaver
Route 1
Byron, MN 55920

Stephen & Karen Wattnem
321 Parkview Curve
Zumbrota, MN 55992

Mr. Victor Vandrey
Vernon Center,
Minnesota 56090

Mr. Gene Vallery
327 - 24th St. Ne
Rochester, MN 55901

Mr. F. Mike Tuohy
42 St. Albans Place
Chatfield, MN 55923

James Tidball
45 1st Ave. N.W.
Plainview, MN 55964

David Zabel
Rt. 1
Plainview, MN 55964

Norman Swanson
Rt 2
Hayfield, MN 55940

Mr. Wayne Winslow
Route 1
Wykoff, MN 55990

Gordon W. Westphal
2337 12th Ave. N.W.
Rochester, MN 55901

Mr. Loren Swanson
Route 4
Rochester, MN 55901

W.V. Souder, Senior Advisor
Ranger Flying Association
4200 Cedar Lake Rd
Mpls, MN 55416

Rep. Ray Welker
State Legislature
386 State Office Bldg.
St. Paul, MN 55155

[illegible] Airport Com.
2006 East 5th Avenue
Hibbing, Minnesota 55746

Airport Commission
217 South 4th Street
Brainerd, Minnesota 56401

200 First Street West
Rochester, MN 55901

Mr. Wilman A. Engen
Secretary-Treasurer
Cloquet-Carlton Co. Airport
Commission
1910 Selmser Avenue
Cloquet, Minnesota 55720

Mr. Wendell D. Setterberg
Buffalo Airport Commission
Box 40
Buffalo, Minnesota 55313

~~Mr. Clinton O. Dahl~~
~~107 E. C. Avenue~~
~~Jackson, Minnesota 56143~~

Mr. A. M. DeYoannes, Secretary
Eveleth-Virginia Airport Comm.
P. O. Box 747
Eveleth, Minnesota 55734

Mr. C. Brian Thuringer
Little Falls-Morrison County
Airport Commission
Little Falls, Mn 56345

~~Mr. James Vance, Publisher~~
~~Worthington Daily Globe~~
Worthington, MN 56187

Mr. Joseph Parkinen, Chairman
Grand Rapids Airport Commission
724 Seventh Avenue N.E.
Grand Rapids, Minnesota 55744

Mr. Richard P. Notch, Chairman
Long Prairie Airport Commission
239 Central Avenue
Long Prairie, Minnesota 56347

Mr. Don Hauck, Chairman
Dawson-Madison-Lac qui Parle
Airport Commission
309 Sixth Avenue
Madison, Minnesota 56256

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Int'l Falls-Koochiching County
Airport Commission
Falls International Airport
International Falls, MN 56649

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Sauk Centre Airport Commission
Sauk Centre, Minnesota 56378

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Slayton Airport Commission
Slayton, Minnesota 56172

Mr. Robert Kovanen, Chairman
Carlton County Airport Comm.
205 Second Street
Moose Lake, Minnesota 55767

Dr. V. D. Bredemeir, Chairman
Staples Airport Commission
Staples, Minnesota 56479

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~~Cook Airport Commission~~
~~Cook, Minnesota 55723~~

Mr. Wayne G. Johnson
City Attorney
City Hall
Silver Bay, Minnesota 55614

Dr. Duane Wething, Chairman
Detroit Lakes Airport Commission
Office of City Clerk-Treasurer
Detroit Lakes, Minnesota 56501

Mr. Warren Kregness
Tower Airport Commission
Tower, Minnesota 55790

Mr. Richard Helgeson, Chairman
Two Harbors Airport Commission
Box 156, 610 Second Avenue
Two Harbors, Minnesota 55616

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Glenwood Airport Commission
Route 3
Glenwood, Minnesota 56334

Mr. Russ Earls
Fosston Airport Commission
Fosston, Minnesota 56542

Mr. Thomas E. Dinndorf
Baudette-Lake of the Woods
County Airport Commission
Rowell Laboratories, Inc.
Baudette, Minnesota 56623

~~Mr. Curt Brekke, Jr.~~
~~City Planner~~
~~114 - 7th Avenue West~~
~~Alexandria, Minnesota 56308~~

~~Mr. Joe Forbes~~
~~Bemidji Airport Commission~~
~~Bemidji, MN 56601~~

Mr. Bernard L. Blokzyl
Chairman, Crookston Airport Com.
724 Hunter
Crookston, Minnesota 56716

Mr. Howard Carlson, Chairman
Pelican Rapids Airport Commission
Pelican Rapids, MN 56572

Mr. Dave Konshak
Park Rapids Airport Commissio
Park Rapids, Minnesota 56470

Mr. Deo Munter, Chairman
Norman Co-Ada-Twin Valley
Airport Commission
c/o Norman County Auditor
Courthouse

~~Mr. Roger Plumb, Public Works Dir~~
~~City Hall~~
~~Rochester, MN 55901~~

Mr. Ansel Doll
Appleton Airport Commission
Appleton, MN 56208

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Grand Marais, MN 55604

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Aitkin Airport Commission
Aitkin, MN 56431

Mr. Robert McClanahan, Chairman
Grand Marais Airport Commission
Grand Marais, MN 55604

Mr. Don Bottenmiller, Secretary
Airport Zoning Board
Wadena, MN 56482

Eugene G. Simmons
Secretary-Treasurer
Minnesota-Piney Airport
Authority
Pinecreek, Minnesota 56747

Mr. Ed Beaudette
Box 55
Piney, Manitoba ROA 1KO

Mr. John Elton
Roseau, MN 56751

Mr. Bill Tkachuk, Chairman
Minnesota-Piney Airport
Authority
Menisino, Manitoba ROA 1AO

Mr. Al Humman, Chairman
Breckenridge-Wahpeton
Airport Authority
Wahpeton, MN 58075

Mr. Tom Giles, Chairman
Deer River Airport Committee
Deer River, MN 56636

Mr. Jack Foster
c/o Hubbard Milling Co.
424 North Front - Old Town
Mankato, MN 56001

Mr. Nolan Hanson, Chairman
Wadena Airport Advisory Board
Wadena, Minnesota 56482

Mayor
Big Falls, MN 56627

Box 189
Hill City, MN 55748

P. O. Box 92
Bemidji, MN 56601

Mr. Gene Madsen
Mayor
Littlefork, MN 56653

Mayor Charles Spoden
City Hall
Littlefork, MN 56653

Mayor Donald Osborne
722 North Broadway
Crookston, MN 56716

Clerk
Bowstring Township
Deer River, MN 56636

Mayor Vernon Miller
City Hall
McGregor, MN 55760

Mayor Bennett R. Hamre
City Hall
Erskine, MN 56535

Mayor Richard Pisarcik
P. O. Box 303
Chisholm, MN 55719

Mayor Herschel Faulkner
City Hall
Orr, MN 55771

Mayor Duane Knutson
City Hall
Fertile, MN 56540

Mayor Mario M. Betica
City Hall
East 21st St. & 4th Avenue E
Hibbing, MN 55746

Mayor Keith R. Spelleck
815 West Second Avenue
Pine City, MN 55063

Mayor Lester E. Nord
812 Second Street NE
Fosston, MN 56542

Mayor Arlan H. Wolner
City Hall
Esquire Avenue
Cook, MN 55723

Mayor William Jokela
City Hall
Sandstone, MN 55072

Mayor Hector Reese
City Hall
Greenbush, MN 56726

Mayor Judy Hansen
City Hall
Cook, MN 55723

Mayor Melvin W. Koepke
45 Hays Circle
Silver Bay, MN 55614

Mayor Joseph Bouvette
City Hall
Hallock, MN 56728

Mayor Melba Miller
City Hall
Deer River, MN 56636

Mayor Herbert T. Lampa
City Hall
Tower, MN 55790

Mayor George Wickstrom, J
City Hall
Karlstad, MN 56732

Mayor Melvin O'Connell
City Hall
Chisholm, MN 55719

Mayor Lyle W. Northey
P. O. Box 66
Two Harbors, MN 55616

Mayor Warren Glad
City Hall
Lancaster, MN 56735

Mayor J. P. Grahek
City Hall
209 East Chapman Street
, MN 55731

Mayor L. A. Lee
508 Geary Avenue
Bagley, MN 56621

Mayor Earl Skoe
City Hall
Northome, MN 56661

Mayor Robert Horn
City Hall
Grand Rapids, MN 55744

Mayor Lloyd R. Meyer
City Hall
Baudette, MN 56623

Mayor Donald King
City Hall
223 South Main
Park Rapids, MN 56470

Mayor [illegible]
P. O. Box 266
Detroit Lakes, MN 56501

Mayor Duane C. Wellnitz
City Hall
Elbow Lake, MN 56531

Mayor Mel O. Olson
City Hall
112 Washington Avenue West
Fergus Falls, MN 56537

Mayor Ronald E. Erno
City Hall
Glenwood, MN 56334

Mayor Burton W. Johnson
City Hall
Hawley, MN 56549

Mayor F. S. Trites
City Hall
Fleming, MN 56551

Mayor Roger Groth
City Hall
Herman, MN 56248

Mayor Merlin Beyer
106 West Seventh Street
Morris, MN 56267

Mayor Alvin Groen
City Hall
Murdock, MN 56271

Mayor Howard Lund
City Hall
New York Mills, MN 56567

Mayor Sally Egert
City Hall
315 Madison
Ortonville, MN 56278

Mayor Richard Peterson
City Hall
Pelican Rapids, MN 56572

Mayor Ernest Kollar
City Hall
138 West Main
Perham, MN 56573

Mayor Gene Watnaas
City Hall
Starbuck, MN 56381

Mayor O. H. "Buzz" Hagen
City Hall
221 East Clark Street
Albert Lea, MN 56007

Mayor Robert Enright
City Hall
500 Fourth Avenue NE
Austin, MN 55912

Mayor Leonard Talcott
City Hall
23 West Main
Dodge Center, MN 55927

Mayor Robert Larson
City Hall
208 First Avenue NW
Faribault, MN 55021

Mayor Richard Nelson
City Hall
Preston, MN 55965

Mayor H. A. Beth
City Hall
231 East Main Street
Caledonia, MN 55921

Mayor John M. McGaheran
City Administration Building
540 West Hills Circle
Owatonna, MN 55060

Mayor Ed Powderly
City Hall
Red Wing, MN 55066

Mayor Bill Hall
City Hall
Rushford, MN 55971

Mayor Earl Laufenburger
City Hall
207 Lafayette Street
Winona, MN 55987

Mayor John Patton
City Hall
125 West Sixth
Blue Earth, MN 56013

Mayor Louis R. Donnelly
City Hall
114 East First Street
Fairmont, MN 56031

Mayor Arvin C. Schultz
City Hall
504 Second Street
Jackson, MN 56143

Mayor Michael Schwerzler
City Hall
203 South Second Street
LeSueur, MN 56058

Mayor Harold Deuschle
City Hall
Luverne, MN 56156

Mayor Herbert Mocol
City Hall
202 East Jackson
Mankato, MN 56001

Mayor Carl Wyczawski
City Hall
New Ulm, MN 56073

~~Mayor Roger Parsons~~
~~417 Second Avenue South~~
~~St. James, MN 56081~~

Mayor Douglas Pyan
City Hall
227 South Front
St. Peter, MN 56082

Mayor Vaughn Thorrinson
City Hall
Red Lake Falls, MN 56750

~~Mayor [illegible]~~
~~Route 10, Box 209~~
~~East Gull Lake, MN 56401~~

Mayor Richard L. Anderson
City Hall
206 South Fifth Avenue
Princeton, MN 55371

Mayor Milton A. Arneson
[illegible] Seventh Avenue SE
Roseau, MN 56751

Mayor Chester Snyder
East Gull Lake
Route 10, Box 209
Brainerd, MN 56401

Mayor James Andrews
City Hall
Remer, MN 56672

~~Mayor Lawrence Sunsdahl~~
~~City Hall~~
~~Stephen, MN 56757~~

Mayor Dennis Haggberg
City Hall
Isle, MN 56342

Mayor Alcuin G. Loehr
City Hall
St. Cloud, MN 56301

Mayor Bob Carlson
Box 188
Thief River Falls, MN 56701

Mayor Joseph Sauer
311 West Broadway
Little Falls, MN 56345

Mayor B. J. Robischon
528 Ash Street
Sauk Centre, MN 56378

Mayor Gordon Sommers
541 West Wentzel
Warren, MN 56762

Mayor Donald Moore
609 Third Avenue SE
Long Prairie, MN 56347

Mayor John G. Wilson
Route 2
Staples, MN, 56479

Mayor Jim Haugen
City Hall
Backus, MN 56435

Mayor Floyd Tweder
City Hall
Longville, MN 56655

Mayor Wayne Maroney
302 First Street SE
Wadena, MN 56482

Mayor C. Elmer Anderson
624 North Third Street
Brainerd, MN 56401

Mayor James Doherty
County Road 8
Maple Lake, MN 55358

~~Mayor Marion A. Kennedy~~
~~City Hall~~
~~Walker, MN 56484~~

~~Mayor Kay Mohr~~
~~City Hall~~
~~Braston, MN 56316~~

Mayor Joe Anfinson
545 Fifth Avenue SE
Milaca, MN 56353

Mayor Vernon J. Bisson
1611 Lincoln Avenue East
Alexandria, MN 56308

Mayor Gerard Melgaard
Route 4
Buffalo, MN 55313

Mayor Robert L. Ardner
611 Watkins
Mora, MN 55051

Mayor James Loher
135 East Thielke Avenue
Appleton, MN 56208

Mayor George O. Erickson
827 South Birch
Cambridge, MN 55008

Mayor Norb Torborg
316 Augusta Avenue
Paynesville, MN 56362

Mayor Ronald R. Stabnow
City Hall
Battle Lake, MN 56515

Mayor Glen Jedlicka
Box 134
Clarissa, MN

Mayor Thomas Skalsky
City Hall
Pine River, MN 56474

Mayor John Thompson
City Hall
Benson, MN 56215

Mayor C. H. Fering
City Hall
108 Main Street West
Sleepy Eye, MN 56085

Mayor D. J. Black
City Hall
37 Washington Avenue West
Hutchinson, MN 55350

Mayor Walter Diers
City Hall
Rush City, MN 55069

Mayor Don Lindley
City Hall
East Central Street
Springfield, MN 56087

Mayor Vida Hendrickson
410 South Austin
Litchfield, MN 55355

Mayor Charles Michelson
City Hall
125 Third Avenue North
South St. Paul, MN 55075

Mayor Avery Hall
City Hall
508 South State Street
Waseca, MN 56093

Mayor Robert J. Schlagel
Municipal Building
344 West Main Street
Marshall, MN 56258

Mayor Edward Barlage
508 Second Avenue North
Wheaton, MN 56296

Mayor Gunnar Frey
City Hall
125 South Broadway
Wells, MN 56097

Mayor John L. Mills
110 North 19th
Montevideo, MN 56265

Mayor Henry Jacobsen
City Hall
Tyler, MN 56178

~~Mayor Wes Lee~~
~~City Hall~~
~~444 Ninth Street~~
~~Windom, MN 56101~~

Mayor Mary J. Page
City Hall
1009 West Lincoln Avenue
Olivia, MN 56277

Mayor Harlin O. Owens
City Hall
1313 Ninth Street
Worthington, MN 56187

Mayor Steven L. Perkins
121 Third Avenue SE
Pipestone, MN 56164

Mayor Darold Snortum
City Hall
110 Oscar Avenue North
Canby, MN 56220

Mayor P. A. Asleson
City Hall
207 East 4th Street
Redwood Falls, MN 56283

Mayor Lester Ripley
City Hall
Dawson, MN 56232

Mayor Wallace Johlfs
City Hall
2451 Broadway
Slayton, MN 56172

Mayor Charles E. Smith
City Hall
Madison, MN 56256

Mayor Scott Keller
260 Harvey
Tracy, MN 56175

Mayor Elf Austad
City Hall
804 East Franklin Street
Glencoe, MN 55336

Mayor William G. Ferguson
City Hall
333 SW 6th Street
Willmar, MN 56201

Mayor Al Nicolai
City Hall
Hector, MN 55342

~~Mayor Don Guggenos~~
~~137 Fairlawn Avenue East~~
~~Winsted, MN 55395~~

City Hall
Brainerd, MN 56401

City Clerk-Treasurer
117 S.E. Railroad Avenue
Mora, MN 55051

City Clerk-Treasurer
City Hall
Appleton, MN 56208

Mr. Wallace T. Peterson
City Clerk-Treasurer
239 Central Avenue
Buffalo, MN 55313

Mr. Donald W. Jacobson
City Clerk-Administrator
221 Washburne
Paynesville, MN 56362

Mr. Clayton Pederson
City Clerk-Treasurer
City Hall
Battle Lake, MN 56515

Mr. Scott G. Larson
City Admr.-Clerk
139 East 1st
Cambridge, MN 55008

Mrs. Viola Garrett
City Clerk-Treasurer
City Hall
Pine River, MN 56474

Mr. William Radio
City Manager
1411 Pacific Avenue
Benson, MN 56215

Mr. Ken Mitchell
City Hall, Box 396
Clarissa, MN 56440

Ms. Dolly Ann Hohlen
City Clerk-Administrator
206 South 5th Avenue
Princeton, MN 55371

Mr. Michael D. Casper
City Clerk-Treasurer
203 North 5th Street
Breckenridge, MN 56520

Mr. Harvey M. Purinton
City Clerk-Treasurer
Route 6, Box 490
East Gull Lake, MN 56401

Arlie Fundaun
City Clerk-Treasurer
City Hall
Remer, MN 56672

Mr. Wayne Lance
City Clerk-Treasurer
106 East Holmes Street
Detroit Lakes, MN 56501

Ms. Ardelle Bergquist
City Clerk-Treasurer
City Hall
Isle, MN 56342

Mr. Elmer Malinen
City Administrator
City Hall
St. Cloud, MN 56301

Mr. Harland D. Martinson
City Clerk-Treasurer
City Hall
Elbow Lake, MN 56531

Mr. Jon M. Gutzman
City Administrator
100 7th Avenue N.E.
Little Falls, MN 56345

F. G. Borgmann
City Clerk-Treasurer
City Hall
Sauk Centre, MN 56378

Mr. James L. Nitchals, Adm.
112 Washington Avenue West
Fergus Falls, MN 56537

Mr. Charles Wilson, Adm. Ass't
239 Central Avenue
Long Prairie, MN 56347

Mr. Norman G. Schroeder
City Administrator
City Hall
Staples, MN 56479

Ms. Candy Jensen, City Clerk-A
City Hall
Glenwood, MN 56334

Ms. Pearl Lauer, City Clerk
City Hall
Longville, MN 56655

Mr. Bruce L. Brown
City Clerk-Treasurer
Box 30
Wadena, MN 56482

Mr. Lawrence L. Quam
City Clerk-Treasurer
City Hall
Hawley, MN 56549

Mrs. Shirley McAlpine
City Clerk
City Hall
Isle Lake, MN 55358

Mrs. Willa Shonkwiler, City Clerk
City Hall
Walker, MN 56484

Ms. Hazel L. Rodman
City Clerk-Treasurer
City Hall
Henning, MN 56551

Ms. Helen Schendel
City Clerk-Treasurer
145 South Central
Milaca, MN 56353

Mr. Alan Johnson, City Clerk
Box 369
Alexandria, MN 56308

Ms. Rhoda Miller, City Clerk
City Hall
Herman, MN 56248

County Auditor
Mahnomen Co. Courthouse
Mahnomen, MN 56557

City Clerk-Treasurer
23 West Main
Dodge Center, MN 55927

Admin. Assistant
City Hall
Luverne, MN 56156

~~Ms. Bonita Carlson~~
~~City Treasurer~~
~~City Hall~~
~~Morris, MN 56267~~

Mr. Robert Yochum
City Administrator
208 - 1st Avenue N.W.
Faribault, MN 55021

Mr. William Bassett
City Manager
Box 328
Mankato, MN 56001

Mr. James Meier
City Clerk-Treasurer
City Hall
Murdock, MN 56271

Mr. Norman F. Mechtel
City Clerk-Administrator
231 East Main Street
Caledonia, MN 55921

Mr. Richard D. Salvati
City Manager
City Hall
New Ulm, MN 56073

Mr. Wayne Mattson, City Clerk
City Hall
New York Mills, MN 56567

Mr. Thomas Mealey
City Clerk-Treasurer
City Administration Building
540 West Hills Circle
Owatonna, MN 55060

~~Mr. Roy Trullinger~~
~~City Clerk-Treasurer~~
~~P. O. Box 70~~
~~120 Armstrong Blvd. So.~~
~~St. James, MN 56081~~

Mr. Donald E. Geier, City Clerk
315 Madison
Ortonville, MN 56278

Mr. Jack Arnold
Council Admr.
City Hall
Red Wing, MN 55066

Mr. Kenneth H. Huber
City Clerk-Administrator
227 South Front
St. Peter, MN 56082

~~Mr. Richard Jenson~~
~~City Admin. Ass't.~~
~~City Hall~~
~~Pelican Rapids, MN 56572~~

Mr. Gordon Hatleli
City Clerk
City Hall
Rushford, MN 55971

Mr. Edwin V. Treml
City Clerk
108 Main Street West
Sleepy Eye, MN 56085

Mr. Sandy DiBrito
City Manager-Clerk
138 West Main
Perham, MN 56573

Mr. David Sollenberger
City Manager
207 Lafayette Street
Winona, MN 55987

Mr. Philip Solyntjes, City Cl
2 East Central Street
Springfield, MN 56087

Mr. Tom Elden
City Administrator
City Hall
Starbuck, MN 56381

Mr. Dave Childs
City Manager
125 West 6th
Blue Earth, MN 56013

Mr. Robert Haarman
City Manager
508 South State Street
Waseca, MN 56093

Ms. Verdi Johnson
City Clerk-Treasurer
City Hall
Wheaton, MN 56296

Mr. Brian Rick
City Administrator
114 E. First Street
Fairmont, MN 56031

Mrs. Dolly Schultz
City Clerk-Treasurer
125 South Broadway
Wells, MN 56097

~~W. L. Schmitt~~
~~City Manager~~
~~221 E. Clark Street~~
~~Albert Lea, MN 56007~~

Mr. Bruce Miller, City Adm.
504 - 2nd Street
Jackson, MN 56143

~~T. N. Weeks~~
~~City Clerk-Treasurer~~
~~444 - 9th Street~~
~~Windom, MN 56101~~

Mr. Darrell Stacy
Admin. Assistant
500 - 4th Avenue N.E.
Austin, MN 55912

Mr. Allen Cords
Exec. Admr.
203 South 2nd Street
LeSueur, MN 56058

Mr. R. C. Werner
City Clerk
303 - 9th Street, Box 111
Worthington, MN 56187

City Clerk-Treasurer
City Hall
Big Falls, Minnesota 56627

City Clerk-Treasurer
City Hall
Tower, Minnesota 55790

City Clerk-Treasurer
City Hall
Karlstad, MN 56732

Mr. Jack R. Lakso, City Clerk
City Hall
Bigfork, Minnesota 56628

Mr. John Olsvik, City Clerk
610 Second Avenue
Two Harbors, MN 55616

Mr. Gary Burton
City Clerk-Treasurer
City Hall
Lancaster, MN 56735

Mr. Earl Soderberg, City Clerk
Box 167
Cook, Minnesota 55723

Mr. James W. Street
City Clerk-Treasurer
City Hall
Bagley, Minnesota 56621

Ms. Alice Pelland
City Clerk
City Hall
Northome, MN 56661

Mr. James E. Viitalo, City Clerk
City Hall
Deer River, Minnesota 56636

Mr. Peter Robinson
City Clerk-Treasurer
City Hall
Baudette, MN 56623

Mr. F. Dwaine Ogden
City Administrator
223 South Main
Park Rapids, MN 56470

Ms. Shelly Childers
City Clerk-Treasurer
209 E. Chapman Street
Ely, Minnesota 55731

Mr. Donald G. Dougherty
City Manager
City Hall
Bemidji, MN 56601

Mr. Philip R. Cuno, City Clerk
City Hall
Red Lake Falls, MN 56750

Ms. Darlene Scott
City Clerk-Treasurer
City Hall
Hill City, Minnesota 55748

Mr. Raymond Ecklund
Administrative Assistant
City Hall
Crookston, Minnesota 56716

Mr. Leland Lunos
City Clerk-Treasurer
100 - 2nd Avenue N.E.
Roseau, MN 56751

Mr. Dale L. Peterson
City Clk-Adm.-Treasurer
City Hall
Littlefork, Minnesota 56653

Ms. Sharon Johnson
City Clerk-Treasurer
City Hall
Erskine, Minnesota 56535

Mrs. Dorothy Jose
City Clerk-Treasurer
City Hall
Stephen, MN 56757

Ms. Eileen Maddy
City Clerk-Treasurer
City Hall
McGregor, Minnesota 55760

Mr. Kenneth Anderson
City Clerk-Treasurer
City Hall
Fertile, MN 56540

Mr. Gerald Wigness
City Clerk-Treasurer
City Hall
Thief River Falls, MN 56701

Mr. Richard Kuzel, City Clerk
City Hall
Pine City, Minnesota 55063

Ms. Lois Dokken
City Clerk-Treasurer
114 North Kaiser
Fosston, MN 56542

Mr. Howard Haugen
City Clerk
City Hall
Warren, MN 56762

Ms. Christine H. Orstad
City Clerk-Treasurer
City Hall
Windstone, Minnesota 55072

Mrs. Nancy Evans
City Clerk-Treasurer
City Hall
Greenbush, MN 56726

Mr. Harold Olimb, City Clerk
City Hall
Warroad, MN 56763

Mr. Edward J. Arola, City Clerk
City Hall
Silver Bay, MN 55614

Mr. Mark Lloyd, City Clerk-Mgr.
City Hall
...lock, MN 56728

Ms. Ellie Barchus, City Clerk
City Hall
Backus, MN 56435

Public Works Director
333 - 9th Street
Worthington, MN 55987

City Administrator
207 E. Fourth Street
Redwood Falls, MN 56283

City Administrator
City Hall
Tyler, MN 56178

Mr. Vernon J. Maas
Admin. Ass't.
110 Oscar Avenue North
Canby, MN 56220

Mr. Robert Morgan, City Manager
2451 Broadway
Slayton, MN 56172

Mr. Robert G. Hansen
City Administrator
City Hall
Madison, MN 56256

Mr. Michael Copp, Ciyt Adm.
City Hall
Tracy, MN 56175

Mr. Lyle L. Winterfeldt
City Clerk
City Hall
804 Franklin Street East
Glencoe, MN 55336

Mr. Allen E. Svendsen
City Clerk-Treasurer
City Hall
Tyler, MN 56178

Mr. John J. Dixon
City Clerk
City Hall
Hector, MN 55342

R. C. Hoglund
City Clerk-Treasurer
Box 755
333 S.W. 6th Street
Willmar, MN 56201

Mr. Gary D. Plotz
Admin. Ass't. Clerk
[redacted] Washington Avenue West
Hutchinson, MN 55350

Ms. Betty Zachmann
City Clerk-Treasurer
City Hall
Winsted, MN 55395

Mr. Roy J. Ross
City Clerk-Treasurer
126 Marshall Avenue No.
Litchfield, MN 55355

Mr. Darold A. Hanson
City Administrator
City Hall
Rush City, MN 55069

Mr. James R. Heller
City Administrator
344 West Main Street
Marshall, MN 56258

Mr. James P. Cosgrove
City Coordinator
125-3rd Avenue North
So. St. Paul, MN 55075

Mrs. LaVonne Sundlee
City Clerk-Treasurer
103 Canton Avenue
Montevideo, MN 56265

Mr. Ross Kunkil, Chairman
Crow Wing County Board
County Courthouse
Brainerd, MN 56401

Mr. Richard Nash
Exec. Dir-Clerk
1009 West Lincoln Avenue
Olivia, MN 56277

Norman County Auditor's Office
Ada, Minnesota 56510

Mr. Tom Manninen
City Administrator
City Hall
Pipestone, MN 56164

Mr. Dick Stengard
Preston County Auditor
Fillmore County Courthouse
Preston, MN 55965

Please Note:

If you intend to supplement this list with other lists when mailing a hearing notice, please compare lists and eliminate duplicate notices.

Thank you.

ALSO
NOTIFY ALL INTERESTED STATE DEPARTMENTS, BOARDS AND COMMISSIONS
AND
PLEASE SORT OUT INTEROFFICE MAIL FROM LABELS

The following Names on the General Mailing List
can be sent through Interoffice Mail

rnold, Robert MESPA, 55 Sherburne Ave., St. Paul, Mn. 55103

awson, Jean Mn. Gov't Rep. Room B12 Capitol Bldg., St. Paul, Mn. 55155

alverson, Sue R., 720 American Center Bldg., St. Paul, Mn. 55101

iniker, James Commissioner of Admin. 200 Admin Bldg., St. Paul, Mn.

eg.Ref.Lib Z. Dewitt, Room 111 State Capitol, St. Paul, Mn.

let. Waste Control Comm. 350 Metro Sq. Bldg., St. Paul, Mn.

linn. Pollution Control , Water Quality, 1935 W. Co. Rd. B2, Roseville, Mn.

linn. Pollution Control Agency, 1935 W. Co. Rd. B2, Roseville, Mn.

linnesota Water Resources Bd., Rm. 206 555 Wabasha St., St. Paul, Mn.

linn. State Council for the Handicapped, Metro Sqr. Bldg. 7th & Robert, St. Paul

Office of the Governor, 130 State Capitol, St. Paul, Mn.

Peterson, H. Commissioner of Labor & Industry, 444 Lafayette Rd., St. Paul

Schultz, Linda, Room 328 Capitol Bldg., St. Paul, Mn.

Sheehy, Lee E., 625 Admin. Bldg., St. Paul, Mn.

Whitlock, Marshal LCRAR, Rm 44 St. Off. Bldg., St. Paul, Mn.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION

AFFIDAVIT PERTAINING
TO BARRIER FREE
HEARING LOCATION

In the matter of the Proposed)
Adoption of Rules, Amendments)
and Deletions Governing the)
Aeronautics Rules.)

- -

Kenneth H. Bjork, being first duly sworn, deposes and says:

That on the 23rd day of October 1979 he did verify that the hearing room scheduled for the above entitled matter is architecturally barrier free to the handicapped.

Location of hearing room:

STATE OFFICE BUILDING

ROOM 83

WABASHA STREET

SAINT PAUL, MINNESOTA 55155

/s/ Kenneth H. Bjork

Subscribed and sworn to before me

this 23rd day of October, 1979.

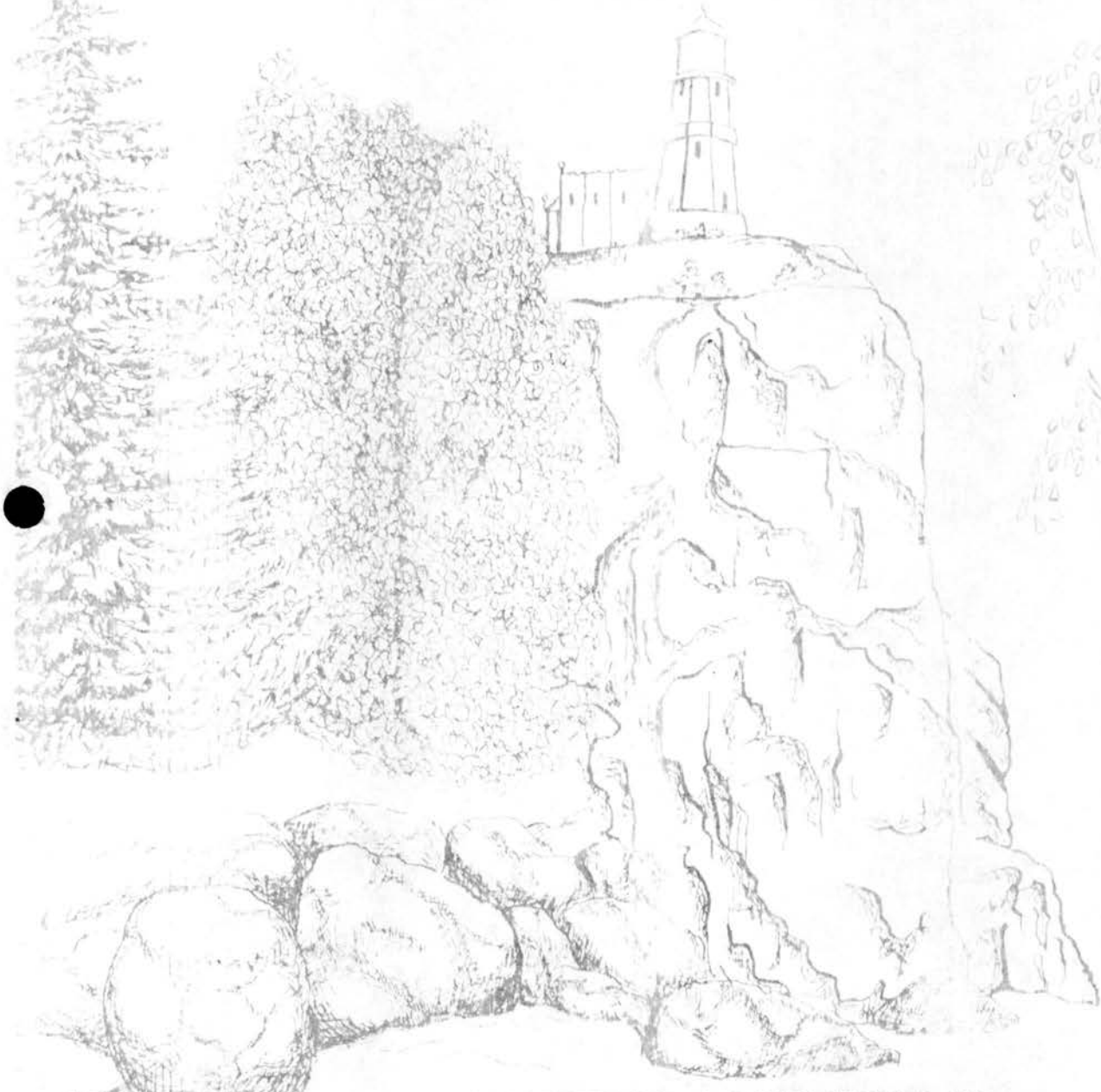
Margaret M. Hansen

Notary Public

MARGARET M. HANSEN
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires April 15, 1985

STATE REGISTER

STATE OF MINNESOTA



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manner which decreases as much as practical the fall of material; or utilizing equivalent methods.

~~6. Materials transfer — unloading. loading. No person shall cause or permit the discharge into the atmosphere of any visible fugitive emission having a density of greater than ten (10) percent opacity from railcar or truck dumping or bottom unloading operations or from the transfer of materials from a storage hopper or similar container to a truck, trailer, railcar, ship or barge.~~

7. Miscellaneous operations. No person shall cause or permit the discharge into the atmosphere of any visible fugitive emission having a density of greater than twenty (20) ~~ten (10)~~ percent opacity from crushers, screening operations, bucket elevators, or conveyor transfer points.

8. Sand blasting. No person shall cause or permit any sand or other abrasive blasting, preparation before such blasting, or clean up following such blasting, unless reasonable measures such as water injection, enclosing, or vacuuming are taken to minimize the discharge into the atmosphere of fugitive emissions.

9. Construction and demolition. No person shall cause or permit the operation of a construction site or demolition project, including earthmoving, grading, and site preparation, unless reasonable measures such as watering or treatment with dust suppressants are taken to minimize the discharge into the atmosphere of fugitive emissions.

~~10. Exemptions.~~

D. Exemptions.

1. Visible emission (opacity) requirements of subsections ~~C.6. and~~ C.7. shall not apply when the wind speed is greater than 25 miles per hour, as determined ~~by a one hour average or hourly recorded value~~ at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.

2. During freezing temperatures, owners or operators shall not be required to apply water or dust suppressants.

E. Performance test method. Unless another method is approved by the Director, any person required to conduct performance tests for the visual determination of opacity of emissions from facilities subject to this rule shall utilize Method 9, as referenced in 40 C.F.R. Part 60, Appendix A as in force on the effective date of this rule.

Department of Transportation Aeronautics Division

Proposed Rules, Amendments and Deletions Governing Aeronautics

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, in the State Office Building, Room 83, Wabasha Street, Saint Paul, Minnesota 55155, on November 27, 1979, commencing at 9:30 a.m., and continuing until all persons have had an opportunity to be heard.

The Commissioner of Transportation has been provided the statutory authority to promulgate rules governing airports and aeronautics pursuant to Minn. Stat. § 360.015, subd. 3 (1978). The proposed rules affect most chapters of 14 MCAR, excluding the chapter on airport zoning. The proposal is best characterized as a modification of existing rules rather than the addition of entirely new rules.

The proposed rule changes are partly matters of substance and partly matters of form. One major purpose of the revision is to eliminate state regulations which merely duplicate parallel federal regulations. Certain other areas of state regulation have been eliminated where and to the extent that experience has shown that regulation is not necessary. Other substantive changes have been made as outlined below. Many of the changes are being made for purposes of clarification.

The major changes in the proposed rules which represent a change in substance from the rules as they presently exist are as follows:

1. The general requirements for airport licensing would no longer require the submission of approvals from other governmental agencies as part of the license application.

2. The provision on minimum size of a runway for a public airport would be changed. The existing width requirement for a turf runway is 150 feet. The new requirement would be 75 feet with an additional 75 feet which is clear of obstructions. The new width requirement for a hard-surfaced runway is 60 feet plus the 75-foot clear zone.

3. A new requirement for runway grade has been added. The proposed provision requires that any two points five feet above the runway centerline be mutually visible for the entire runway length.

4. Wind indicators at lighted airports would have to be lighted in all cases, whether or not the airport is advertised as lighted.

5. Airport lights would no longer need to be kept on from dusk to dawn if a radio control system is available.

6. The Aeronautics Division no longer would require, as a condition of airport licensing, that Department of Natural Resources and other governmental approvals be submitted to it for construction or alteration of shoreline.

7. The proposed rules regarding licensing of a public seaplane base require that all hazards, including underwater hazards, be marked if they are in the approach, departure or taxiing areas.

8. The requirement for facilities at public seaplane bases would be decreased with regard to items other than those required for safety.

9. Windsocks at public heliports would have to be of a specified size and color and be lighted if the heliport is lighted.

10. Warning signs would be required at public heliports.

11. The proposed rule as to private airports now explicitly states that such an airport shall not be held out for public use but may be shown on aeronautical charts as a restricted facility.

12. For private airports, the minimum runway length requirement would be reduced from 2500 feet to 2000 feet. The width requirement would be reduced from 150 feet to 75 feet for turf runways and 60 feet for hard-surfaced runways. In addition, an area 75 feet on either side of the centerline would have to be free of obstructions.

13. In the case of a private airport, the primary surface, under the proposed rules, would end at the end of the runway in all cases. Additionally, the width of the primary surface would be reduced to 200 feet. These changes are true regardless of the type of runway involved.

14. The approach surface for private airports has been limited, under the proposed rule, in all cases, to a length of 10,000 feet and a slope of 20:1. The approach surface would expand uniformly to a width of 2,250 feet for all runways on private airports.

15. In the case of private airports, a requirement would be added that such an airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface communication or transportation.

16. A private airport may now be used, under the proposed rule, for limited commercial operations whether or not all of the public airport requirements are met. The scope of these commercial operations is detailed below.

17. It is explicitly provided under the proposal that a private seaplane base shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

18. For private seaplane bases, the requirement that approval of the Department of Natural Resources and other governmental agencies be obtained as a prerequisite to licensing would be deleted.

19. The approach, departure and taxiing areas for private seaplane bases no longer need to be marked under the proposed rules. A new requirement that hazards be marked has been added.

20. The requirements for wind indicators, life preservers and lines on private seaplane bases have been decreased under the proposal.

21. A new requirement would be added specifying that a private seaplane base not impose undue hazards upon adjoining property or its occupants or endanger the users of existing surface communication or transportation.

22. A private seaplane base may be used for limited commercial operations under the proposed rule.

23. A private heliport would have to have at least two obstruction-free approach-departure paths which must be separated by an arc of at least 90 degrees. These paths must have emergency landing areas available. This requirement now applies only to public heliports.

24. A private heliport may be displayed on aeronautical charts under the proposed rule. A private heliport must not impose undue hazards upon persons or property.

25. Personal-use landing areas would be redesignated as personal-use airports, personal-use seaplane bases and personal-use heliports. The landing surface of each must be smooth and free of hazards or obstructions. A personal-use airport could be used as a base of commercial operation for aerial photography and balloon operations in addition to aerial spraying and dusting.

26. As to unlicensed landing areas, the proposed rules would require that the landing area not impose undue hazards upon adjoining property or its occupants or damage the users or use of surface communication or transportation.

27. The proposed rules add a requirement that seaplane operations be conducted in accordance with marine traffic rules to the extent possible, consistent with aircraft safety. Where possible, boats or persons on the water's surface should be cleared by at least 300 feet, both laterally and vertically. Approaches and takeoffs must be made so as to clear structures on the ground by at least 100 feet. Operation of ski-equipped aircraft would be allowed on any frozen lake so long as the operation is conducted in a safe and reasonable manner.

KEY: **RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

28. Commercial operations would no longer be required to report accidents. Commercial operations involving only aircraft service and maintenance would be allowed to operate on licensed private airports. Personal-use airports could be used as a base of operations by commercial operators who do not engage in aircraft charter, rental or leasing, flight instruction or service and maintenance. In all cases, the commercial operator would have to comply with the airport owner's rules and requirements as a condition of being licensed.

29. The proposed rule would eliminate the present requirements that a commercial operator:

a. use only FAA-certified aircraft;

b. employ only FAA-certified airmen; and

c. have a telephone on the business premises.

30. Flight school operations, under the proposed rules, would be required to include a section regarding applicable Minnesota aeronautics statutes and regulations in the course outline. The operator would also be required to disclose to each student whether or not the student was covered under the operator's insurance policies and the extent of coverage, if any.

31. Ground school operators would also be required to include a section on Minnesota aeronautical statutes and rules in the course outline.

32. A commercial operator which rents or leases aircraft would be required to inform the renter or lessee whether he or she was covered under the operator's insurance policies and the type and extent of coverage, if any.

33. The proposed rule would no longer require that pilots meet any special qualifications to engage in aerjal spraying or dusting. Employment of pilots with these previously specified qualifications would no longer be a condition of granting a commercial operations license for spraying or dusting.

34. The proposed rule would require that commercial operators in the area of aircraft service and maintenance inform their customers as to whether hangarkeeper's insurance is in effect and the extent of coverage, if any.

35. All general operation rules, pilot operating rules, student pilot limitations, requirements for private and commercial pilots, general air traffic rules, general flight rules and visual and instrument flight rules have been eliminated. These areas are now adequately regulated by the federal government.

36. The proposed rules on parachuting have been substantially revised. All of the existing rules have been deleted and two new sections have been written. The proposed rule contains these basic points:

a. A person or organization engaging in parachuting for hire or compensation must be licensed as a commercial operator.

b. Parachute jumps in Minnesota must comply with Federal Aviation Regulations.

c. Parachute jumps onto public airports require either a waiver from the FAA in connection with an airshow, or permission of the Commissioner of Transportation. A request of the Commissioner must be made at least ten (10) days in advance. Public airports are to be closed during parachute jumps onto airport property and may not be closed for more than two hours at a time.

d. Permanent drop zones are to be licensed by the state annually and depicted on aeronautical charts.

37. The proposed rule on flying clubs has been revised to delete certain unnecessary definitions. Also, the annual registration report would have to include certain insurance information and a statement of each member's share of club assets. The circumstances under which a flying club may be considered a commercial operation have been broadened to include those situations in which (a) a member of the club leases an aircraft to the club; and (b) a member of the club who leases an aircraft to the club also gives flight instruction to members, whether or not for compensation.

A copy of the proposed rules is attached. Copies of the proposed rules are available and one free copy may be obtained by writing to the Minnesota Department of Transportation, Attention Robert Bissonnette, St. Paul Downtown Airport, St. Paul, Minnesota 55111. The proposed rules will also be available at the door on the date of the hearing.

All interested or affected persons will have an opportunity to participate in the hearing. Statements may be made orally and written materials may be submitted. In addition, whether or not an appearance is made, written statements or materials may be submitted by mail to Mr. Harry Seymour Crump, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, Saint Paul, Minnesota 55104 (Phone: 612-296-8111) either before the hearing, or within five (5) working days after the close of the hearing, or for a longer period not to exceed twenty (20) calendar days, if so ordered by the Hearing Examiner.

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the address of the Department of Transportation given above, and at the Office of Hearing Examiners. The Statement of Need and Reasonableness contains substance of the evidence and will be presented at the hearing justifying both the need for and reasonableness of the proposed rules. It is recommended that the public obtain and read the Statement of Need and Reasonableness prior to the hearing. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that a lobbyist must register with the State Ethical Practices Board within five (5) days after he or

she commences lobbying. A lobbyist is defined by Minn. Stat. § 10A.01, subd. 11, as any individual who is:

A. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month, or more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

B. Spends more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

A lobbyist does not include any:

A. Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

B. Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

C. Individual while engaged in selling goods or services to be paid for by public funds;

D. News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

E. Paid expert witness whose testimony is requested by the body before which he is appearing but only to the extent of preparing or delivering testimony; or

F. Stockholder of a family farm corporation as defined in § 500.24, subd. 1, who does not spend over $250, excluding his own travel expenses in any year in communicating with public officials.

Questions should be addressed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, Saint Paul, Minnesota 55155 (Telephone: 612-296-5615).

Notice: Any person may request a notification of the date on which the Hearing Examiner's Report will be available, after which date the Department of Transportation may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Transportation. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in case of the Hearing Examiner's Report), or to the Department representative listed above (in case of the Department's submission or resubmission to the Attorney General).

October 9, 1979

Richard P. Braun
Commissioner of Transportation

Rules as Proposed

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RULE

(14 MCAR § 1)

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Chapter One §§ 1.3001-1.3005: Definitions, Procedural ~~Regulations~~ Rules, Contested Cases, Taxation, Applications for Financial Aid

14 MCAR § 1.3001 Definitions.

~~A. Aerobatic flight. Maneuvers intentionally performed that exceed a bank of 60 degrees relative to the horizon or a nose up or down altitude of 30 degrees relative to the horizon.~~

A. Aeronautics instructor. 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 an "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.

B. Airport. 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.

C. Airport elevation. The established elevation of the highest point on the usable landing area measured in feet above mean sea level.

D. Airport hazard. 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.

~~E. Air Traffic. Aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.~~

~~F. Air traffic control. A service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.~~

~~G. Air traffic clearance. Authorization by air traffic control for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified traffic conditions within controlled airspace.~~

~~H. Anchor light. A white light installed so as to be visible in all directions for at least three miles at night under clear atmospheric conditions.~~

~~I. Autorotation. An rotorcraft flight condition in which the lifting rotor is driven entirely by the action of the air when the rotorcraft is in motion.~~

E. ATCO (Air Taxi/Commercial Operator) certificate. A certificate issued by the Federal Aviation Administration that entitles the holder to conduct charter operations according to the operating specifications in the certificate.

F. ~~J.~~ Balloon. A lighter-than-air aircraft that is not engine driven.

~~K. Ceiling. The height above the ground or water of the lowest layer of clouds or obscuring phenomena reported as "broken," "overcast," or "obscuration," and not classified as "thin" or "partial."~~

~~L. Controlled airspace. Airspace designated as a continental control area, control area, control zone, terminal control area, or transition area, within which some or all aircraft may be subject to air traffic control.~~

~~M. Crew member. A person assigned to perform duty in an aircraft during flight time.~~

G. Edge marker. 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.

H. CAB (Civil Aeronautics Board). The agency of the federal government that has regulatory authority over scheduled supplemental and charter air carriers providing air transportation.

I. Commissioner. Any reference to the term "Commissioner" in these rules shall mean the Commissioner of the Minnesota Department of Transportation.

J. Drop zone. That area of land or water on which a parachutist should reasonably expect to land.

K. ~~N.~~ Dwelling. Any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

L. ~~O.~~ FAA. The capital letters "FAA" shall mean the Federal Aviation Administration of the United States.

M. ~~P.~~ Flight instructor. A pilot who possesses a valid flight instructor's rating as issued by the FAA.

~~Q. Flight visibility. The average forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.~~

N. ~~R.~~ Glider. 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.

O. Gradient. The angular degree, from horizontal, of an ascending or descending uniformily smooth slope. With regard to runways:

1. Transverse gradient refers to the degree of slope across the width of the runway, and

2. Longitudinal gradient refers to the degree of slope along the length of the runway.

P. ~~S.~~ Height. For the purpose of determining the height limits set forth in these ~~regulations~~ rules, the datum shall be mean sea level elevation as determined by U.S. Geological Survey.

Q. ~~T.~~ Helicopter. A rotorcraft, that for its horizontal motion, depends principally on its engine-driven rotors.

R. ~~U.~~ IFR. The symbol used to designate instrument flight rules.

~~V. Key system airport. Airports having a paved and lighted runway over 5,000 feet in length, capable of accommodating heavy, multi-engine aircraft as well as most of the corporate jet fleet.~~

~~W. Intermediate system airport. Airports having a paved and lighted runway less than 5,000 feet in length, capable of accommodating all single engine and most twin engine aircraft as well as some light jet aircraft.~~

~~X. Landing strip system airport. Airports with turf runways capable of accommodating single engine and light twin engine aircraft.~~

S. ~~Y.~~ Letter of authority. "Letter of authority" shall be included in the term "license" as used herein.

T. ~~Z.~~ Night. 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.

U. ~~AA.~~ Nonprecision instrument runway. A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities planned or indicated on an approved planning document.

V. Parachute. A device used or intended to be used to retard the fall of a body or object through the air.

W. ~~BB.~~ Passenger. An occupant of ~~the~~ an aircraft ~~in flight other than a crew member.~~ who is not assigned to perform duty necessary for operating the aircraft.

X. ~~CC.~~ Person. The term "person" when used herein shall include ~~A~~ 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.

~~DD. Pilot in command. The pilot responsible for the operation and safety of an aircraft, during flight time.~~

Y. ~~EE.~~ Planned. As used in these ~~regulations~~ rules, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Commissioner.

Z. ~~FF.~~ Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

AA. ~~GG.~~ Rotorcraft. A heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

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BB. ~~HH.~~ Runway. Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and taking off of aircraft.

~~II. Second in command. A pilot who is designated to be second in command of an aircraft during flight time.~~

CC. ~~JJ.~~ Slope. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

DD. ~~KK.~~ Structure. An object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, earth formations and overhead transmission lines.

EE. ~~LL.~~ Sunset and sunrise. The mean solar times of sunset and sunrise as published in the American Air Almanac, converted to local time.

~~MM. To pilot. To be in command of an aircraft during takeoff, in flight, landing, or on the ground.~~

FF. ~~NN.~~ Traffic pattern. The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport.

GG. Traverse ways. Roads, railroads, trails, waterways, or any other avenue of surface transportation.

HH. ~~OO.~~ Tree. Any object of natural growth.

II. ~~PP.~~ Utility runway. A runway that is constructed for and intended to be used by ~~propeller driven~~ aircraft of 12,500 pounds maximum gross weight and less.

JJ. ~~QQ.~~ VFR. The symbol used to designate visual flight rules.

KK. ~~RR.~~ Visual runway. 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 planning document.

LL. ~~SS.~~ Water surfaces. For the purpose of these ~~regulations~~ rules, water surfaces shall have the same meaning as land.

14 MCAR § 1.3002 Procedural ~~regulations~~ rules as to structure heights.

A. When a permit is required under Minn. Stat. §§ 360.81-360.91, and amendments made subsequent hereto, application shall be made to the Commissioner on a form furnished by him.

B. The Commissioner shall make such investigation as may be necessary.

C. 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 his interest. Such notification shall be in writing.

D. 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.

E. All hearings, notices, orders, and other procedural ~~regulations~~ rules regarding this subject shall be in accordance with Chapters 360 and 15 of the Minn. Stat., these ~~regulations~~ rules, and any other applicable law.

14 MCAR § 1.3003 Hearings in contested cases.

A. This ~~regulation~~ rule does not include hearings in rule making and is supplementary to statutory provisions concerning the subject of contested cases.

B. Hearings in contested cases shall be in conformance with Chapters 360 and 15 of the Minn. Stat. and in conformance with the "Rules for Contested Cases" then in effect as promulgated by the Office of the Attorney General of the State of Minnesota.

14 MCAR § 1.3004 Taxation of converted military aircraft.

When a military aircraft is purchased for civilian use and enters the State of Minnesota, it will be given a base value for taxation purposes according to its age, condition, weight, and performance characteristics. ~~These valuations are established in the table of valuations kept in the Department of Transportation.~~

14 MCAR § 1.3005 Applications for state and federal aid.

A. The Commissioner will make a substantive decision as to 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.

B. 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.

C. The municipality must show that sufficient funds are available for that portion of the project costs to be borne by the municipality and that the project will be completed without undue delay, and that the municipality submitting the project application has legal authority to engage in the development as proposed.

Chapter Two: §§ 1.3006-1.3016 Airport Licensing, Airport Zoning, Obstructions to Air Navigation

14 MCAR § 1.3006 General provisions for airport licensing.

A. Airport. The term "airport" as used herein shall also include seaplane bases, heliports, and all other designated ~~landing~~ areas.

B. ~~Licensing procedure.~~ License. Every airport, before operating as such, shall be approved and licensed by the Commissioner. (Airports owned or operated by public corporations formed pursuant to the Metropolitan Airports Commission Act need not be licensed.)

1. Application. Application for license shall be made on forms supplied by the Commissioner and accompanied by the appropriate fee and renewed annually.

Type of License	Fee	~~Renewal~~
Public Airport (privately or publicly owned)	$5.00	~~Annually~~
Privately ~~owned Commercial~~ Airport (restricted use)	$5.00	~~Annually~~
Personal-use Airport	None	~~Annually~~

2. Inspection. The applicant for any license shall offer full cooperation in respect to any inspection which may be made of the airport premises upon proper demand at reasonable hours by any authorized representative of the Commissioner, prior to or subsequent to the issuance of a license.

3. Ownership. The applicant shall show that he has right of access to and control of the land, or right of access to the water area to be licensed, as owner, co-owner, tenant, or by any other right of entry.

4. Agency approvals. No airport shall be licensed ~~until~~ unless the applicant ~~has submitted evidence of the following agency approvals.~~ meets the requirements of other federal or state government agencies or their political subdivisions.

~~a. Federal Aviation Administration airspace determination.~~

~~b. Approval of the Metropolitan Airports Commission for any airport located within the metropolitan area, or within 35 miles of the city hall of either Minneapolis or St. Paul.~~

~~c. Permits and approvals that may be required of local governmental agencies.~~

C. Restricted operation. A letter of authority granting temporary or restricted operation may be issued pending full compliance with the provisions of these rules ~~and regulations~~ and shall have an expiration date.

D. License display. The license issued under this section shall be posted in a prominent place at the airport.

E. Nontransferability. Licenses shall not be transferable.

F. Alteration or change of operational status. The licensee shall immediately notify the Commissioner of any proposed construction, alteration, or change in the operational status of the airport. The licensee is also responsible for properly notifying the Federal Aviation Administration of such alterations or changes.

G. Danger area or closed airport. Any part of the landing strip or runway which has become temporarily unsafe, or for any reason is not available for use, shall be marked by suitable warning flags and/or flares which shall clearly show the boundaries of the danger area. Upon the closing, abandonment or cessation of any airport, the licensee shall immediately notify the Commissioner, return the current license, and mark the landing area in a manner that clearly indicates that the airport is closed to air traffic. All markings indicating a usable runway must be obliterated. An "X" must be placed at a central location, the minimum size to be 3' x 30', and of contrasting colors to the surrounding surface where the "X" is placed. In the event that the licensee fails to do the above, then and in such case, and without excusing the licensee, the Commissioner may go upon the premises and remove the markings that indicate a usable runway and may also mark the airport as indicated above.

H. Exceptions. In any case where it is determined that the public interest and safety will not be adversely affected, the Commissioner may waive any of the requirements stated in 14 MCAR §§ 1.3006-1.3016 subject to such conditions or limitations as may be necessary. Conversely, where it is determined that the public interest and safety will be adversely affected, the Commissioner may deny the issuance of a license, despite compliance with ~~regulations~~ rules herein.

~~14 MCAR § 1.3007 Reserved for future use.~~

14 MCAR § 1.3007 ~~§ 1.3008~~ Licensing of a public airport.

A. 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. The requirements of this section do not apply to the licensing of public seaplane bases or public heliports. Specific requirements for the licensing of a public seaplane base are found in 14 MCAR ~~§ 1.3012.~~ § 1.3008. Specific requirements for the licensing of a public heliport are found in 14 MCAR ~~§ 1.3014.~~ § 1.3009.

B. Requirements. A public airport shall be granted a license when it has shown that it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

~~1. Size. Minimum usable lengths and widths of turf landing strips constructed before July 1, 1958, have been permitted, if they were 2,000 feet long and 150 feet wide. All such minimum turf landing strips prior to July 1, 1976, must be improved so that they have at least one landing strip with a minimum usable length of 2,500 feet and width of 150 feet. No turf landing strip licenses will be renewed after July 1, 1976, unless they have reached the minimum usable length of 2,500 feet and a width of 150 feet by that date. New turf landing~~

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~~strips constructed after July 1, 1958, shall have minimum usable lengths and widths of 2,500 feet long and 150 feet wide.~~

1. Size. At least one runway with a minimum length of 2,500 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in 14 MCAR § 1.3015 that are or may create an airport hazard.

2. Surface. The ~~effective~~ landing surface shall be smooth and free from hazards or obstructions. ~~The longitudinal gradient on any part of the landing area shall not exceed 2%. The transverse gradient shall not exceed 3%.~~

a. The longitudinal gradient on any part of the landing area shall not exceed 2%.

b. The transverse gradient shall not exceed 3%.

c. In addition, runway grade changes should be such that any two points 5 feet above the runway centerline will be mutually visible for the entire runway length.

3. Obstructions. The minimum obstruction clearance ~~for licensing~~ requires that no structure, tree or mobile object which creates a hazard, other than those necessary and incidental to airport operation, ~~and no tree~~ shall penetrate the imaginary airspace surfaces described in 14 MCAR § ~~1.3009~~ § 1.3015, paragraphs E.1., E.4., and E.5. The standards of this section shall also apply to traverse ways only after their heights have been increased as described in 14 MCAR § ~~1.3009 B.~~ § 1.3015 B.

4. Edge markers. ~~The landing strips or areas~~ Turf runways shall be outlined with effective edge markers which shall be constructed and installed in a manner approved by the Commissioner.

5. Buildings. Buildings and structures on a public airport shall not be closer than 250' to the centerline of the runway. For height limitations see 14 MCAR § ~~1.3009 E.~~ § 1.3015 E.

6. Wind indicator. All public airports shall be equipped with a wind ~~cone~~ sock, 3' x 12', blaze orange in color, or other indicator as approved by the Commissioner, 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 indicator must also be lighted.

7. Fencing. Such adequate fencing or barriers shall be constructed as will prevent all persons not engaged in flight activities from having access to a position of danger with relation to aircraft in the vicinity of building areas and on the flight line.

8. Lighting. If the airport is lighted for night operations and is advertised as lighted for night operations, the lights shall be kept on from dusk to dawn. ~~The wind indicator, in this case, must also be lighted as approved by the Commissioner.~~ Any object in the approach zone of a lighted visual utility runway that extends above a slope of 30:1 shall be marked and lighted in accordance with the standards for obstruction marking and lighting where requested by the Commissioner in the interest of safety.

9. Tiedowns. Facilities must be furnished for at least three more aircraft than regularly use the facilities. The tiedowns are to be marked and maintained so as to be readily located ~~and shall not protrude above the surface.~~

10. Toilets. A sanitary public toilet facility shall be provided at all public airports, except where it can be demonstrated that it is impracticable to install such a facility. An enclosed portable chemical toilet, properly maintained and serviced, shall be acceptable.

11. Aviation fuel. All aviation fuel dispensed on any airport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

12. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed. It must be a minimum of 10 pounds of carbon dioxide or equivalent.

13. Telephone. When feasible, a telephone shall be made available for public use. Telephone numbers for the appropriate Flight Service Station, for emergency assistance, and for aircraft servicing shall be prominently posted.

14. Bulletin board. A weather-protected bulletin board shall be prominently located on the airport. Posted thereon shall be the airport license, safety and traffic rules, and an area map showing danger or restricted areas.

14 MCAR § 1.3008 § ~~1.3012~~ Licensing of a public seaplane base.

A. Public seaplane base. A public seaplane base shall mean any seaplane base, whether privately- or publicly-owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the operator or the person having right of access and control. ~~A public seaplane base will be granted a license when it is shown that it has met the general provisions of 14 MCAR § 1.3006 and the minimum requirements stated herein.~~

B. Operation. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, ~~if such rules and regulations~~ to the extent that such rules and regulations do not interfere with the safe operations of aircraft.

C. Separate licenses. The license issued to a seaplane base shall apply to the land area from which operations are conducted ~~and to the water area designated for its operations~~. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

D. Use. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of these public waters.

~~E. Construction or alteration of shoreline. The applicant shall show that any construction or alteration of shoreline on the land area of the base is in conformity with the regulations of the Minnesota Department of Natural Resources, Division of Waters, Soils and Minerals, and with municipal building and other pertinent regulations, if applicable.~~

E. Requirements. A public seaplane base shall be granted a license when it has shown it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. ~~F.~~ Size. The body of water shall have a minimum ~~effective~~ usable length of at least one mile and shall be of sufficient width and depth to permit the safe operation of aircraft on the surface. All approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of least 100 feet above such structure.

2. ~~G.~~ Boundary markers. The outline of that part of the area available for landing, ~~and~~ takeoff and ~~for~~ taxiing when required in the interest of safety, shall be marked ~~in a manner approved by the Commissioner or as may be required by the marine traffic rules and regulations of the authority having jurisdiction~~. All hazards, including underwater obstructions in the landing, approach, departure and taxi areas, shall be marked. All markers shall be constructed and displayed in a manner approved by the Commissioner.

~~H. Hazards. All hazards in the approach or landing area, including underwater obstructions, shall be marked in a manner approved by the Commissioner. If the base is engaged in night operations, such hazards shall be clearly marked with lights during the period of sunset to sunrise.~~

3. ~~I.~~ Wind indicator. Each public seaplane base shall be equipped with a wind ~~cone~~ sock 3' x 12', blaze orange in color, or other wind indicator approved by the Commissioner, 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 ~~cone~~ sock must be lighted.

~~J. Minimum public seaplane base facilities. Every public seaplane base shall have as a minimum the following facilities:~~

4. ~~J.~~ Dock. A dock or float, suitable for the loading and unloading of seaplanes, shall be so located as to afford the maximum degree of operational safety ~~in taxiing approach~~.

5. ~~2.~~ Ramp. A ramp, or equivalent substitute, for beaching of aircraft, shall be provided. Tie-down or storage area shall be so arranged that the ramp is normally clear for the beaching of incoming aircraft.

6. ~~3.~~ Toilets. A sanitary public facility shall be provided at all public seaplane bases, except where it can be demonstrated that it is impracticable to install such facility. An enclosed portable chemical toilet, properly maintained and serviced, shall be acceptable.

7. ~~4.~~ Telephone. When feasible, a telephone ~~shall~~ should be made available for public use. Telephone numbers for the appropriate Flight Service Station, for emergency assistance, and for aircraft servicing ~~shall~~ will be prominently posted.

8. ~~5.~~ Bulletin board. A weather-protected bulletin board shall be prominently located on the seaplane base. Posted thereon shall be the seaplane base license, safety and traffic rules, and an area map showing danger or restricted areas.

9. ~~6.~~ Beaching or mooring. Beaching or mooring facilities must be provided for at least three more seaplanes than regularly use the facilities.

~~K. Minimum public seaplane base safety equipment. Every public seaplane base shall have as a minimum the following safety equipment.~~

10. ~~1.~~ Life preserver. At least one life preserver ~~of the ring or throw type with sufficient line attached~~ shall be immediately available ~~on the ramp or dock or in the emergency boat~~ for use at all times.

11. ~~2.~~ Boat. A boat and operable motor shall be immediately available for use at all times that flights are in progress.

12. ~~3.~~ Lines. An adequate supply of lines for heaving, towing, securing and rescue operations shall be kept available.

13. ~~4.~~ Fuel filters. All aviation fuel dispensed at a public seaplane base shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

14. ~~5.~~ Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of ten pounds of carbon dioxide, or equivalent.

14 MCAR § 1.3009 ~~§ 1.3014~~ Licensing of a public heliport.

A. Public heliport. A public heliport ~~shall mean~~ is any heliport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or

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tolerated by the owner or person having right of access and control. ~~A public heliport will be granted a license when it is shown that it has met the general provisions of 14 MCAR § 1.3006 and the minimum requirements stated herein.~~

B. Requirements. A public heliport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. ~~B.~~ Landing and takeoff area. That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

2. ~~G.~~ Touchdown area. ~~The dimensions of the touchdown area~~ The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

3. ~~D.~~ Peripheral area. A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than 10 feet, is recommended as an obstruction-free safety zone.

4. ~~E.~~ Obstructions. ~~Criteria for determining obstructions to public heliports are set forth in 14 MCAR § 1.3009 F.~~ An object will be 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. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

b. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

c. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

5. ~~F.~~ Approach-departure paths. Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

a. ~~1.~~ Approach-departure paths coincide in size with the imaginary surfaces described in ~~14 MCAR § 1.3009 F.~~ B. 4. above, except that an approach-departure path may be curved.

(1) ~~a.~~ If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet.

(2) ~~b.~~ If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

b. ~~2.~~ A public heliport must have at least two approach-departure paths which must be separated by an arc of at least 90 degrees. These two paths must be obstruction-free.

c. ~~3.~~ Emergency landing areas must be available along the approach-departure paths.

6. ~~G.~~ Fuel filters. All aviation fuel dispensed on any public heliport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

7. ~~H.~~ Fire extinguishers. At least one properly maintained fire extinguisher shall be available. It must be a minimum of ten pounds of carbon dioxide or its equivalent.

8. ~~I.~~ Wind indicator. All public heliports shall be equipped with ~~a~~ an operable wind ~~cone~~ sock, 3' x 12' blaze orange in color, or other indicator as approved by the Commissioner. ~~which must be clearly visible from pattern altitude.~~ If the heliport is lighted for night operations, the wind indicator must also be lighted.

9. ~~J.~~ Safety barriers. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in ~~14 MCAR § 1.3009 F.~~ B.4. above.

10. ~~K.~~ Rooftop egress. Rooftop heliports should have two exits, one at each side of the landing and takeoff area, which should be provided in accordance with local building codes.

C. ~~L.~~ Applicability. The regulations contained in ~~14 MCAR § 1.3014 D., E., and F.~~ B.3., 4., and 5. above, are predicated upon VFR operations by helicopters certificated in the normal category. The Commissioner may set additional requirements for heliports which will conduct IFR operations and/or operations by transport category heliports.

14 MCAR § 1.3010 ~~§ 1.30085~~ Licensing of a ~~privately-owned commercial~~ airport.

A. ~~Privately-owned commercial~~ airport. A ~~privately-owned commercial~~ airport is a restricted airport ~~used for commercial purposes~~. The persons who may use the airport are determined by the owner of the airport. The private airport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

~~B. A privately owned commercial airport will be granted a license when it has shown that it has met the general provisions of 14 MCAR § 1.3006 and the minimum requirements of 14 MCAR § 1.3008 B.1. 6., 11., and 12.~~

B. Requirements. A private airport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements.

1. Size. At least one runway with a minimum length of 2,000 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in 14 MCAR § 1.3015 that are or may create an airport hazard.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

3. Obstructions. The minimum obstruction clearance requires that no structure, tree or mobile object which creates a hazard, other than those necessary and incidental to airport operation, shall penetrate the imaginary airspace surfaces described below:

a. Primary surface. An imaginary surface longitudinally centered on a runway and:

(1) At same elevation as the elevation of the nearest point on the runway centerline.

(2) Extending to the ends of each runway.

(3) The width of the primary surface is 200 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. The approach surface inclines upward and outward at a slope of:

(1) 20:1 for a horizontal distance of 10,000 feet.

(2) Expanding uniformly to a width of 2,250 feet.

4. Edge markers. Turf runways shall be outlined with effective edge markers which shall be constructed and installed in a manner approved by the Commissioner.

5. Wind indicator. All private airports shall be equipped with a wind sock or other approved wind indicator.

6. Aviation fuel. All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed for sale. It must be a minimum of 10 pounds of carbon dioxide or equivalent.

~~C. A privately owned commercial airport may be used to satisfy the public airport requirements of 14 MCAR § 1.3017.~~

C. Hazards. A "private airport" shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

~~D. A privately owned commercial airport shall not be displayed on any chart for public distribution.~~

D. Use. A private airport may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

~~14 MCAR § 1.3011 Reserved for future use.~~

14 MCAR § 1.3011 ~~§ 1.30125~~ Licensing of a ~~privately-owned commercial~~ seaplane base.

A. ~~Privately owned commercial~~ seaplane base. A ~~privately owned commercial~~ seaplane base is a restricted seaplane base ~~used for commercial purposes.~~ The persons who may use ~~the~~ this seaplane base ~~land area~~ are ~~to be~~ determined by ~~the~~ its owner ~~of the base~~. The private seaplane base shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. Requirements. A ~~privately owned commercial~~ seaplane base will be granted a license when it ~~is~~ has shown that it has met the following minimum requirements ~~of MCAR § 1.3012 B., 1., and K.1., 3., 4., 5.~~

1. Operation. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, to the extent such rules and regulations do not interfere with the safe operation of aircraft.

2. Separate licenses. The license issued to a seaplane base shall apply to the land area from which operations are conducted. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

3. Use. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of public waters.

4. Size. The body of water shall be of sufficient length, width and depth to permit safe operation by the aircraft intended to use it. The approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

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5. Markers. All hazards in the approach or landing area, including underwater obstructions, shall be marked.

6. Wind indicator. All private seaplane bases shall be equipped with a wind sock or other wind indicator.

7. Fuel filters. All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

8. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of ten pounds of carbon dioxide, or equivalent.

~~C. Use. A privately owned commercial seaplane base may be used to satisfy the public seaplane requirements of 14 MCAR § 1.3017.~~

C. Hazards. A "private seaplane base" shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

~~D. Restrictions. A privately owned commercial seaplane base shall not be displayed on any chart for public distribution.~~

D. Use. A private seaplane base may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

14 MCAR § 1.3012 ~~§ 1.30145~~ Licensing of a ~~privately owned commercial~~ heliport.

A. ~~Privately owned commercial~~ heliport. A ~~privately owned commercial~~ heliport is a restricted heliport ~~used for commercial purposes.~~ The persons who may use ~~the~~ this heliport are ~~to be~~ determined by ~~the~~ its owner ~~of the heliport~~. The private heliport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. ~~Requirements.~~ A ~~privately owned commercial~~ heliport ~~will~~ shall be granted a license when ~~it is shown that~~ it has met the ~~requirements of 14 MCAR § 1.3014~~ general provisions of 14 MCAR § 1.3006 and the following minimum requirements.

1. Landing and takeoff area. That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

2. Touchdown area. The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

3. Peripheral area. A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than 10 feet, is recommended as an obstruction-free safety zone.

4. Obstructions. An object will be 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. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

b. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

c. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

5. Approach-departure paths. Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

a. Approach-departure paths coincide in size with imaginary surfaces described in B.4. above, except that an approach-departure path may be curved.

(1) If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet.

(2) If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

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

c. Adequate emergency landing areas must be available along the approach-departure paths.

6. Fuel filters. All aviation fuel dispensed on any private heliport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available. It must be a minimum of ten pounds of carbon dioxide or its equivalent.

8. Wind indicator. All private heliports shall be equipped with an operable wind sock, 3′ × 12′ blaze orange in color, or other indicator as approved by the Commissioner. If the heliport is lighted for night operations, the wind indicator must also be lighted.

9. Safety barriers. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be

prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in B.4. above.

~~C. Use. A privately owned commercial heliport may be used to satisfy the public airport requirements of 14 MCAR § 1.3017.~~

C. Hazards. A "private heliport" shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

~~D. Restrictions. A privately owned commercial heliport shall not be displayed on any chart for public distribution.~~

D. Use. A private heliport may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

[Portions of the following rule (§ 1.3013) are now found in §§ 1.3017-1.3018.]

~~14 MCAR § 1.3013 Seaplane operations within the seven county metropolitan area.~~

~~A. Scope. 14 MCAR § 1.3013 covers seaplane operations on all public waters within the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.~~

~~B. Lakes upon which seaplane operations are permitted. Seaplane operations are prohibited on all public waters in the seven county area described above except for the following bodies of water upon which seaplane operations are permitted.~~

~~Anoka County~~
~~Centerville Lake~~
~~Clear 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~~
~~Reshenav Lake~~
~~Rice Lake~~
~~Round Lake~~
~~Carver County~~
~~Goose Lake~~
~~Hazeltine Lake~~
~~Lake Minnewashta~~
~~Lake Pattersen~~
~~Lake Riley~~
~~Lake Waconia~~
~~Lundsten Lake~~
~~Mud Lake~~
~~Oak Lake~~
~~Parley Lake~~
~~Pierson Lake~~
~~Tiger Lake~~
~~Dakota County~~
~~Alimagnet~~
~~Byllesby Reservoir~~
~~Crystal Lake~~
~~Lake Marion~~
~~Mississippi River~~
~~Orchard Lake~~
~~St. Croix River~~
~~Hennepin County~~
~~Bryant Lake~~
~~Diamond Lake~~
~~Eagle Lake~~
~~Fish Lake~~
~~French Lake~~
~~Lake Independence~~
~~Lake Minnetonka, except the following areas:~~
~~Black Lake, Emerald Lake, French Lake, Forest Lake, Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, Tanager Lake~~
~~Lake Sarah~~
~~Medicine Lake~~
~~Mississippi River~~
~~Schmidt Lake~~
~~Whaletail Lake~~
~~Ramsey County~~
~~Bald Eagle Lake~~
~~Lake Owasso~~
~~Long Lake~~
~~Mississippi River~~
~~Turtle Lake~~
~~White Bear Lake~~
~~Scott County~~
~~Cedar Lake~~
~~Geis Lake~~
~~Pleasant Lake~~
~~Prior Lake East~~
~~Prior Lake West~~
~~Spring Lake~~
~~Washington County~~
~~Big Carnelian Lake~~
~~Big Marine Lake~~
~~Forest Lake~~
~~Lake Elmo~~
~~Mississippi River~~
~~Oneka Lake~~
~~St. Croix River~~

~~C. 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:~~

~~1. Lake Minnetonka and all bays and lakes therein.~~

~~2. White Bear Lake and all bays and lakes therein.~~

~~3. Lake Owasso and all bays and lakes therein.~~

~~However, this restriction contained in C. shall not apply to the holder of a Personal use Seaplane Base License issued under 14 MCAR § 1.3016 while operating to and from his licensed base subject to the following conditions:~~

~~1. Such operations are limited to a maximum of one takeoff and one landing during these restricted hours, and~~

~~2. Such operations are authorized only when lake traffic and use permit such operations to be conducted in a safe and reasonable manner.~~

~~D. Emergency use. Nothing in 14 MCAR § 1.3013 shall be construed to prohibit the landing or taking off of a seaplane in case of a bona fide emergency.~~

~~E. Compliance with marine traffic rules and regulations. All seaplanes must comply with marine traffic rules and regulations if such rules and regulations do not interfere with the safe operation of aircraft.~~

~~F. Ski-equipped aircraft. Notwithstanding anything to the contrary stated within this 14 MCAR § 1.3013, aircraft equipped with either wheels or skis may operate on the lakes set forth in B. above whenever such lakes are frozen if lake traffic and use permit such operations to be conducted in a safe and reasonable manner.~~

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14 MCAR § 1.3013 ~~§ 1.3016~~ Licensing of personal-use ~~landing areas,~~ airports, seaplane bases and heliports.

A. Personal-use ~~landing area~~ airport. A personal-use ~~landing area~~ airport shall mean any landing area on land or water ~~on~~ from which aircraft are, or will be, regularly based or ~~regularly~~ operated ~~from. A license, of one of the three types listed below will be granted when it is shown that it has met the general provisions of 14 MCAR § 1.3006 and the minimum requirements stated herein.~~ There are three types of licenses:

1. Personal-use airport license.

2. Personal-use seaplane base license.

3. Personal-use heliport license.

~~B. Hazards. A personal use landing area shall not impose undue hazards upon adjoining property or its occupants or endanger the users or use of existing communication or transportation.~~

B. Requirements. Personal-use airports shall be granted a license when they have met the general provisions of 14 MCAR § 1.3006 and the following general requirements.

1. Size. A personal-use airport shall be of sufficient length and width and the approaches shall be sufficiently clear of obstructions to permit safe operations by the aircraft intended to use it.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

C. Operation. A personal-use ~~landing area~~ airport shall not interfere with the safe operation of any public airport or with the safety of any federal airways.

D. Restrictions. A personal-use ~~landing area~~ airport shall not be operated except in accordance with the restrictions set forth below:

1. A personal-use ~~landing area~~ airport shall not be held out as available for public use, nor shall the public use of a personal-use ~~landing area~~ airport be invited, permitted, or tolerated.

2. A personal-use ~~landing area~~ airport shall not be used ~~as a base of operations for any commercial purposes except for aerial spraying and dusting~~ for commercial activities which include the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing or other operations deemed similar in character by the Commissioner. However, a personal-use airport may be used for commercial activities which include the operation of aircraft for the purpose of aerial spraying and dusting, banner towing, balloon operations, aerial photography, pipeline/powerline patrol or other operations deemed similar by the Commissioner.

3. A personal-use ~~landing area~~ airport shall not be displayed on any chart for public distribution.

~~E. Size. A personal use landing area shall be of sufficient length and width and the approaches shall be sufficiently clear of obstructions to permit safe operations by the aircraft intended to use it.~~

E. Hazards. A personal-use airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

F. In addition to the general requirements listed heretofore for the licensing of personal-use airports, the following specific requirements must be met before a personal-use airport license can be granted for a personal-use seaplane base or a personal-use heliport:

1. ~~F.~~ Personal-use seaplane base license.

a. A personal-use seaplane base license shall apply to the land area from which operations are conducted ~~and to the water area designated for its operation~~.

b. ~~1.~~ When two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate personal-use seaplane base license.

c. ~~2.~~ A personal-use seaplane base license will not be granted for those lakes upon which seaplane operations are prohibited by 14 MCAR ~~§ 1.3013~~ § 1.3018.

2. ~~G.~~ Personal-use heliport license. ~~In addition to the above requirements, a personal-use heliport must meet the requirements listed below.~~

a. ~~1.~~ 14 MCAR ~~§ 1.3014 B.,~~ § 1.3009b., except that the landing and takeoff area minimum length and width shall be 1.5 times the overall length of the helicopter expected to use the heliport.

b. ~~2.~~ 14 MCAR ~~§ 1.3014 C., D.~~ § 1.3009 C., D.

c. ~~3.~~ 14 MCAR ~~§ 1.3014 F.,~~ § 1.3009 F., except that a personal-use heliport must have as a minimum one approach-departure path meeting those requirements.

d. ~~4.~~ Safety barrier. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas.

14 MCAR § 1.3014 ~~§ 1.3013~~ Unlicensed landing areas.

A. Unlicensed landing area. An unlicensed landing area shall mean any area of land or water, other than a licensed airport ~~or seaplane base,~~ which is used or is made available for the landing and takeoff of aircraft for the purpose and in the manner described herein. No person shall use or make available such unlicensed landing area except in compliance with the provisions of this section.

B. Temporary operations. Any area of land or water may be used as an unlicensed landing area for temporary operations by the following for the purpose designated:

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

2. A person, firm or corporation holding a license as a

commercial operator for temporary operations in connection with commercial operations.

C. 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:

1. Aircraft shall not be stored or regularly based at an unlicensed landing area.

2. The landing area proposed to be used shall be of sufficient length and width and free from obstructions, and the surface shall be in suitable condition to permit the safe operation of the type of aircraft to be used thereon.

3. The aircraft owner or operator shall have the permission of the landowner to use the landing area or any facilities that will be used in his operation for the purpose and time intended.

4. The use of the landing and operating area shall in no way endanger persons or property, and suitable safeguards necessary to protect the safety of passengers and public shall be provided.

5. Where it uses an unlicensed water landing area, the aircraft shall carry an approved type of life preserver for the pilot and each passenger.

D. Hazards. An unlicensed landing area shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

~~14 MCAR § 1.3015 Reserved for short takeoff and landing (STOL) area and for vertical takeoff and landing (VTOL) area.~~

14 MCAR § 1.3015 ~~§ 1.3009~~ Criteria for determining obstructions to air navigation. (NOTE: See Minn. Stat. §§ 360.061 *et seq.*, for airport zoning statutes and Minn. Stat. §§ 360.81 *et seq.*, for regulations of structure heights.)

A. Obstruction. 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 heights or surfaces established herein.

B. Traverse ways. Except for traverse ways whose activities are coordinated with adjacent controlled airports, the standards of this section apply only after the heights of traverse ways are increased by:

1. 17 feet for interstate highways.

2. 15 feet for all other public roadways.

3. 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads.

4. 23 feet for railroads.

5. For waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

C. Notification. Any sponsor who proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site, or any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100:1 from the nearest point of the nearest runway of a public airport shall notify the Commissioner at least 30 days in advance.

D. General obstructions. The following objects will be considered general obstructions to air navigation:

1. Objects extending more than 500 feet above ground level at the site of the object.

2. Objects more than 200 feet above the ground or more than 200 feet above the established airport elevation, whichever gives the higher elevation, within three nautical miles of the nearest runway of an airport, and increasing in height in the proportion of 100 feet for each additional nautical mile of distance from the airport but not exceeding a maximum of 500 feet above ground.

3. Objects which would increase the minimum obstruction clearance altitude of a federal airway or approved off-airway route.

4. Objects whose elevation will increase a precision or non-precision instrument approach flight altitude minimum or flight visibility minimum.

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

1. Primary surface. An imaginary surface longitudinally centered on a runway and:

a. Extending 200 feet beyond each end of a runway with a specially prepared hard surface or planned hard surface; or

b. Coinciding with each end of other runways. The width of the primary surface is:

c. 250 feet for visual utility runways; or

d. 500 feet for nonprecision instrument runways and for visual runways other than utility; or

e. 1,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile.

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

2. Horizontal surface. An imaginary horizontal surface with its height 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:

a. 10,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile, or

b. 6,000 feet for all other runways.

When a 6,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 6,000-foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

3. Conical surface. An imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward form the periphery of the horizontal surface.

4. 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:

a. 20:1 for a horizontal distance of 10,000 feet for visual utility runways; or

b. 40:1 for a horizontal distance of 10,000 feet for nonprecision instrument runways and for all visual runways other than utility.

The approach surface expands uniformly to a width of:

c. 2,250 feet for other visual utility runways (10:1 flare ratio); or

d. 2,500 feet for visual runways other than utility (10:1 flare ratio); or

e. 3,500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile (20:3 flare ratio); or

f. 4,000 feet for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile (20:3 flare ratio).

5. Precision instrument approach surface. An imaginary surface longitudinally centered on the extended centerline at ~~each~~ the end of a precision instrument runway. The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward for a horizontal distance of 10,000 feet at a slope of 50:1, expanding uniformly to a width of 4,000 feet, then continues upward and outward for an additional horizontal distance of 40,000 feet at a slope of 40:1, expanding uniformly to an ultimate width of 16,000 feet.

6. 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 7:1 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 which 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.

F. Obstructions to public heliports. An object will be considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces:

1. Heliport primary surface. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

2. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

3. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

G. The standards for marking and lighting structures are contained in FAA Advisory Circular 70/7460-1D, Obstruction Marking and Lighting, and any subsequent changes, except that spherical markers shall be a diameter of not less than 30 inches, and except that the colors of the markers shall be aviation orange, white, and chrome yellow, and be installed in that sequence.

14 MCAR § 1.3016 ~~§ 1.3010~~ Airport zoning standards. [Number change only, adopted at 3 S.R. 2265.]

~~Chapter Three: §§ 1.3017-1.3027.~~
[Portions of the following rule (§ 1.3017) are now found in § 1.3019.]

~~14 MCAR § 1.3017 General commercial operations regulations.~~

~~A. Commercial operations. "Commercial Operations" means any operations 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, parachute jumping, and the operation of aircraft for fishing. "Commercial Operations" also means brokering or selling of any of the aforesaid services but does not include any operations of aircraft as common carriers certified by the federal government or the services incidental thereto.

B. License. Every person who does in fact provide or who advertises, represents or holds himself out as giving or offering to provide such service, must be licensed by the Commissioner. The license shall contain endorsements showing the type or types of commercial operations the licensee is authorized to perform. Such person must be licensed by the Commissioner before he advertises, represents or holds himself out as giving or offering to provide such service or services.

C. Application. Application for license shall be made on forms supplied by the Commissioner.

D. Fee. The fee shall be $10.00 annually and must accompany the application.

E. Duration and renewal. The license issued under this section shall be effective for one year from the date of issuance thereof and shall be renewed annually. Application for renewal shall be made 30 days before the expiration of the current license.

F. Nontransferability. The license shall not be transferable to other persons.

G. Display. The license issued under this section shall be posted in a prominent place in the office of the licensee.

H. Notice of change. The licensee shall immediately notify the Department of Transportation in writing of any change in the status of such commercial operation relating to ownership, activities, aircraft or key personnel.

I. Report of accidents. Each licensee shall be responsible for reporting all accidents which occur while aircraft are being operated in connection with his operation and involve any of the following conditions.

1. An accident which results in serious injury or death to an occupant of an aircraft, or to any person by direct contact with the aircraft.

2. An accident which occurs as the result of a violation of the Rules and Regulations of the Commissioner or of the Federal Aviation Administration.

3. An accident which results in substantial damage to an aircraft. "Substantial damage" as used herein is defined as follows:

a. Except as provided in subparagraph B. of this paragraph, substantial damage means damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

b. Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear wheels, tires, flaps, engine accessories, brakes, or wing tips are not considered "substantial damage" for the purpose of this part.

Reports of all accidents shall be made on NTSB Form 6120, and in addition to such report, the operator shall give immediate notice to the Commissioner by telephone or telegraph of any accident involving death to any person.

J. Place of business.

1. Each applicant for a commercial operations license must have a place of business.

2. In addition, if the commercial activity includes the operation of aircraft, then such applicant's base of operation must be on a public airport or public seaplane base licensed by the Commissioner as provided by law, or an airport owned by the Metropolitan Airports Commission, except when such commercial operation is limited to:

a. Spraying and dusting.

b. The exclusive lease of the aircraft involved for a period of more than 30 days by a person who is not a commercial operator to a person who is not a commercial operator.

If the applicant does not own the airport or seaplane base he must submit evidence from the owner or municipality that he meets the airport owner's minimum standards for such commercial operation and is authorized to operate from such airport.

K. Aircraft. Each aircraft used by a licensee for commercial operation shall possess a currently valid certificate of airworthiness as issued by the Federal Aviation Administration, shall be continually maintained in an airworthy condition, and shall be currently registered with the Department of Transportation, or be taxed as flight property by the Department of Revenue, as required by the laws of this state. Such flight property tax payments must be current.

L. Airmen. Each airman engaged in commercial operations or employed by the commercial operator shall hold a currently valid airman's certificate, as issued by the Federal Aviation Administration, together with the appropriate ratings for the type of equipment to be operated or the kind of activity taking place.

M. Records. Each licensed commercial operator shall maintain, at the base of operations, basic records which must be kept up to date as follows:

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

2. An accurate list of airman personnel employed by the commercial operator, together with the airman certificate type, number of ratings, address, and where necessary, date of last physical examination.

3. A list of aircraft used in the commercial operation and the current Minnesota Department of Transportation, registration decal number and annual maintenance inspection date of each aircraft.

N. Compliance with the law. A person engaged in commercial operations shall comply with all laws of the State of Minnesota and the Rules and Regulations promulgated by any state department or agency.

O. Cooperation. The applicant for a commercial operations license shall offer full cooperation in respect to any inspection which may be made of his operation upon proper demand at reasonable hours by the Commissioner or any authorized representative of the Commissioner prior to or subsequent to the issuance of a license.

P. Shared expense flights. Part 61.118 of the Federal Aviation Regulations shall apply as rules of this department in determining whether or not a shared expense flight is a commercial operation.

Q. Leasing.

1. Any person who owns an aircraft and leases or rents that aircraft to a person not holding a commercial operations license under Chapter 3 is required to obtain a commercial operations license under these rules.

2. However, no commercial operations license shall be required of a person who owns his own aircraft and leases or rents his aircraft to a party who holds a commercial operations license.

R. Aircraft maintenance. An applicant whose commercial activity includes the operation of an aircraft and who is also not licensed to perform aircraft servicing, maintaining, and repairing must have a contract or agreement with a commercial operator licensed to perform these services for all aircraft used in the commercial activity.

S. Endorsements. To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of 14 MCAR § 1.3017, unless specifically excepted therefrom, and the appropriate regulation for the type or types of commercial operations applied for.

T. Telephone. Each applicant for a commercial operations license must have a telephone located at his place of business.

U. Insurance. The applicant for a commercial operations license must hold insurance contracts valid and in force for the duration of the license which provide coverage for each accident in the types and amounts as specified in the appropriate regulation for the type or types of commercial operations applied for.

The applicant shall ensure that the insurance company or companies which hold the insurance contracts is authorized by the Insurance Commissioner to do business in the State of Minnesota.

Any contract of insurance to be approved by the Commissioner shall carry an endorsement stating that such contract cannot be canceled by the insurer until after five days' notice in writing of such cancellation has been given the Commissioner by the insurer. In any case where an insurance contract is canceled by the insured, notice of such cancellation shall immediately thereafter be given to the Commissioner by the insurer.

[Portions of the following rule (§ 1.3018) are now found in § 1.3020.]

14 MCAR § 1.3018 Flight school.

A. Flight school. Any person engaged in giving or offering to give dual flight time, instruction or flight time leading to pilot's certificate or rating, or engaged in selling or giving solo flight time to persons holding less than a private pilot's certificate, for hire or reward, or advertising, representing, or holding himself out as giving or offering to give such instruction, shall be considered to be operating a flight school, except:

1. Company instruction. A company engaged in flight operation giving instruction to its own employees in furtherance of their duties in conjunction with such operation activity.

2. Public schools. Any public school, the University of Minnesota, 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.

3. Aeronautics instructor. Any individual engaged in giving instruction, or offering to give instruction, in aeronautics either in flying or ground subjects, or both, for hire or reward, without advertising such occupation, without calling facilities an "air school" or anything equivalent thereto, without employing or using other instructors, and without using his own aircraft.

B. Minimum requirements. To be eligible for a flight school endorsement, an applicant shall show compliance with the following minimum requirements:

1. Records and office. The school operator shall keep and maintain complete and adequate records in addition to the students' log books of the flight instruction given to all regularly enrolled students, showing the date, the amount of dual or solo instruction, the maneuvers given, the aircraft used and the name of the instructor of each dual flight. These records shall be available for inspection at the flight school office and shall be retained for at least one year from the date of the last entry. The flight school operator shall show that he has an office of adequate size and containing the necessary facilities and equipment for the operation of the school.

2. Curriculum. The applicant must show to the satisfaction of the Commissioner a course outline or FAA Flight Training Handbook 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 FAR Part 61. In the case of an FAA approved school, the FAA course outline will be acceptable. The flight instruction given to each regularly enrolled student shall be in accordance with such course outline a copy of which shall be made available to each student.

3. Rules and regulations. The flight school operator shall establish and enforce the rules and regulations which shall govern his flight school operation, including rules relating to the traffic pattern, practice areas, taxi rules, flight rules, and other safety procedures. These rules and regulations and a diagram thereof shall be prominently posted on a bulletin board at the flight school along with the required notices and other data necessary for the operation of the school. A copy of the rules and regulations shall be submitted with the application.

4. Insurance. The minimum insurance coverage for each accident shall be the following types and amounts:

a. $75,000 per passenger seat for passenger liability.

b. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

c. $100,000 per plane for property damage.

5. Faithful performance bond covering students. The applicant must file with the Commissioner a continuous corporate surety bond to the State of Minnesota in the sum of $5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their salesmen. The aggregate liability for the surety for all breaches of conditions of the bond in no event shall exceed the principal sum of $5,000. The surety of any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the flight school license shall be revoked. The bond form shall be provided by the Commissioner. A copy of the executed bond certificate will be attached to the application.

C. The applicant must meet the requirements of 14 MCAR § 1.3017.

[Portions of the following rule (§ 1.3019) are now found in § 1.3021.]

14 MCAR § 1.3019 Ground school and aeronautical correspondence school.

A. Ground school and aeronautical correspondence school. A ground school or aeronautical correspondence school shall be any person giving or offering to give instruction in aeronautical ground subjects leading to a pilot's certificate or rating, for hire or reward, except any public school, the University of Minnesota, 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.

B. Requirements. To be eligible for a ground school or an aeronautical correspondence school endorsement, the applicant shall meet the following minimum requirements:

1. Classroom. Applicant shall maintain a suitable classroom with adequate seating facilities for the maximum number of students enrolled in each class, such classroom to be properly heated, lighted, ventilated, and have access to proper sanitary facilities. This requirement shall not apply to aeronautical correspondence schools.

2. Records. The applicant shall maintain adequate records of the instruction given, which shall show the date, the hours of attendance, the subjects covered, the examination given, and the grade achieved by each student. Such records shall be maintained for at least one year from the date of last entry and shall be available for inspection.

3. Curriculum. Each school shall show to the satisfaction of the Commissioner a curriculum so organized as to properly qualify each student completing the particular course for the grade of pilot certificate he is seeking. In the case of an FAA approved school, FAA curriculum will be acceptable.

4. Faithful performance bond covering ground school and aeronautical correspondence school students. The applicant must file with the Commissioner a continuous corporate surety bond to the State of Minnesota in the sum of $5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm association or corporation, or their salesmen. The aggregate liability for the surety for all breaches of the conditions of the bond in no event shall exceed the principal sum of $5,000. The surety on any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the ground school or aeronautical correspondence school license shall be revoked. The bond form shall be provided by the Commissioner of

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Aeronautics. A copy of the executed bond certificate will be attached to the application.

5. The applicant must have at least one FAA certificated flight or ground instructor to certify training reports.

6. The applicant must be able to certify to the student that he has satisfactorily completed the course of instruction or home study in the appropriate knowledge areas for the rating sought.

C. The applicant must meet the requirements of 14 MCAR § 1.3017.

14 MCAR § 1.3020 Reserved for future use.

[Portions of the following rule (§ 1.3021) are now found in § 1.3022.]

14 MCAR § 1.3021 Aircraft charter.

A. Endorsement for charter operations. Any person engaged in flying persons or property from place to place, or offering to provide such service for hire or reward, who does not hold a certificate of public convenience and necessity from the Civil Aeronautics Board or its successor, or who does not hold a license as a commuter air carrier under 14 MCAR § 1.3026, shall be deemed to be engaged in a charter operation and shall have an endorsement on his commercial operations license to certify to his authority to engage in charter operations.

B. ATCO certificate. The applicant shall be the holder of an air taxi/commercial operator certificate with operating specifications as issued by the Federal Aviation Administration, and a valid letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

C. Insurance. The minimum insurance coverage for each accident shall be the types and amounts as specified by the Civil Aeronautics Board.

D. The applicant must meet the requirements of 14 MCAR § 1.3017.

[Portions of the following rule (§ 1.3022) are now found in § 1.3023.]

14 MCAR § 1.3022 Aircraft rental or leasing.

A. Endorsement for aircraft rental or leasing. Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or reward shall be deemed to be in the business of renting or leasing aircraft and must have an endorsement on his commercial operations license certifying his authority to engage in such activity.

B. Records. The holder of a commercial operations license with an aircraft rental or lease endorsement shall keep and maintain a complete and adequate set of records to show the following:

1. The name of the pilot renting or leasing an aircraft.

2. The identification of the aircraft rented or leased.

3. The date, time, and duration of the flight for which the aircraft was rented or leased.

C. Qualifications of lessee. The commercial operator shall determine before initially renting or leasing any aircraft that the lessee thereof 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, such flight shall be given the lessee by a person holding an effective commercial pilot, flight instructor, or airline transport pilot certificate. The commercial operator shall assure that a designated person capable of determining that an aircraft is properly serviced is present when an aircraft is checked out.

D. Insurance. The minimum insurance coverage for each accident shall be of the following types and amounts:

1. $75,000 per passenger seat for passenger liability.

2. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

3. $100,000 per plane for property damage.

E. The applicant must meet the requirements in 14 MCAR § 1.3017.

[Portions of the following rule (§ 1.3023) are now found in § 1.3024.]

14 MCAR § 1.3023 Air ambulance service.

A. Endorsement for air ambulance service. Any person engaged in flying ambulance stretcher cases from place to place, or offering to provide such service for hire or reward, shall be deemed to be engaged in air ambulance service and shall have an endorsement on his commercial operations license certifying his authority to engage in air ambulance service.

B. Aircraft. Each aircraft to be used as an ambulance for the purpose of transporting stretcher cases shall have ample area to accommodate a regulation ambulance cot or aircraft ambulance stretcher in a horizontal position, and shall be so designed as to permit loading without excessive tilting. The aircraft shall be equipped with at least one safety belt for securing the person and cot or stretcher to the aircraft.

C. Department of Health certificate. The air ambulance service shall be the holder of a current authorized air ambulance service certificate with specifications for nonemergency or emergency service, or both, issued by the Minnesota Department of Health. A copy of the certificate shall be attached to the application.

D. Insurance. The minimum insurance coverage for each accident shall be the types and amounts as specified by the Civil Aeronautics Board.

E. Transportation of dead human bodies. The provisions contained in this section shall also apply to the transportation of dead human bodies by airplane, and such bodies shall be transported on the type of cot or stretcher described in 14 MCAR § 1.3023 B.

F. Air taxi/commercial operator certificate. The air ambulance service shall be the holder of an air taxi/commercial operator certificate with operating specifications as issued by the Federal Aviation Administration, and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

G. The applicant must meet the requirements of 14 MCAR § 1.3017.

[Portions of the following rule (§ 1.3024) are now found in § 1.3025.]

14 MCAR § 1.3024 Aerial spraying or dusting.

A. Aircraft spraying or dusting. Any person applying or offering to apply chemicals or other substances from an aircraft shall be deemed to be engaged in aerial spraying or dusting.

B. Emergency provision. If the Governor declares an emergency to exist with respect to crop conditions, the Commissioner may authorize variances from the regulations.

C. Spraying or dusting pilots. Each commercial operations licensee authorized to engage in aerial spraying or dusting shall complete pilot qualification forms furnished by the Department for each person engaged in piloting aircraft in the licensee's spraying or dusting operation. These forms shall be forwarded to the Department of Transportation. If the pilots' qualifications meet the minimum qualifications prescribed by these regulations, certificates will be prepared and forwarded, certifying that the pilots are authorized to engage in aerial spraying or dusting in the licensee's operation. These certificates shall be in actual possession of the pilots at all times when engaged in aerial spraying or dusting in this state.

D. Department of Agriculture recommendation. No endorsement authorizing a commercial operator to engage in aerial spraying or dusting will be issued and no pilot will be certified as being qualified to do aerial spraying or dusting unless the Department of Agriculture recommends approval of such endorsement or certificate.

E. Aircraft and pilot safety equipment. Every aircraft used for aerial spraying or dusting in this state shall be provided with a positive method of shutting off distribution of chemicals or other substances which shall prevent material from leaking or dropping except over the areas of intended application. Every aircraft shall also be equipped with quick detachable safety belt and shoulder harness. Each pilot shall wear protective headgear during such flight operation.

F. Pilot's special qualifications. Each pilot engaging in aerial spraying or dusting shall, in addition to possessing a commercial or airline transport pilot's certificate, meet the requirements of subsection 1. below, as well as one of the other subsections set forth below:

1. 10 hours of flying time in the preceding six months in the make and model of aircraft to be used, and

2. 30 hours of actual aerial application or distribution of chemicals or other substances, or

3. 10 hours of simulated crop spraying or dusting under the supervision of a pilot with a commercial or airline transport pilot certificate and a minimum of one year's crop spraying or dusting experience and the recommendation of such pilot who supervised the simulated training, or

4. 5 hours of dual instruction in crop spraying or dusting, such dual to be given by a pilot with an instructor rating, who has a minimum of one year's spraying or dusting experience, and the recommendation of such pilot who gave such dual instruction.

G. Nonresident applicant. Every nonresident commercial operation applicant shall give his permanent address and the name of the airport from which his operations are conducted in his resident state.

H. Aircraft. In the application, the aerial applicator must inform the Commissioner of all aircraft (by factory make, model, year and "N" number) that the aerial applicator intends to use within the state.

I. Certificate. The applicant shall be the holder of a commercial agricultural aircraft operator certificate. A copy of this certificate with amendments shall be attached to the application.

J. Insurance. The minimum insurance coverage for each accident shall be the following types and amounts:

1. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

2. $100,000 per plane for property damage, excluding chemical drift.

K. The applicant must meet the requirements of 14 MCAR § 1.3017 unless specifically excepted therefrom.

[Portions of the following rule (§ 1.3025) are now found in § 1.3026.]

14 MCAR § 1.3025 Aircraft servicing, maintaining and repairing.

A. Aircraft servicing, maintaining, and repairing. Any person providing or offering to provide aircraft maintenance (as defined in FAR Part 1), major or minor repair or alteration to airframes or aircraft power plants or both, shall be deemed to be engaged in the business of aircraft servicing, maintaining and repairing, and shall have a commercial operations license

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with an endorsement to certify his authority to engage in aircraft servicing, maintaining and repairing.

B. Requirements. To be eligible for an aircraft servicing, maintaining and repairing endorsement, the applicant shall show an available shop maintenance facility, whether owned or leased, which meets the following standards:

1. A building or portion of a building located on a public or private commercial airport, of adequate size to completely enclose at least one fully assembled aircraft with sufficient space to work on the aircraft.

2. Adequate fire protection equipment to meet the standards of the local fire marshal's office, but not less than one outward swinging personnel exit door and one fully charged fire extinguisher with a minimum of ten pounds of carbon dioxide or its equivalent.

3. At least one "A & P" mechanic or one "A" mechanic and one "P" mechanic shall be employed.

C. Insurance. The minimum insurance coverage for each accident shall be of the following types and amounts:

1. $100,000 per person and $300,000 per accident for premise hazard for bodily injury.

2. $100,000 per accident for premise hazard for property damage.

3. Products hazard insurance shall be carried.

D. The applicant must meet the requirement of 14 MCAR § 1.3017.

[Portions of the following rule (§ 1.3026) are now found in § 1.3027.]

14 MCAR § 1.0026 Commuter air carriers.

A. Any person offering to provide scheduled air transportation in this state must obtain a commercial operations license and a scheduled air carrier certificate of registration from the Commissioner before engaging in such activity, and annually thereafter.

B. As used in these rules, "air carrier" means that person owning, controlling, operating or managing aircraft as a common carrier of either persons or property, or both, for compensation on regularly scheduled flights.

C. These regulations do not apply to that portion of an air carrier's operations in this state which is conducted between points named in a then current certificate of public convenience and necessity issued by the Civil Aeronauties Board, or its successor.

D. No air carrier shall operate aircraft on regularly scheduled flights except in accordance with the provisions of these regulations.

E. Requirements. Any person requesting an endorsement to certify his authority to engage in commuter air carrier service on his commercial operations license must meet the following minimum requirements:

1. ATCO certificate. The commuter air carrier shall be the holder of an air taxi/commercial operator certificate with operation specifications as issued by the Federal Aviation Administration, and a letter of registration from the Civil Aeronauties Board. A copy of this certificate with operating specifications shall be attached to the application.

2. Use agreements. A copy of current use agreements with owners of each airport to be served in the state shall be attached to the application. Each agreement shall set forth what facilities will be used on the airport.

3. Faithful performance bond. Covering advance ticket sales.

a. The commuter air carrier must file with the Commissioner, on a form provided by him, a fully executed copy of a continuous corporate surety bond to the State of Minnesota in the sum of $10,000 conditioned upon the refund of all unperformed advance ticket sales to passengers made by such commuter air carrier or his agents. The aggregate liability for the surety of all breaches of the conditions of the bond in no event shall exceed the principal sum of $10,000. The surety on such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner, and thereafter the surety shall be relieved of the liability for any breach of conditions occurring after the effective date of cancellation. Whenever a bond under this section ceases to be in effect for any reason, the commercial operations license shall be revoked.

b. The bond shall not enlarge upon or alter in any way the ticket contract between the commuter air carrier and its customers.

4. Aircraft. In the application, the commuter air carrier must inform the Commissioner of all aircraft (by factory make, model, and "N" number) that the commuter air carrier intends to use within the state.

5. Schedules and rates. The commuter air carrier must submit a copy of its proposed schedules and its proposed passenger and freight rates with each application. No schedule or rate change shall be made without notifying the Commissioner as to such change at least ten days before such change is to go into effect.

6. The commuter air carrier shall file with the Commissioner a copy of all reports which it files with the Civil Aeronauties Board or its successor agencies, such filing to be done within ten days after such reports are filed with said agencies.

F. Insurance. The minimum insurance coverage for each accident shall be the types and amounts as specified by the Civil Aeronauties Board.

[Portions of the following rule (§ 1.3027) are now found in § 1.3029.]

14 MCAR § 1.3027 Flying clubs.

A. Flying Club. Minn. Stat. §§ 360.013, subd. 18 (1967),

reads as follows: "'Flying Club' means any person other than an individual which neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure, or both."

B. Registration. Each flying club, which at any time during a preceding calendar year, has five or more members shall register annually with the Commissioner. Such registration shall report conditions as of December 31, of each year, and shall be filed with the Commissioner by January 31 of each year.

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

2. The form of organization of the flying club that is, whether it is a corporation or a partnership.

3. The name, home address and phone number and business address and phone number of the Club Safety and Operations Officer.

4. A statement describing what renumeration 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 such members to the club, and a description of the goods sold by such member of the club.

C. Club Safety and Operations Officer. Every flying club must appoint a Club Safety and Operations Officer and set forth his duties in their operating rules or bylaws.

D. Responsibilities of the Club Safety and Operations Officer. The Club Safety and Operations Officer will be responsible for the records of the club's operation. These records must be up to date and in an orderly form.

These records must contain the following information:

1. Names and addresses of all current members.

2. If the flying club is a corporation, then the articles of incorporation and all amendments thereto, the current bylaws, minutes of the corporation, and all shareholder agreements. If the flying club is a partnership, then the current articles of partnership and all current partnership agreements.

3. All club operating rules.

4. The share in club assets held by each member, stated by percentage or dollars.

5. The voting rights of each member, stated by percentage or dollars.

6. The rights of each member to the assets of the club, stated by percentage or dollars, in case of dissolution of the club if a corporation, and in case of termination of the club, if a partnership.

7. A statement of financial condition of the flying club at the end of its preceding fiscal year, or at the end of its preceding calendar year, as the case may be, showing the assets and liabilities of the club.

8. An operating statement of the club for the preceding fiscal year, or the preceding calendar year, as the case may be, showing the profits or losses, or a statement of receipts and disbursements, of the club, as the case may be, for that period of time.

E. Inspection of records. The Commissioner, or any employees of the department designated by him, shall have the right to inspect the books and record of any flying club, including but not limited to, the records referred to above.

F. Statutory definitions. Statutory definitions, where applicable, shall apply to these rules. As a matter of convenience, the following statutory definitions are set forth below:

1. Commercial Operations. Minn. Stat. § 360.013, subd. 11. "'Commercial Operations' means any operations 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, parachute jumping, and forfeitures so long as the purpose and the actual effect thereof is to enforce valid club rules, or

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

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

4. If the club charters, leases or rents their aircraft or any interest in their aircraft to any persons or organizations other than fully qualified members of said club; provided, however, that this paragraph shall not prohibit flying clubs

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~~from leasing club aircraft to properly licensed commercial operators; or~~

~~5. If the club provides for, or allows, memberships with a duration of less than 90 days; or~~

~~6. 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 Minn. Stat. § 360.13, subd. 16 and 17 (1967)), provided, however, that this rule does not prohibit a club from providing or arranging for "air instruction," so long as it is not for compensation or hire; provided further that this rule does not prohibit a bona fide club member from paying compensation to an "aeronautics instructor" for "air instruction."~~

~~I. A flying club shall not be deemed to be engaged in commercial operations:~~

~~1. Solely for the reason that an "aeronautics instructor" gives "air instruction" for hire to bona fide members of a flying club (see Minn. Stat. § 360.013, subd. 19 (1967) and Regulation (h)(6).~~

~~2. Solely for the reason that a member of the flying club services, maintains or repairs the club's aircraft.~~

Chapter Three §§ 1.3017-1.3018: Seaplane Operations

14 MCAR § 1.3017 Seaplane operations.

A. Compliance with marine traffic rules and regulations. All seaplanes must comply with marine traffic rules and regulations if such rules and regulations do not interfere with the safe operations of aircraft.

B. Approaches and take-offs. All approaches to and take-offs from the water area shall be made in such a manner as to clear all structures on the land by at least 100 feet, and wherever the area of the body of water will permit, such landing and take-offs shall be made at a distance of not less than 300 feet, both laterally and vertically, from any boat or person on the surface of the water, or as near to 300 feet as the area of the water will permit.

14 MCAR § 1.3018 Seaplane operations within the seven-county metropolitan area.

A. Scope. 14 MCAR § 1.3018 covers seaplane operations on all public waters within the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

B. Seaplane operations are permitted only on the following public waters within the seven-county metropolitan area.

1. Anoka County
   a. Centerville Lake
   b. Clear Lake
   c. Coon Lake
   d. George Watch Lake
   e. Ham Lake
   f. Howard Lake
   g. Lake George
   h. Linwood Lake
   i. Martin Lake
   j. Mississippi River
   k. Mud Lake
   l. Otter Lake
   m. Peltier Lake
   n. Pickerel Lake
   o. Reshenav Lake
   p. Rice Lake
   q. Round Lake
2. Carver County
   a. Goose Lake
   b. Hazeltine Lake
   c. Lake Minnewashta
   d. Lake Pettersen
   e. Lake Riley
   f. Lake Waconia
   g. Lundsten Lake
   h. Mud Lake
   i. Oak Lake
   j. Parley Lake
   k. Pierson Lake
   l. Tiger Lake
3. Dakota County
   a. Alimagnet
   b. Byllesby Reservoir
   c. Crystal Lake
   d. Lake Marion
   e. Mississippi River
   f. Orchard Lake
   g. St. Croix River
4. Hennepin County
   a. Bryant Lake
   b. Diamond Lake
   c. Eagle Lake
   d. Fish Lake
   e. French Lake
   f. Lake Independence
   g. Lake Minnetonka, except the following areas: Black Lake, Emerald Lake, French Lake, Forest Lake,

Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, Tanager Lake

h. Lake Sarah

i. Medicine Lake

j. Mississippi River

k. Schmidt Lake

l. Whaletail Lake

5. Ramsey County

a. Bald Eagle Lake

b. Lake Owasso

c. Lone Lake

d. Mississippi River

e. Turtle Lake

f. White Bear Lake

6. Scott County

a. Cedar Lake

b. Geis Lake

c. Pleasant Lake

d. Prior Lake East

e. Prior Lake West

f. Spring Lake

7. Washington County

a. Big Carnelian Lake

b. Big Marine Lake

c. Forest Lake

d. Lake Elmo

e. Mississippi River

f. Oneka Lake

g. St. Croix River

C. Prohibited operations. Seaplane operations are prohibited on all public waters within the seven-county metropolitan area not listed in paragraph B of this section. NOTE: See paragraph E of this section.

D. 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.

Lake Owasso and all bays and lakes therein.

However, this restriction contained in D. shall not apply to the holder of a Private or Personal-use Seaplane Base License issued under 14 MCAR § 1.3011 and § 1.3013 while operating to and from his licensed base subject to the following conditions:

1. Such operations are limited to a maximum of one takeoff and one landing during these restricted hours; and

2. Such operations are authorized only when lake traffic and use permit such operations to be conducted in a safe and reasonable manner.

E. Emergency use. Nothing in 14 MCAR § 1.3018 shall be construed to prohibit the landing or taking off of a seaplane in case of a bona fide emergency.

F. Ski-equipped aircraft. When lakes are frozen, aircraft equipped with either wheels or skis may operate on the lakes if such operations can be conducted in a safe and reasonable manner relative to lake traffic and use.

~~Chapter Four § 1.3028~~

~~14 MCAR § 1.3028 General operation rules.~~

~~A. Scope. This part governs the operation of civil aircraft in the state.~~

~~B. Registration certificate. A registration certificate issued to the owner of the aircraft by the FAA shall be carried in the aircraft at all times, and the current state registration decal shall be affixed to the aircraft in the prescribed manner.~~

~~C. Airworthiness certificate. An airworthiness certificate or special authorization issued by the FAA approving its operation shall be carried in the aircraft at all times during flight.~~

~~D. Aircraft and engine records. The registered owner of every aircraft certificated as being airworthy by the FAA shall maintain and keep available for inspection and for transfer with the aircraft or engine the following aircraft and engine records:~~

~~1. Flight time of aircraft and each engine.~~

~~2. Reports of inspections.~~

~~E. A mechanical device which records the total time of operation or the total number of engine revolutions may be used in lieu of individual flight entries, provided the totals are recorded in the record at regular intervals.~~

~~F. Entries shall be made showing each repair, rebuilding, and alteration of any aircraft, powerplant, propeller, and such entries shall contain:~~

~~1. An adequate description of the work performed.~~

~~2. The date of completion of the work performed.~~

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~~3. The name of the individual, repair station, or manufacturer performing the work.~~

~~4. Signature of the person approving the work performed as airworthy and authorizing the return of the aircraft or component to service.~~

~~G. General. An aircraft shall not be flown unless it is in airworthy condition.~~

~~H. Airworthiness inspection. An aircraft shall not be flown except for airworthiness flight tests, unless it has been found to be airworthy by a person designated by the FAA.~~

Chapter Four §§ 1.3019-1.3028: Licensing of Commercial Operations

14 MCAR § 1.3019 General commercial operations rules.

A. 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, parachute jumping and the operation of aircraft for fishing. "Commercial operations" also means brokering or selling of any of the aforesaid services but does not include any operations of aircraft as common carriers by the federal government or the services incidental thereto. NOTE: Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defiined in this chapter.

B. License. Every person who does in fact provide or who advertises, represents or holds themselves out as giving or offering to provide such service, must be licensed by the Commissioner. The license shall contain endorsements showing the type or types of commercial operations the licensee is authorized to perform. Such persons must be licensed by the Commissioner before they advertise, represent or hold themselves out as giving or offering to provide such service or services.

C. Application. Application for license shall be made on forms supplied by the Commissioner.

D. Fee. The fee shall be $10.00 annually and must accompany the application.

E. Duration and renewal. The license issued under this section shall be effective for one year from the date of issuance thereof and shall be renewed annually. Application for renewal shall be made 30 days before the expiration of the current license.

F. Nontransferability. The license shall not be transferable to other persons.

G. Display. The license issued under this section shall be posted in a prominent place in the office of the licensee.

H. Notice of change. The licensee shall immediately notify the Department of Transportation in writing of any change in the status of such commercial operation relating to ownership, activities, aircraft or key personnel.

I. Place of business.

1. Each applicant for a commercial operations license must have a place of business.

2. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing, then such applicant's base of operations shall be on:

a. An airport licensed for public use by the Commissioner as provided by law or an airport owned by the Metropolitan Airports Commissioner, or:

b. A private airport licensed by the Commissioner if that airport meets the requirements of 14 MCAR § 1.3007, § 1.3008 and § 1.3009.

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

4. A personal-use airport licensed by the Commissioner may be used for commercial operations which are not included in paragraphs 2 and 3 above.

J. Airport authorization. If the applicant does not own the airport, he or she must submit evidence from the owner that he or she meets the airport owner's minimum standards for such commercial operation and is authorized to operate from such airport.

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

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

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

2. An accurate list of airman personnel employed by the commercial operator, together with the airman certificate type, number of ratings, address and where necessary, date of last physical examination.

3. A list of aircraft used in the commercial operation and the current Minnesota Department of Transportation registration decal number.

M. 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.

N. Aircraft maintenance. An applicant whose commercial activity includes the operation of an aircraft and who is also not licensed to perform aircraft servicing, maintaining, and repairing must have a contract or agreement with a commercial operator licensed to perform these services for all aircraft used in the commercial activity, or employ a mechanic certificated by the FAA for the type of servicing, maintaining and repairing to be performed.

O. Cooperation. The applicant for a commercial operations license shall offer full cooperation with respect to any inspection which may be made of his operation upon proper demand at reasonable hours by the Commissioner or any authorized representative of the Commissioner prior to or subsequent to the issuance of a license.

P. Endorsements. To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of 14 MCAR § 1.3019, unless specifically exempted therefrom, and must also comply with the appropriate regulation for the type or types of commercial operations applied for.

Q. Insurance.

1. Unless otherwise specified in this chapter, 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 which provide coverage for each aircraft in the types and amounts as specified in the appropriate rule for the type or types of commercial operations applied for.

2. The applicant shall ensure that the insurance company or companies which hold the insurance contracts are authorized by the Insurance Commissioner to do business in the State of Minnesota.

3. Any contract of insurance to be approved by the Commissioner shall carry an endorsement stating that such contract cannot be cancelled by the insurer until five days' notice in writing of such cancellation has been given the Commissioner by the insurer. In any case, where an insurance contract is cancelled, notice of such cancellation shall immediately thereafter be given to the Commissioner by the insurer.

14 MCAR § 1.3020 Flight school.

A. Flight school. Any person engaged in giving or offering to give dual flight instruction leading to a pilot's certificate or rating or giving or offering to give solo flight instruction leading to a pilot's certificate or rating for hire or compensation, or advertising, representing, or holding himself out as giving or offering to give such instruction, shall be considered to be operating a flight school, except:

1. Company instruction. A company engaged in flight operation giving flight instruction to its own employees in furtherance of their duties in conjunction with that flight operation.

2. Public schools. Any public school, the University of Minnesota, 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.

3. Aeronautics instructor. Any individual engaged in giving flying or ground subjects, or both, for hire or compensation, without advertising such occupation, without calling facilities an "air school" or anything equivalent thereto, without employing or using other instructors and without operating an aircraft for compensation or hire for the purpose of flight instruction.

B. Minimum requirements. To be eligible for a flight school endorsement, an applicant shall show compliance with the following minimum requirements:

1. Office. The flight school operator shall show that he or she has an office of adequate size with the necessary facilities and equipment for the operation of the school.

2. Records. The flight school operator shall keep and maintain complete and adequate records of the flight instruction given to all enrolled students, showing the date, the amount of dual or solo instruction, the maneuvers given, the aircraft used and the name of the instructor of each dual flight. These records shall be available for inspection at the flight school office and shall be retained for at least one year from the date of the last entry.

3. Curriculum. The applicant must show to the satisfaction of the Commissioner 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 FAR Part 61. All course outlines shall include a review of Minnesota Statutes and Rules relating to Aeronautics that are pertinent to that course.

a. 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.

b. The flight instruction given to each regularly enrolled student shall be in accordance with such course outline, a copy of which shall be made available to each student.

4. Rules. The flight school operator shall establish and enforce the rules which shall govern the flight school operation, including rules relating to the traffic pattern, practice areas, taxi rules, flight rules and other safety procedures. A diagram of the traffic pattern and the practice area shall be posted on a bulletin board at the flight school. Other rules and safety procedures of the school shall be readily available to all

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students. A copy of the rules shall be submitted with the application.

5. Insurance. The minimum insurance coverage for each aircraft shall be of the following types and amounts:

a. $75,000 per passenger seat for passenger liability.

b. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

c. $100,000 per plane for property damage.

d. Each flight school operator shall advise the student as to whether or not he or she is specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The flight school operator must then obtain a signed statement of acknowledgement of this disclosure from the student.

6. Faithful performance bond covering students. The applicant must file with the Commissioner a continuous corporate surety bond to the State of Minnesota in the sum of $5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

a. The aggregate liability for the surety for all breaches of conditions of the bond in no event shall exceed the principal sum of $5,000.

b. The surety of any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the flight school license shall be revoked.

c. The bond form shall be provided by the Commissioner.

d. A copy of the executed bond certificate shall be attached to the application.

C. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3021 Ground school and aeronautical correspondence school.

A. Ground school and aeronautical correspondence school. A ground school or aeronautical correspondence school shall be any person giving or offering to give instruction in aeronautical ground subjects leading to a pilot's certificate or rating, for hire or compensation, except any public school, the University of Minnesota, 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.

B. Requirements. To be eligible for a ground school or an aeronautical correspondence school endorsement, the applicant shall meet the following minimum requirements:

1. Classroom. The applicant shall maintain a suitable classroom with adequate seating facilities for the maximum number of students enrolled in each class. Such classrooms shall be properly heated, lighted and ventilated, and the students shall have access to proper sanitary facilities. This requirement shall not apply to aeronautical correspondence schools.

2. Records. The applicant shall maintain adequate records of the instruction given, which shall show the date, the hours of attendance, the subjects covered, the examination given and the grade achieved by each student. Such records shall be maintained for at least one year from the date of last entry and shall be available for inspection.

3. Curriculum. Each school shall show to the satisfaction of the Commissioner a curriculum so organized as to properly qualify each student completing the particular course for the grade of pilot certificate he or she is seeking. All course outlines shall include a review of the Minnesota Statutes and Rules relating to Aeronautics that are pertinent to that course. In the case of an FAA approved school, the FAA approved curriculum will be acceptable, if the review of the Minnesota Statutes and Rules is included.

4. Faithful performance bond covering ground school and aeronautical correspondence school students. The applicant must file with the Commissioner a continuous corporate surety bond to the State of Minnesota in the sum of $5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

a. The aggregate liability for the surety for all breaches of the conditions of the bond in no event shall exceed the principal sum of $5,000.

b. The surety on any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the ground school or aeronautical correspondence school license shall be revoked.

c. The bond form shall be provided by the Commissioner.

d. A copy of the executed bond certificate shall be attached to the application.

5. Instructor. The applicant must have at least one FAA certificated flight or ground instructor to certify training reports.

6. Certification. The applicant must be able to certify to the student that he or she has satisfactorily completed the course of instruction or home study in the appropriate knowledge areas for the rating sought.

C. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3022 Aircraft charter.

A. Charter operations. Any person engaged in flying persons or property from place to place, or offering to provide such service for hire or compensation, who does not hold a certificate of public convenience and necessity from the Civil Aeronautics Board or its successor, or who does not hold a license as a commuter air carrier under 14 MCAR § 1.3027, shall be deemed to be engaged in a charter operation and shall have an endorsement on their commercial operations license to certify their authority to engage in charter operations.

B. ATCO certificate. The applicant shall be the holder of an air taxi/commercial operator certificate with operating specifications as issued by the Federal Aviation Administration, and a valid letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

C. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

D. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3023 Aircraft rental or leasing.

A. Aircraft rental or leasing. Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or compensation shall be deemed to be in the business of renting or leasing aircraft and must have an endorsement on their commercial operations license certifying their authority to engage in such activity.

B. Records. The holder of a commercial operations license with an aircraft rental or leasing endorsement shall keep and maintain a complete and adequate set of records to show the following:

1. The name of the pilot renting or leasing an aircraft.

2. The identification of the aircraft rented or leased.

3. The date, time and duration of the flight for which the aircraft was rented or leased.

C. 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, such flight shall be given the lessee by a person holding an effective commercial pilot, flight instructor or airline transport pilot certificate. The commercial operator shall assure that a designated person capable of determining an aircraft is properly serviced is present when an aircraft is checked out.

D. Insurance. The minimum insurance coverage for each aircraft shall be of the following types and amounts:

1. $75,000 per passenger seat for passenger liability.

2. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

3. $100,000 per plane for property damage.

4. 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 flight school's insurance policy and the type and extent of coverage, if any. The commercial operator must then obtain a signed statement of acknowledgement of this disclosure from the renter pilot or lessee.

E. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3024 Air ambulance service.

A. Air ambulance service. Any person engaged in flying ambulance stretcher cases from place to place, or offering to provide such service for hire or compensation, shall be deemed to be engaged in air ambulance service and shall have an endorsement on their commercial operations license certifying their authority to engage in air ambulance service.

B. Aircraft. Each aircraft to be used as an ambulance for the purpose of transporting stretcher cases shall have ample area to accommodate a regulation ambulance cot or aircraft ambulance stretcher in a horizontal position, and shall be designed to permit loading without excessive tilting. The aircraft shall be equipped with at least one safety belt for securing the person and cot or stretcher to the aircraft.

C. Department of Health certificate. The air ambulance service shall be the holder of a current authorized air ambulance service certificate with specifications for non-emergency or emergency service, or both, issued by the Minnesota Department of Health. A copy of the certificate shall be attached to the application.

D. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

E. Transportation of dead human bodies. The provisions contained in this section shall also apply to the transportation of dead human bodies by aircraft. Such bodies shall be enclosed in a suitable container as specified by the State Department of Health and shall be transported on the type of cot or stretcher described in B above.

F. Air taxi/commercial operator certificate. The air ambulance service shall be the holder of an air taxi/commercial operator certificate with operating specifications as issued by

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the Federal Aviation Administration and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

G. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3025 Aerial spraying or dusting.

A. Aircraft spraying or dusting. Any person applying or offering to apply chemicals or other substances from an aircraft shall be deemed to be engaged in aerial spraying or dusting.

B. Emergency provision. If an emergency is declared with respect to crop conditions, the Commissioner may authorize variances from the rules.

C. Department of Agriculture certification. No commercial operations license to engage in agricultural spraying or dusting will be issued until the applicant furnishes evidence that the requirements of the Minnesota Department of Agriculture are met.

D. Aircraft and pilot safety equipment. Every aircraft used for aerial spraying or dusting in this state shall be provided with a positive method of shutting off distribution of chemicals or other substances which shall prevent material from leaking or dropping except over the areas of intended application. Each pilot shall wear a seat belt, shoulder harness and protective headgear during flight operations.

E. Nonresident applicant. Every nonresident commercial operation applicant shall provide on the application a permanent address for the business.

F. Aircraft. In the application, the aerial applicator must inform the Commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the aerial applicator intends to use within the state.

G. Certificate. The applicant shall certify that he or she is the holder of an FAA commercial agricultural aircraft operator certificate.

H. Insurance. The minimum insurance coverage for each aircraft shall be the following types and amounts:

1. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

2. $100,000 per plane for property damage.

I. The applicant must meet the requirements of 14 MCAR § 1.3019 unless specifically exempted therefrom.

14 MCAR § 1.3026 Aircraft servicing, maintaining and repairing.

A. Aircraft servicing, maintaining and repairing. Any person who for compensation or for hire, provides or offers to provide aircraft maintenance (as defined in FAR Part 1), major or minor repair, alteration to airframes or aircraft power plants or both, shall be deemed to be engaged in the business of aircraft servicing, maintaining and repairing and shall have a commercial operations license with an endorsement to certify their authority to engage in aircraft servicing, maintaining and repairing.

B. Requirements. To be eligible for an aircraft servicing, maintaining and repairing endorsement, the applicant shall meet the following minimum standards:

1. 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.

2. Adequate fire protection equipment to include at least:

a. One fully charged fire extinguisher with a minimum of ten pounds of carbon dioxide or its equivalent maintained in an operational condition.

b. One outward swinging personnel exit door.

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

C. Insurance. The minimum insurance coverage shall be of the following types and amounts:

1. $100,000 per person and $300,000 per occurrence for premise hazard for bodily injury.

2. $100,000 per occurrence for premise hazard for property damage.

3. Products hazard insurance shall be carried.

4. Each person who provides aircraft servicing, maintaining and repairing shall advise his or her clients as to whether or not hangar-keepers insurance is in force and the extent of such coverage, if any.

D. The applicant must meet the requirement of 14 MCAR § 1.3019.

14 MCAR § 1.3027 Commuter air carriers.

A. Any person offering to provide scheduled air transportation in this state must obtain a commercial operations license and a scheduled air carrier certificate of registration from the Commissioner before engaging in such activity, and annually thereafter.

B. As used in these rules, "air carrier" means that person owning, controlling, operating or managing aircraft as a common carrier of either persons or property, or both, for compensation on regularly scheduled flights.

C. These regulations do not apply to that portion of an air carrier's operations in this state which is conducted between points named in a then-current certificate of public convenience and necessity issued by the Civil Aeronautics Board or its successor.

D. No air carrier shall operate aircraft on regularly-scheduled flights except in accordance with the provisions of these rules.

E. Requirements. Any person requesting an endorsement to certify their authority to engage in commuter air carrier service on their commercial operations license must meet the following minimum requirements:

1. ATCO certificate. The commuter air carrier shall be the holder of an air taxi/commercial operator certificate with operation specifications as issued by the Federal Aviation Administration, and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

2. Use agreements. A copy of current use agreements with owners of each airport to be served in the state shall be attached to the application. Each agreement shall set forth what facilities will be used on the airport.

3. Faithful performance bond covering advance ticket sales.

a. The commuter air carrier must file with the Commissioner, on a form provided by him, a fully executed copy of a continuous corporate surety bond to the State of Minnesota in the sum of $10,000 conditioned upon the refund of all unperformed advance ticket sales to passengers made by such commuter air carrier or their agents.

b. The aggregate liability for the surety of all breaches of the conditions of the bond in no event shall exceed the principal sum of $10,000.

c. The surety on such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner, and thereafter the surety shall be relieved of the liability for any breach of conditions occurring after the effective date of cancellation.

d. Whenever a bond under this section ceases to be in effect for any reason, the commercial operations license shall be revoked.

e. The bond shall not enlarge upon or alter in any way the ticket contract between the commuter air carrier and its customers.

4. Aircraft. In the application, the commuter air carrier must inform the Commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the commuter air carrier intends to use within the state.

5. Schedules and rates. The commuter air carrier must submit a copy of its proposed schedules and its proposed passenger and freight rates with each application. No schedule or rate change shall be made without notifying the Commissioner as to such change at least ten days before such change is to go into effect.

6. The commuter air carrier shall file with the Commissioner a copy of all reports which it files with the Civil Aeronautics Board or its successor agencies, such filing to be done within ten days after such reports are filed with said agencies.

F. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

G. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3028 Commercial parachuting.

Any person engaged in parachuting for hire or compensation must be licensed in accordance with Minn. Stat. § 360.013, subd. 11 (1978), as a commercial operator. The applicant shall meet the requirements of 14 MCAR § 1.3019.

~~**Chapter Five: §§ 1.3029-1.3031 Airmen.**~~

~~**14 MCAR § 1.3029 Pilot operating rules.**~~

~~A. Pilot certificate. No person shall pilot a civil aircraft in this state unless he has in his personal possession at all times while piloting an aircraft a valid pilot certificate with appropriate ratings issued by the FAA or an appropriate and valid foreign pilot certificate. Such a certificate shall be presented for examination to any inspector of the FAA or state or local law enforcement officer, or a representative of the Department of Transportation upon request of such inspector or enforcement officer.~~

~~B. Medical certificate and renewal. No person shall pilot an aircraft under authority of a pilot certificate issued by the FAA unless he has in his personal possession at all times when piloting an aircraft a medical certificate showing that he has met the physical requirements appropriate to his rating within the following time limits.~~

~~1. Student or private pilot: 24 calendar months.~~

~~2. Commercial pilot: 12 calendar months, or 24 calendar months for operations requiring only a private pilot rating.~~

~~3. Airline transport pilot: 6 calendar months, or 12 calendar months for operations requiring only a commercial pilot rating, or 24 calendar months for operations requiring only a private pilot rating.~~

~~C. Operation during physical deficiency. A person shall not pilot any aircraft during a period of any known physical deficiency or increase in physical deficiency which would render him unable to meet the physical requirements prescribed for the issuance of his currently effective medical certificate.~~

~~**14 MCAR § 1.3030 Student pilot limitations.**~~

~~A. General limitations. No student pilot shall pilot an aircraft carrying a passenger or on an international flight or for~~

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compensation or hire or in furtherance of a business.

B. Requirements for first solo. A student pilot shall not operate an aircraft in solo flight until he is familiar with the pertinent provisions of Part 61 of the Federal Aviation Regulations (FAR) relating to the general and visual flight rules; and he has been found competent by a flight instructor to make such flight and authority therefor has been endorsed by such instructor on the student's pilot certificate for solo flight in that make and model of aircraft.

C. Flight area limitations. A student pilot shall not pilot an aircraft outside a local flying area designated by his flight instructor until his student pilot certificate is endorsed by an appropriately rated flight instructor who has determined that he is qualified to make a solo cross country flight in accordance with FAR.

D. Aircraft limitations. A student pilot shall not pilot an aircraft other than that of the category, class, and type which has been endorsed on his student certificate by a flight instructor.

E. Recent experience. A student pilot who has not piloted a powered aircraft within 90 days shall not pilot such aircraft in sole flight until he has passed a flight check given by a flight instructor and that fact has been endorsed by such instructor in the student pilot's logbook.

F. Endorsement of student pilot certificate. A flight instructor shall endorse the certificate of any student pilot for sole flight or flights in different categories, classes, and types of aircraft only if he has determined that the student is competent to exercise such privileges with safety, and for cross country flight only if he has additionally determined that the student has an elementary knowledge of aeronautical charts, meteorological data, and the use of a magnetic compass, in accordance with FAR.

14 MCAR § 1.3031 Private and commercial pilots.

A. Private pilot. A private pilot shall not pilot aircraft for compensation or hire; except that he may pilot aircraft in connection with any business or employment in which he is engaged, if the flight is merely incidental thereto and does not involve the carrying of persons or property for compensation or hire, and an aircraft salesman holding a private pilot rating may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time.

B. Commercial pilot. A commercial pilot may pilot aircraft for hire.

C. Airline transport pilot. An airline transport pilot may exercise the privileges of a commercial pilot with an instrument rating.

D. Rating requirements. A private or commercial pilot shall not pilot an aircraft carrying passengers other than an aircraft of the type and class for which he is rated, but may pilot other aircraft without passengers unless limitations placed on his certificate prohibit him from doing so.

(NOTE: Nothing contained in this section shall be construed as relieving the restrictions with respect to private pilots operating aircraft for hire.)

E. Flight instruction limitations. This section governs flight instruction as follows:

1. Aircraft. Aircraft shall be equipped with fully functioning dual controls.

2. Flight time. A flight instructor shall not give more than 8 hours of dual flight instruction in any one day and not more than 36 hours of dual flight instruction in any 7 day week.

F. Instrument flight limitations. A pilot shall not pilot aircraft under instrument flight rules unless he holds a valid instrument rating issued by the FAA and meets the requirements set forth in C. below.

G. Recent flight experience. No person may operate an aircraft under 14 MCAR § 1.0031 unless he meets the requirements set forth in "Recent Flight Experience Pilot in Command" as set forth in FAR 61.57.

Chapter Five § 1.3029: Flying Clubs

14 MCAR § 1.3029 Flying clubs.

A. Flying club.

1. "Flying club" means any person other than an individual which neither for profit nor compensation, owns, leases, or uses one or more aircraft for the purpose of instruction, business, or pleasure.

2. Intent. A flying club is intended as benefiting the members of the group for pilot proficiency or instruction, or personal business use, or pleasure flying.

B. Registration. Each flying club shall register annually with the Commissioner. This registration shall report conditions as of December 31 of each year, and shall be filed with the Commissioner by January 31 of each year. This registration report shall include the following:

1. 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 the current Minnesota registration decal number of the aircraft that the club either owned or used during the past calendar year.

2. The form of organization of the flying club — that is, whether it is a corporation or a partnership.

3. The name, home address and phone number, and business address and phone number of the Club Safety and Operations Officer.

4. The name of the club's insurance company, the policy number and its expiration date, and the amounts and types of coverage.

5. The amount or share in club assets held by each member of the club.

6. A statement describing what remuneration was paid to members of the club, monthly and annually, during the

preceding calendar year, a description of the services rendered by such members to the club, and a description of the goods sold by such member of the club.

C. Club Safety and Operations Officer. Every flying club must appoint a Club Safety and Operations Officer and set forth his or her duties in their operating rules or bylaws:

D. Responsibilities of the Club Safety and Operations Officer. The Club Safety and Operations Officer shall be responsible for the record of the club's operation. These records shall be up to date and in an orderly form and shall contain the following information:

1. Names and addresses of all current members.

2. If the flying club is a corporation, then the articles of incorporation and all amendments thereto, the current bylaws, minutes of corporation, and all shareholder agreements. If the flying club is a partnership, then the current articles of partnership and all current partnership agreements.

3. All club operating rules.

4. The share in club assets held by each member, stated by percentage or dollars.

5. The voting rights of each member, stated by percentage or number of votes.

6. The rights of each member to the assets of the club, stated by percentage or dollars, in case of dissolution of the club if a corporation, and in case of termination of the club, if a partnership.

7. A statement of financial condition of the flying club at the end of its preceding fiscal year, or at the end of its preceding calendar year, as the case may be, showing the assets and liabilities of the club.

8. An operating statement of the club for the preceding fiscal year, or the preceding calendar year, as the case may be, showing the profits or losses, or a statement of receipts and disbursements, of the club, as the case may be, for that period of time.

E. Inspection of records. The Commissioner, or any employees of the department designated by him, shall have the right to inspect the books and record of any flying club, including but not limited to, the records referred to above.

F. Assets. The word "assets" when used herein, shall mean property which 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.

G. Flying clubs can be deemed to be commercial operations as defined in Minn. Stat. § 360.013, subd. 11. A flying club shall be considered to be engaged in commercial operations and therefore a commercial operations license shall be required:

1. If any of the club's assets are used by members of the club who:

a. Do not have a bona fide and significant percentage of the property interest in the assets of the club; or

b. Hold property interest in the club's assets, which property interest 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 thereof is to enforce valid clubs rules; or

2. If the property interest of any member of the club in the club's assets is not transferrable; however, the transfer of such property interest may be subject to such reasonable conditions as the club deems reasonably necessary to ensure discipline and payment of dues among its members; or

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

4. If the club charters, leases or rents their aircraft or any interest in their aircraft to any persons or organizations other than fully-qualified members of said club: provided, however, that this paragraph shall not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators; or

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

6. 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 Minn. Stat. § 360.13, subs. 16 and 17 (1967)), provided, however, that this rule 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.

7. If a person or persons, who are members of a flying club (lessors) lease an aircraft to that flying club (lessee).

8. If lessor, as described in paragraph 7 above, gives air instruction; whether free or for compensation to members of that flying club.

~~**Chapter Six: §§ 1.3032-1.3034**~~

~~**14 MCAR § 1.3032 General air traffic rules.**~~

~~(NOTE: The statements contained in the notes are intended~~

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as explanations only and shall not be construed as official interpretations of the regulations.)

A. Scope. The air traffic rules in this part apply to aircraft operated anywhere in Minnesota except:

1. Aircraft engaged in special flight operations, requiring deviation from these rules, which are conducted in accordance with the terms and conditions of a certificate of waiver issued by the FAA, and in accordance with the provisions of a permit issued pursuant to the laws of this state.

B. Authority of the pilot. The pilot in command of the aircraft shall be directly responsible for its operation and shall have final authority as to operation of the aircraft. In emergency situations which require immediate decision and action, the pilot may deviate from the rules prescribed herein to the extent required by conditions of safety. When such emergency authority is exercised, the pilot, upon request of the Commissioner, shall file a written report of such deviation.

C. Letdown procedure. No person may make an instrument letdown on an airport served by a state owned radio navigation aid except when using a procedure approved by the Administrator of the Federal Aviation Administration.

14 MCAR § 1.3033 General flight rules.

A. Application. Aircraft shall be operated at all times in compliance with the following general flight rules and also in compliance with either the visual flight rules or the instrument flight rules, whichever are applicable.

B. Preflight action. Before beginning a flight, the pilot in command of the aircraft shall familiarize himself with all available information appropriate to the intended operation. Preflight action for flights away from the vicinity of an airport, and for all IFR flights, shall include a careful study of available current weather reports and forecasts, taking into consideration fuel requirements, an alternate course of action if the flight cannot be completed as planned, and also any known traffic delays of which he has been advised by air traffic control.

C. Careless and reckless operation. No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others either in the air or on an airport.

(NOTE: Examples of aircraft operation which may endanger the lives or property of others are as follows:

1. Any person who "buzzes," dives on, or flies in close proximity to a farm, home, any structure, vehicle, vessel, or group of persons on the ground. In rural districts, the flight of aircraft at low altitude often causes injury to livestock. A pilot who engages in careless and reckless flying and who does not own the aircraft which he is flying, unduly endangers the aircraft, the property of another.

2. The operation of aircraft at an insufficient altitude endangers persons or property on the surface or passengers within the aircraft. Such flight may also constitute a violation of 14 MCAR § 1.3033 H.

3. Lack of vigilance by the pilot to observe other air traffic. In this respect, the pilot must clear his position prior to starting any maneuver, either on the ground or in flight.

4. Passing other aircraft too closely.

5. An operation conducted above a cloud layer in accordance with VFR minimums which results in the pilot becoming involved in instrument flight, unless the pilot possesses a valid instrument rating, the aircraft is properly equipped for instrument flight, and all IFR requirements are observed.)

D. Airspace restricted areas. The Commissioner may designate as a danger area, an area within which he has determined that a hazard to aircraft in flight exists. No person shall operate an aircraft within a restricted area or danger area unless permission for such operation has been issued by appropriate authority.

E. Right of way. An aircraft which is obligated by the following rules to keep out of the way of another shall avoid passing over or under the other, or crossing ahead of it unless passing well clear. (NOTE: Right of way rules do not apply when, for reasons beyond the pilot's control, aircraft cannot be seen due to restrictions of visibility. The aircraft which has the right of way will normally maintain its course and speed but nothing in these rules relieves the pilot from the responsibility for taking such action that will best avert a collision.

1. Distress. An aircraft in distress has the right of way over all other air traffic.

2. Converging. Aircraft converging shall give way to other aircraft of a different category in the following order: airplanes and rotocraft shall give way to airships, gliders and balloons, airships shall give way to gliders and balloons, gliders shall give way to balloons. When two or more aircraft of the same category are converging at approximately the same altitude, each aircraft shall give way to the other which is on its right. In any event, mechanically driven aircraft shall give way to aircraft which are seen to be towing or refuling other aircraft.

(NOTE: In effect, an aircraft will give way to another of a different class which is less maneuverable and is unable to take as effective action to avoid collision. For this reason, aircraft towing or refueling other aircraft are given the right of way.)

3. Approaching head on. When two aircraft are approaching head on, or approximately so, each shall alter its course to the right.

4. Overtaking. An aircraft that is being overtaken has the right of way, and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right, and no subsequent change in the relative positions of the aircraft shall absolve the overtaking aircraft from this obligation until it is entirely passed and clear.

(NOTE: Passing an overtaken aircraft on the right is required because the pilot in side by side, dual control aircraft is

seated on the left, and has a better view of that side. Further, in narrow traffic lanes, passing on the left of an overtaken aircraft would place the overtaking aircraft in the path of the oncoming traffic.)

5. Landing. Aircraft, while on final approach to land, or while landing, have the right of way over other aircraft in flight or operating on the surface. When two or more aircraft are approaching an airport for the purpose of landing, the aircraft at the lower altitude has the right of way, but it shall not take advantage of this rule to cut in front of another which is on final approach to land, or to overtake that aircraft.

(NOTE: Pilots must recognize that once committed to a landing in certain aircraft, the pilot has little chance to avoid other aircraft which may interfere with that landing; therefore, careful observance of this rule is important to the safety of all concerned.)

F. Proximity of aircraft. No person shall operate an aircraft in such proximity to other aircraft as to create a collision hazard. No person shall operate an aircraft in formation flight when passengers are carried for hire, except when it is required for parachuting operations. No aircraft shall be operated in formation flight except by prearrangement between the pilots in command of such aircraft.

G. Aerobatic flight. No person shall engage in aerobatic flight:

1. Over congested areas of cities, towns, settlements, or over an open air assembly of persons.

2. Within any control zone or federal airway.

3. When the flight visibility is less than 3 miles.

4. Below an altitude of 1,500 feet above the surface.

(NOTE: Aerobatic maneuvers performed over a congested area or an open air assembly of persons, or in areas where considerable air traffic exists, create an undue hazard to persons or property. Flight visibility of at least 3 miles is believed to be a prerequisite to aerobatic flight in order that the pilot, after scanning the entire vicinity, may be reasonably assured that no other aircraft is within dangerous proximity prior to performing such maneuvers.)

H. Minimum safe altitudes. Except when necessary for takeoffs or landing, no person shall operate an aircraft below the following altitudes:

1. At an altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface.

2. Over congested areas. Over the congested areas of cities, towns, or settlements, or over an open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the aircraft. Helicopters may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with 14 MCAR § 1.3033 A.; however, the Commissioner, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which event helicopters shall conform thereto.

(NOTE: This rule recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement at less than 1,000 feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety, and, further, to maintain an altitude along the flight path so selected from which such an emergency landing can be effected at any time.)

3. Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In such event, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle, or structure. Helicopters may be flown at less than the minimums prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with 14 MCAR § 1.3033 A.

(NOTE: When flight is necessary at an altitude of less than 500 feet above the surface, the pilot must avoid creating any hazard to persons or property on the surface which may result from such flight. In no event, should the pilot expose his passengers to unnecessary hazard while engaging in flight at low altitude. The maneuverability of the helicopter permits safe flight below the minimums required in 14 MCAR § 1.3033 H., provided good judgment and caution are exercised by the pilot.)

4. IFR operations. No pilot shall fly at an altitude less than the minimum IFR altitude established by the FAA for that portion of the route over which the operation is conducted. Such altitude shall be that which the safe conduct of flight permits or requires, considering the character of the terrain being traversed, the meteorological services and navigational facilities available, and other flight conditions. Where the FAA has not established such a minimum, operations shall be conducted at not less than 1,000 feet above the highest obstacle within a horizontal distance of 5 miles from the center of the course intended to be flown.

I. Operation on and in the vicinity of an airport. Aircraft shall be operated on and in the vicinity of an airport in accordance with the following rules:

1. When approaching for landing, all turns shall be made to the left unless the airport displays standard visual

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markings approved by the Commissioner and which indicate that all turns are to be made to the right, or unless otherwise authorized by air traffic control.

(NOTE: Where right hand turns and clockwise flow of traffic are desirable in the interest of safety, airport markings visible from the air will inform the transient pilots of the necessity for making turns to the right.)

2. At airports where there is a control tower in operation, two way communication shall be maintained with the control tower for traffic control instruction. In case of radio failure, visual instructions may be issued. On airports without control towers but which have an operative FAA Flight Service Station, when within a 5 statute mile radius, if the aircraft radio equipment so allows, maintain two way radio communication between the aircraft and the station. If the aircraft radio equipment allows only reception from the station, monitor the station frequency.

3. Aircraft operating from an airport shall conform to the traffic patterns prescribed for that airport.

4. The Commissioner may, when necessary in the interest of safety, prescribe traffic patterns for an airport which shall supersede any other traffic patterns previously prescribed.

J. Air traffic control instructions. No person shall operate an aircraft contrary to air traffic control instructions in areas where air traffic control is exercised.

K. Water operations. An aircraft operated on the open water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation. The following rules shall be observed with respect to other aircraft or vessels operated on the water:

1. Crossing. The aircraft or vessel which has the other on its right shall give way so as to keep well clear.

2. Approaching head on. When aircraft, or an aircraft and a vessel, approach head on, or approximately so, each shall alter its course to the right to keep well clear.

3. Overtaking. The aircraft or vessel which is being overtaken has the right of way, and the overtaking aircraft shall alter its course to keep well clear.

4. Special circumstances. When two aircraft, or an aircraft and a vessel, approach so as to involve risk of collision, each shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

5. All approaches to and take offs from the water area shall be made in such a manner as to clear all structures on the land by at least 100 feet, and wherever the area of the body of water will permit, such landing and takeoffs shall be made at a distance of not less than 300 feet, both laterally and vertically, from any boat or person on the surface of the water, or as near to 300 feet as the area of the water will permit.

(NOTE: The rules for operating aircraft on the surface of the water conform to marine rules for the operation of vessels. The "special circumstances" rule is provided for situations wherein it may be impracticable or hazardous for a vessel or another aircraft to bear to the right because of depth of waterway, wind conditions, or other circumstances.)

L. Aircraft lights. Between sunset and sunrise:

1. All aircraft in flight of operated on the ground or under way on the water shall display position lights.

2. All aircraft parked or moved within or in dangerous proximity to that portion of any airport used for, or available to, night flight operations, shall be clearly illuminated or lighted, unless the aircraft are parked or moved in an area marked with obstruction lights.

3. All aircraft at anchor shall display anchor lights, unless in an area within which lights are not required for vessels at anchor.

(NOTE: Aircraft must display appropriate lights on the surface of the water between the hours of sunset and sunrise in order to conform to marine rules.)

14 MCAR § 1.3034 Visual flight rules and instrument flight rules in Minnesota, all aircraft shall be operated in compliance with the Visual and Instrument Flight Rules as stated in FAR Part 91.

Chapter Six § 1.3030: Parachuting and Skydiving

14 MCAR § 1.3030 Parachuting and skydiving

A. All parachute jumps performed in the State of Minnesota must comply with all safety and be conducted in accordance with Federal Aviation Regulation Part 105.

B. For parachute jumps that occur at an airport, the airport manager/owner shall hold the control authority and responsibility to close and open the airport.

C. Parachute jumps may not be performed at a public-owned airport unless such jump is part of an airshow or other event in which a waiver has been granted by the Federal Aviation Administration, or unless permission has been granted by the Commissioner.

1. If the parachute jump requires the permission of the Commissioner, notification must be made ten days in advance.

2. A public-owned airport shall be closed during a parachute jump, but not for more than two hours in any 24-hour period.

D. Permanent Drop Zones. A permit shall be required and approved by the Commissioner for parachuting areas designated as permanent drop zones. A permanent drop zone shall be permitted for use by parachutists for one year from the date of permit unless suspended or revoked by the Commissioner.

1. A permanent drop zone permit will be issued when it is shown that the use of the site does not:

a. Impose undue hazards to persons or property.

b. Endanger the users or use of existing surface communication or transportation.

2. Application for renewal of a permanent drop zone permit shall be submitted annually.

3. A permanent drop zone may be located at a privately-owned airport.

4. The person or organization must show that they have the permission of the property owner.

5. A permanent drop zone shall be depicted on all aeronautical charts and NOTAMS shall be filed when applicable.

Chapter Seven: §§ 1.3035-1.3039 Basic Safety Regulations Governing Parachuting and Skydiving

14 MCAR § 1.3035 Definitions.

A. Parachute. A device used or intended to be used to retard the fall of a body or object through the air.

B. Automatic release. A device whereby the main or reserve parachute is automatically opened at a preset altitude or time span after activation.

C. Student parachutist. A person who does not hold or is not qualified to hold a U.S.P.A. (United States Parachute Association) or an F.A.I. (Federation Aeronautique Internationale) license.

D. Parachutist. A person who holds or is qualfied to hold a U.S.P.A. Class A, B, C, or D license or an F.A.I. license.

E. Equivalent of a license. A parachutist who has fully completed his qualifications for a license or rating and has had entry to that effect made in his personal log by the Club Safety Officer, the Area Safety Officer, instructor, or an authorized employee of the Department of Transportation.

F. Equivalent of a Class A license. A parachutist who has completed all of the following requirements:

1. Made at least 25 free fall jumps including:

12 stable delays of at least 10 seconds
6 stable delays of at least 20 seconds
3 stable delays of at least 30 seconds

2. Landed within 50 meters of target center on 5 jumps with delays of at least 30 seconds.

3. Demonstrated ability to hold heading during free fall, and to make a 360 degree turn to both the right and left.

4. Demonstrated that he is qualified and able to jumpmaster himself to include independently selecting and properly using a correct exit and opening point.

5. Demonstrated that he is qualified to properly inspect (check) and adjust his own parachute equipment prior to a jump.

6. A logbook endorsement by a U.S.P.A. Instructor/Examiner, a U.S.P.A. Instructor, his Club Safety Officer or Assistant Safety Officer, that he has received training for unintentional water landings.

G. Equivalent of a Class B license. A parachutist who has completed all of the following:

1. Met all requirements for a Class A license.

2. Made at least 50 free fall jumps, including:

15 stable delays of at least 30 seconds
2 stable delays of at least 45 seconds

3. Able to complete two alternate 360 degrees flat turns to the right and left, a "Figure 8" followed by a back loop in free in 10 seconds or less.

4. Landed within 25 meters of target center on 10 jumps during which he selected the exit and opening points.

5. Demonstrated his ability to keep track of other canopies and remain a safe distance from them.

H. Equivalent of a Class C license. A parachutist who has completed all of the following:

1. Met all the requirements for a Class B license.

2. Made at least 100 free fall jumps, including:

30 stable delays of at least 30 seconds
5 stable delays of at least 45 seconds

3. Able to properly complete an International Series (Figure 8, back loop, Figure 8, back loop) in free fall in less than 18 seconds.

4. Demonstrated his ability to control his vertical rate of descent and horizontal movement, coordinating the two.

5. Landed within 15 meters of target center on 25 free fall jumps during which the parachutist selected the exit point.

6. Made one intentional night jump.

7. Made one intentional water jump.

I. Equivalent of a Class D license. A parachutist who has completed all of the following:

1. Met all the requirements of a Class C license.

2. Completed 200 controlled free fall jumps, including:

100 delays of at least 20 seconds
40 delays of at least 30 seconds
5 delays of at least 45 seconds
5 delays of at least 60 seconds

3. Able to properly complete the following maneuvers on heading: back loop, front loop, left turn, right turn, right barrel roll and left barrel roll in 18 seconds or less.

4. Landed within 2 meters of target center on 10 free

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fall delays during which the parachutist selected the exit and opening points.

5. Made one night jump with a delay of at least 20 seconds, with certification of prior night jump training.

J. Area Safety Officer (A.S.O.) must hold at least a Class C license or equivalent and must be appointed by the U.S.P.A. to supervise safety over a given area.

K. Club Safety Officer (C.S.O.) must hold at least a Class B license or equivalent and must be approved by the Area Safety Officer.

L. Public airport. Any airport licensed by the Commissioner as a public airport.

M. Controlled airspace. Airspace of defined dimensions within which air traffic control is exercised by the Federal Aviation Administration.

N. Congested area. Area over any city, town or settlement, or an open air assembly of persons. (NOTE: An area on the ground on which a pilot would not be able to make a forced landing without undue hazard to persons or property.)

O. Drop zone. The area into which a parachutist should reasonably expect to land.

14 MCAR § 1.3036 Safety regulations for parachuting.

A. A person engaging in parachuting in the State of Minnesota must be a member of a parachute jumping organization approved by the Commissioner or must be able to produce evidence that he has received instructions from an instructor and that such instructor authorized this person to engage in parachute jumping, or hold or be qualified to hold a U.S.P.A. or F.A.I. license.

B. Persons desiring to form a parachute jumping organization must submit training standards of student parachutists to the Commissioner for his approval. (NOTE: The training outline as recommended by the U.S.P.A. is recommended.) The minimum parachutist training program should cover the following: parachutes and associated equipment, exit techniques, stability, canopy manipulation, malfunctions, emergency procedures and landings. The instruction given by an instructor should be entered in the student's log and signed by such instructor.

C. All currently licensed parachute riggers must have FAA certificates.

D. No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft over or into an unapproved drop zone in the State of Minnesota without notification to and permission from the Commissioner.

1. For parachute jumps onto or within three miles of any public airport, written approval of that airport's management must be submitted with the request for approval. Any drop zone for exhibition jumps must have prior approval from the Commissioner for such use.

(NOTE: For parachute jumps at any airport with a functioning control tower, controlled airspace or congested area, authorization must also be secured in accordance with FAR Part 105 of their regulations.)

2. If a new area not previously approved is requested, the request for approval must be received by the Commissioner at least ten working days in advance of the date of the jump to permit inspection of the area for approval or disapproval by the Commissioner.

E. All jumps must be recorded in the parachutist's personal logbook and also in the organization's master logbook. The personal logbook must be signed after each jump by a witnessing licensed parachutist or witnessing pilot. Master logbooks must show all jumps made, including jumps made by guests and visitors. Personal and organization logbooks shall be available for inspection by any federal, state or local enforcement officer.

F. Medical examination. Each person engaged in parachuting shall hold at least a valid statement issued by a practicing physician signed and dated within two years of any jump certifying that said person has had a physical examination or be on military jump status. A nonresident that is a person not residing in Minnesota, but wishing to jump in Minnesota at a sanctioned jump meet, may obtain a written waiver of this requirement from the department.

G. Age. Parachutists and student parachutists must have reached the age of legal majority, or be at least 16 years of age with written, notarized parental or legal guardian consent. It shall be the responsibility of the pilot of the aircraft or the Club Safety Officer to inspect personally the notarized consent documents of jumpers between 16 and legal majority.

H. Equipment. Each parachutist or student parachutist must be equipped as follows: two airworthy parachutes on a single harness consisting of a back pack with a main canopy and a chest pack with at least an approved TSO'd canopy, or tandom assembly. The chest pack (emergency chute) must be repacked according to FAA regulations by an FAA licensed parachute rigger. If a pilot chute is used in the chest pack, it shall be the spiral/vane type. Back pack should be packed in a deployment device. Parachutes must meet minimum federal safety standards set forth in FAA TSO C-23 or any other applicable federal regulations, or be approved by a rigger properly licensed by the FAA.

I. Instruments. For delayed falls of more than 20 seconds, an altimeter, stop watch, or an automatic opening device must be used. An altimeter may be used in conjunction with the stop watch. All student parachutists must use a recognized automatic release device for the main or reserve parachute. This automatic release device will be used by all jumpers until they are Class A qualified. (NOTE: Examples of automatic release devices: Sentinel, KAP 3, Military F1 B, and Hi Tec.)

J. Clothing. Boots, helmet, goggles, and adequate protective clothing must be worn by student jumpers. Gloves are mandatory if the temperature is below 40 degrees F. at jump altitude.

K. Mae West type or Coast Guard approved type flotation gear must be worn when parachuting into or within one mile of an open body of water. (An open body of water is defined as one in which a parachutist could possibly drown in the event he actually landed in it.) For planned water jumps, a manned rescue craft for each jumper must be in the target area. At least one lifeguard experienced in life saving techniques, including resuscitation, must be in each rescue craft. If such water jump area is approved as a water drop zone and the parachutists are qualified, no further notification will be required. Any new area will require approval by the Commissioner. All exhibition water jumps will require approval by the Commissioner.

L. Pilots and all other occupants must wear emergency parachutes while flying and dropping sport parachutists. Approved safety belts must be worn by parachute jumpers until the aircraft reaches an altitude of at least 1,000 feet above ground.

M. No wings, cloth extensions, or other forms of control surface that restrict the jumper's ability to activate his main or reserve parachute may be used.

N. A ground crew shall be on the drop zone during all jumps and instructed to stop jumps by prearranged signal in case of a sudden weather change, other aircraft in the drop zone area, or other emergency conditions. During actual jumps a target may be displayed on the field. Removal of the target is a signal to stop jumps and land aircraft immediately. Manned ground to air communications radio, panels, smoke, and lights at night are approved prearranged signal methods.

O. All injuries caused by parachuting which require treatment or examination by a physician shall be reported to the Commissioner within 24 hours. In case of a fatality the Commissioner must be notified immediately.

P. No person may make a parachute jump and no pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft if that person appears to be:

1. Under the influence of intoxicating liquor.

2. Using any drug that affects his faculties in any way contrary to safety.

Q. Parachute jumps from within or through clouds are prohibited. No pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft unless cloud conditions meet the following requirements:

1. Within controlled airspace at a distance less than 1,000 feet under or one mile horizontally from any cloud formation.

2. Outside the controlled airspace at a distance less than 500 feet under or 2,000 feet horizontally from any cloud formation.

R. Flight visibility. No person may make a parachute jump and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft:

1. Through any part of the controlled airspace when the flight visibility in that part is less than 5 miles.

2. Through any part of the airspace outside of the controlled airspace when flight visibility is less than 3 miles.

S. Minimum opening altitudes (above ground). Student parachutists, 2,500 feet; parachutists, 2,200 feet; Class C licensee, or equivalent, 2,000 feet. Intentional water jumps: 2,000 feet.

T. Maximum ground wind for student parachutists.

Steerable Canopy	Nonsteerable Canopy
First 15 jumps: 12 m.p.h.	First 15 jumps: 8 m.p.h.
Over 15 jumps: 18 m.p.h.	Over 15 jumps: 15 m.p.h.

U. Before a jump, wind direction and ground wind speed shall be determined by qualified personnel.

V. Night jumps shall be made only with the written approval of the Commissioner. Approval will only be considered for those jumpers holding a Class B, C, or D license, or equivalent. Clearance will be given by individual parachutist's name, not a general blanket clearance for any one group. Jumpers at night between sunset and sunrise must wear a bright light visible for at least three miles in all directions from the time the canopy opens until the surface is reached.

W. Whenever parachute jumps are in progress, the drop areas must be kept clear of spectators. Drop zones or areas used for parachuting shall be unobstructed, with the following minimum distances from the target to the nearest hazard: student parachutist, 300 meters; U.S.P.A. Class A and B license, or equivalent, 200 meters; U.S.P.A. Class C license, or equivalent, 100 meters; U.S.P.A. Class D license, or equivalent, 25 meters. A tree or bush less than 30 feet high is not considered a hazard. Ditches, telelphone and power lines, poles, towers, houses, buildings, hangars, and highways are hazards. All vehicles shall be kept clear of the drop zone.

All drop zones shall be approved by the Commissioner.

The organization must show that it has the approval of the drop zone owner.

X. If an aircraft to be used for hauling parachutists must be altered in any way, such as door removal, it must have FAA-STG approval or approved instructions for door removal for that particular aircraft prior to operation. This does not apply if the aircraft manufacturer has issued a service bulletin or other approved instruction for door removal. If a static line hookup is installed it must be done by an FAA certificated

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

aircraft mechanic and an appropriate entry must be made in the aircraft log.

Y. Altitude classification and requirements.

1. Altitude classification:

Low: from 2,000 feet up to and including 14,500 feet MSL, providing field elevation is less than 2,000 feet.
Intermediate: from 14,500 feet MSL up to 20,000 feet above the ground.
High: over 20,000 feet above the ground.

2. Low altitude jumps may be made without special training or equipment, providing, the elapsed time from altitudes 8,000 feet up to 12,000 feet, including the exact time of exit from the aircraft, does not exceed 30 minutes. If elapsed time from or above 8,000 feet is expected to exceed 30 minutes, supplementary oxygen must be in use by each individual up to one second prior to exit from the aircraft. (NOTE: Any time oxygen is used it must be aviation type breathing oxygen.)

3. Intermediate altitude jumps may be made by Class B, C, D, or equivalent, license holders only. Each parachutist and all occupants must be on supplementary oxygen source at all times from ground up to time of exit.

4. High altitude jumps may be made by Class C and D, or equivalent experience, license holders only. They must have a current FAA Class 2 medical certificate. Each parachutist and all occupants must be on supplementary oxygen source at all times from ground up to point of exit and be equipped with individual supplementary oxygen source attached and functioning during free fall and be equipped with high altitude protective clothing.

5. For intermediate and high altitude jumps, each parachutist must have individual approval of the Commissioner.

Z. Exceptions. In any case where it is determined that the public interest and safety will not be adversely affected, the Commissioner may waive any of the requirements stated in 14 MCAR § 1.3039, subject to such conditions or limitations as may be necessary.

14 MCAR § 1.3037 Commercial parachute jumping exhibitions.

A. Any parachute organization making exhibition jumps for which a fee is charged or compensation is received must be licensed in accordance with Minn. Stat. § 360.013, subd. 11 (1957), as a commercial operator. The license shall indicate the jumpers by name authorized under this license. All named jumpers must hold at least a U.S.P.A. Class C license, or equivalent. In the case of a commercial jump, all safety regulations are applicable.

B. Any individual parachute jumper making exhibition jumps for which a fee is charged or compensation is received must be licensed in accordance with Minn. Stat. § 360.013, subd. 11 (1957), as a commercial operator. The license shall contain endorsement showing the phases of commercial operations the licensee is authorized to perform. To be licensed as a commercial parachutist, the applicant must hold at least a U.S.P.A. Class C license, or equivalent. In the case of a commercial jump, all safety regulations are applicable.

24 MCAR § 1.3038 Parachuting schools and clubs.

A. Every person or organization engaging in parachuting shall be licensed in accordance with Minn. Stat. § 360.013, subd. 11 (1957), as a commercial operator. There is no distinction made in these rules between a parachuting school and a parachuting club. The license shall contain endorsements showing the operations that the licensee is authorized to perform.

1. The organization shall keep and maintain complete and adequate records of the instruction given to all students, showing the date and time, the type of instruction given, and the name of the instructor. These records shall be available for inspection for at least a year after date of entry.

2. Curriculum. The organization must show to the satisfaction of Commissioner a curriculum so organized as to ensure that the student completing the course will receive a U.S.P.A. Class A rating, or equivalent. The instruction given by an instructor must be entered in the student's log and signed by such instructor. A copy of the curriculum shall be submitted by the organization with its application. (NOTE: The training outline as recommended by the United States Parachute Association is recommended.)

3. Rules and regulations. The organization shall establish and enforce the rules and regulations which shall govern its parachuting operation. These rules and regulations shall be prominently posted at its base of operation and a copy shall be submitted with the application.

4. Drop zone. The applicant must show a drop zone located outside controlled airspace. The drop zone to be used must be specifically approved by the Commissioner. The size must meet the minimum requirements for the jumpers using the drop zone in 14 MCAR § 1.3036 W. The organization shall show by written documentation that it has a right of access to the land to be used as a drop zone as owner, co owner, tenant, or by any other right of entry.

5. Instructors. The organization must show it has instructors who hold U.S.P.A. instructor certificates, and that its instruction is being supervised by said instructors.

6. All safety regulations heretofore outlined must be complied with.

7. Insurance. The organization applying for a parachuting training or school endorsement on his license must hold insurance contracts valid and in force for the duration of the license which provide coverage for each accident in the following types and amounts with a reliable insurance company or companies authorized to do business in the State of Minnesota.

a. $75,000 minimum per passenger seat for passenger liability.

b. $100,000 per person and $300,000 per accident minimum for aircraft. public liability for bodily injury.

c. $100,000 per plane for property damage.

8. Club Safety Officer. The organization must include in its commercial operations application the name of the Club Safety Officer, his qualifications, and an approval of him by the Area Safety Officer. The Club Safety Officer shall be personally responsible for maintaining and enforcing the rules and regulations set forth herein. The Club Safety Officer must be approved by the Commissioner before acting in that capacity. The Club Safety Officer, after receiving approval from the Commissioner, may submit up to two names of persons who are qualified as jumpmasters to act as Assistant Club Safety Officers. Such assistants must be approved by the Commissioner before acting in that capacity. The Assistant Club Safety Officers are charged with the same responsibilities as the Club Safety Officer. A Club Safety Officer or his assistant must be present whenever jumping is taking place by anyone not "A" licensed or having equivalent experience.

9. Articles of incorporation. The organization shall attach to its initial application a copy of its articles of incorporation and all amendments thereto or a copy of its partnership agreement, as the case may be, along with a copy of its operating rules and regulations. The organization shall immediately notify the Commissioner of any subsequent changes in such documents.

10. Members. At the time of the original application, the organization shall list the names and addresses of its members. On or before license renewal and each subsequent year the organization must send to the Commissioner a list of the names and addresses of its members, trainees and students.

11. If any parachuting school or organization can make an affirmative showing that it is not engaging in and will not engage in commercial operations or in any training for which a fee is charged or compensation is received, within subd. 11 of Minn. Stat. § 360.013, then, and in such event, such a school or organization may be exempted, on an annual basis, by the written permission of the Commissioner, from securing a commercial operations license. If the Commissioner grants such exemption, then no commercial operations license is necessary, but such school or organization, however, must comply with 14 MCAR § 1.3038 A., 4., 6., 8., 9., 10. If they do not apply annually for exemption and do not make a showing annually that they are not a commercial operation under said subd. 11, then a commercial operations license will be required.

14 MCAR § 1.3039 Reserved for future use.

Chapter Eight: §§ 1.3040-1.3041.

14 MCAR § 1.3040 Violations. Minn. Stat. § 360.022 (1973): "Any person violating any of the provisions of § 360.018, or any of the rules, regulations or orders issued pursuant to the provisions of § 360.015, shall be guilty of a misdemeanor, and each such violation, or in the case of continuing offenses, each day's violation shall constitute a separate offense."

14 MCAR § 1.3041 Suspension or revocation. Minn. Stat. § 360.018, subd. 1 (6) (1973): "The Commissioner is authorized to suspend or revoke any license or certificate of registration of an aircraft or licensee of commercial operations issued by him, or to refuse to issue any such license or certificate of registration, when he shall reasonably determine that any aircraft is not airworthy or that any licensee of commercial operations is not qualified, has engaged in advertising by means of false or deceptive statements, has been found guilty of gross incompeteney or gross negligence, has been found guilty of fraud, dishonesty, forgery, or theft, has wilfully violated the provisions of §§ 360.013 to 360.075, the rules and regulations prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of Congress or any rule or regulation promulgated pursuant thereto, is addicted to the use of narcotics or other habit forming drug or to the excessive use of intoxicating liquor, has made any false statement in any application for registration of a federal license, certificate, or permit, or has been guilty of other conduct, acts, or practices dangerous to the public safety and the safety of those engaged in aeronautics."

Minn. Stat. § 360.018, subd. 10 (1973): "The Commissioner is empowered to suspend or revoke any certificate of approval or license issued by him when he shall determine that an airport, restricted landing area, or other air navigation facility is not being maintained or used in accordance with the provisions of Laws of 1945, Chapter 303, and the rules and regulations lawfully promulgated pursuant thereto."

Chapter Nine: § 1.3042.

14 MCAR § 1.3042 Firing of unmanned rockets.

A. Any unmanned rocket, except aerial firework displays and model rockets, are defined as rockets, using not more than four ounces of propellant or using a slow burning propellant, made of paper, wood or breakable plastic, containing no substantial metal parts and weighing not more than 16 ounces including the propellant.

B. Operating limitations. No person may operate an unmanned rocket under the following conditions:

1. In a manner that creates a collision hazard with other aircraft.

2. In controlled airspace.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

~~3. Within 5 miles of the boundary of any public airport.~~

~~4. At any altitude where clouds or obscuring phenomena of more than 5/10 coverage prevail.~~

~~5. At any altitude where the horizontal visibility is less than 5 miles.~~

~~6. Into any cloud.~~

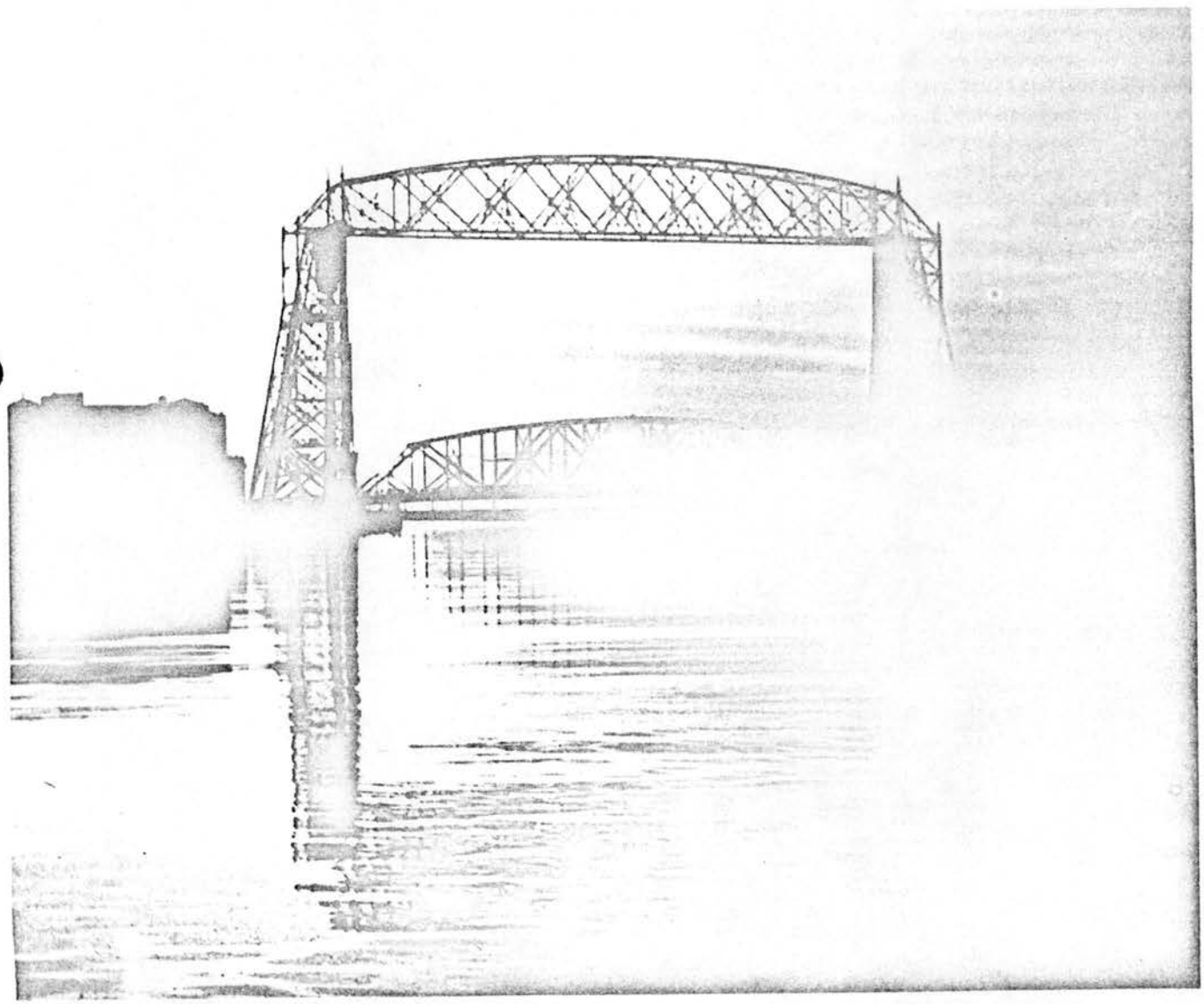
~~7. Within 1,500 feet of any person or property that is not associated with the operation.~~

~~8. At night.~~

~~C. Exceptions. In any case where it is determined that the public interest and safety will not be adversely affected, the Commissioner may waive any of the requirements stated in Chapter Nine, 14 MCAR § 1.3042 B., subject to such conditions or limitations as may be necessary.~~

Chapter Seven ~~Chapter Ten~~ § 1.3031: ~~§ 1.3043 General~~ Repealer

14 MCAR § 1.3033 ~~§ 1.3043 General~~ **Repealer.** All rules ~~and regulations~~ of the Department of ~~Aeronautics~~ Transportation, Aeronautics Division, promulgated prior to the date thereof are hereby repealed.



SUNRISE over the aerial lift bridge in Duluth was captured in this 1940 photograph. (Courtesy of the Minnesota Historical Society)

Air File #632

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 9/17 9/29 DUE DATE 10/7

Resubmitted and Received 11/10 - DUE 11/20

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓
2. Rules as Proposed ✓ (in bound materials)
3. Certificate of Board's Authorizing Resolution, where applicable N/A
4. Order for Hearing A) ✓ 11.27.79 B) ✓ 3.28.80
5. Notice of Hearing A) ✓ 11.27.79 B) ✓ 3.28.80
   Sufficiency A) ✓ B) ✓
6. Secretary of State's List A) ✓ B) ✓ (one copy only)
7. Certificate of Acquisition of Secretary of State's List A) ✓ B) ✓ (aquired 2 months before hrg. date)
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency A) ✓ B) ? rule not identified but see #7 above
9. Affidavit of Mailing A) ✓ B) ✓
   At least 30 days prior to hearing A) ✓ 10.22.79 B) ✓ 2.22.80
10. Publication in State Register A) ? B) ✓
    At least 30 days prior to hearing A) ✓ 10.22.79 B) ✓ 2.25.80
11. Statement of Need and Evidence A) 1st Hrg. B) Post-hrg-letter to H. Crump. C) 2nd Hrg
12. Hearing Examiner's Report A) 1st Hrg - 11.27.79 B) 2nd Hrg - 3.28.80 C) Supplemental Report of HE
13. Agency's Findings of Fact ? incorporated in #15-Order
14. Certificate of Board's Resolution Adopting Rules, where applicable N/A
15. Order Adopting ? may need new Order - see my note
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable ?
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable ✓
20. Petition by Public, where applicable N/A

NOTE: COMMENT FROM PUBLIC - Yellow legal paper, Joannie's notes

Our File #632

ADMIN 100 (Rev. 1/78)
SF-0000000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : RICHARD P. BRAUN
Commissioner, Dept. of Transportation

DATE: 11-10-80

ATTN: DONALD MUETING, S.A.A.G.

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: Rules as Approved In the Matter of the Proposed Adoption of Rules Amendments and Deletions to Rules Governing Aeronautics Operations.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

JSA/bw
Encl.
cc: Duane Harves
Susan Robertson

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ROOM 300 - 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

November 7, 1980

Commissioner Richard P. Braun
Department of Transportation
411 Transportation Building
St. Paul, Minnesota 55155

Re: Rules of the Aeronautics Division

Dear Commissioner:

Enclosed with this letter is the Order of the Chief Hearing Examiner allowing incorporation by reference of certain materials from the rules of the Federal Aviation Administration, pursuant to your request received on October 30, 1980

Yours very truly,

DUANE R. HARVES
Chief Hearing Examiner

Telephone: 612/296-8100

DRH:sh
Enc.
cc: Sue Robertson
Jerry Anderson

AN EQUAL OPPORTUNITY EMPLOYER

DOT-80-013-HC

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF TRANSPORTATION
AERONAUTICS DIVISION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES, AMENDMENTS AND DELETIONS GOVERNING THE AERONAUTICS RULES.

ORDER OF THE CHIEF HEARING EXAMINER

The above entitled matter was resubmitted to the Office of Administrative Hearings on October 30, 1980, as a result of a rejection of the rules by the Attorney General following the Attorney General's review of form and legality. The reasons for the temporary rejection of the rules as had been submitted are documented in the memorandum of the Attorney General dated October 2, 1980, and will not be repeated herein.

Upon this submission, the Commissioner of Transportation has requested approval of the Chief Hearing Examiner to be allowed to incorporate rules of the United States Department of Transportation, Federal Aviation and Administration, Code of Federal Regulations at 14 CFR § 1.1, and 14 CFR § 61.

While there is some question as to whether a new approval for incorporation by reference is needed, based on the representation of the Commissioner that this incorporation by reference was in the previously existing rules which have just been renumbered, the Chief Hearing Examiner makes no determination on that issue which has been determined by the Attorney General and is not necessary for discussion herein. The Chief Hearing Examiner, having reviewed the materials submitted, hereby approves the incorporation by reference of the above-referenced rules of the Federal Aviation Administration.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Aeronautics Division of the Minnesota Department of Transportation be allowed to incorporate by reference rules of the Federal Aviation Administration of the United States Department of Transportation, which rules appear in the Code of Federal Regulations at 14 CFR § 1.1 and 14 CFR § 61.

Dated: November 7, 1980.

DUANE R. HARVES
Chief Hearing Examiner

Mn/DOT - Office of Commissioner
Room 411

RECEIVED
OCT 31 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Mr. Duane R. Harves
Chief Hearing Examiner
Office of Administrative Hearings

October 16, 1980

Richard P. Braun
Commissioner

296-3000

Inclusion by Reference in Aeronautics Rules

Jerry S. Anderson, Special Assistant Attorney General, Office of the Attorney General has reviewed the file in our proceeding to adopt rules, amendments and deletions to rules governing aeronautics. I understand a copy of his memorandum has been sent to you and to the Legislative Commission to Review Administrative Rules.

Mr. Anderson has suggested the Department correct several procedural deficiencies (which derive from misunderstandings over the process for drafting rules) in order that the rules may completely and properly qualify in all respects as being adopted pursuant to Minnesota law and administrative rule.

Existing rules of the Department of Transportation incorporate by reference two portions of United States Department of Transportation, Federal Aviation Administration rules; which rules appear in the Code of Federal Regulations at 14 CFR § 1.1, and at 14 CFR § 61. Existing citations have been corrected to conform to current practice.

Minnesota law requires the Commissioner of Transportation to adopt and enforce such rules (Minn. Stat. § 360.013, subd. 11, and - notably - 360.018, subd. 1, clause 3b). The rules contain two citations which qualify as an inclusion by reference and have been in effect in the State of Minnesota for many years, but have only been renumbered in this proceeding.

The Department desires to:

1. Retain jurisdiction in this area,
2. To retain this federal regulatory material as an inclusion by reference, and
3. Requests your approval to so retain these materials.

I hasten to add that had the Department understood this to be a requirement when the proceeding was initiated we would have made this request at that time, as is normally done. Insofar as this Department is aware, those of the public interested and needing this information may conveniently obtain these materials at law libraries in the State and at United States Government Document Depositories in St. Paul, and in Minneapolis.

Please note that my earlier Order Adopting Rules has been vacated and replaced by an Amended Order, with Findings of Fact and Conclusions drawn separately. Legal counsel will address the question of any possible preemption of these rules - or Minnesota law - deriving from Federal enactments or regulation subsequent to your remedial review of this question.

cc:
Susan Robertson
Jerry S. Anderson

RPB:ca
K. H. Bjork

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Jerry S. Anderson
Special Assistant
Attorney General

DATE October 15, 1980

FROM : Donald J. Mueting
Special Assistant
Attorney General

PHONE: 6-3369

SUBJECT: In the Matter of the Proposed Adoption of Rules, Amendments, and Deletions Governing the Aeronautics' Rules.

You have raised a generalized objection to the rules submitted by the Aeronautics Division of the Transportation Department on the basis of possible federal preemption. You indicated that on the basis "of the Federal Aviation Act, Federal Aviation Regulations, and a couple of cases" the issue of preemption gives you some concern.

Based on my review of the federal act and regulations, the Aeronautics' Rules are not preempted. As you know, more than federal action, either by statute or by regulation, must be shown to effectively preempt state rules which pertain to the same or similar subject matter. To negate state action, there must be a clear and manifest evidence that Congress intended to foreclose the possibility of legal action. Rice v. Santa Fe Elevator Corp., 331 U.S. 218 (1947).

This issue was addressed in materials which were provided to Hearing Examiner Crump by Aeronautics' attorney, Eric Ingvaldson. While the specific issue therein was the parachuting rule (subsequently eliminated), the legal principles and rationale apply to the balance of the rules which you now question.

At the expense of repeating portions of the memorandum (copy attached) submitted by Ingvaldson, I call your attention to the presumption that no preemption has occurred in the absence of a clear indication to the opposite. The Court in Rogers v. Ray Gardner Flying Service, Inc., 435 F.2d 1389 (1970), stated:

> Federal preemption under the commerce clause will not be presumed in the absence of a clear indication of the intent of Congress.

435 F.2d at 1395.

RECEIVED
NOV 10 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

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OCT 17 1980
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST PAUL, MN. 55155

In another case dealing with the issue of preemption by the Federal Aviation Act of 1958, Greater Westchester Homeowners Ass'n v. City of Los Angeles, 15 Avi. 17,857 (1979), it was held:

> The preemptive intent of Congress may be explicit or implicit, but where the effect of preemption is to impede the exercise of historic state powers, the high court has held that the intent must be 'clear and manifest.'

See, also, Aircraft Owners & Pilots Ass'n v. Port Authority of New York, 305 F. Supp. 93 (E.D.N.Y. 1969); Feldman v. Philadelphia Nat'l Bank, 408 F. Supp. 24 (D.C.Pa. 1976).

Of course, there have been judicial determinations of Federal preemption involving the Federal Aviation Act of 1958 in City of Burbank v. Lockhead Air Terminal, 411 U.S. 624 (1973) (involving noise control), and American Airline, Inc. v. Town of Hempstead, 398 F.2d 369 (2nd Cir., 1968), cert. den. 393 U.S. 1017 (flight patterns). But these cases only underscore the necessity of an affirmative showing that Congress intended its legislation or rules adopted thereunder to preempt state laws or rules.

The inevitable and obvious point is that a state agency's rules are presumed not to have been preempted. It is illogical to assume the opposite and put the agency to the test of proving lack of preemption because (1) it ignores the rule of law with regard to no presumption of preemption and (2) it requires proof of the nonexistence of something which generally requires a subjective rather than objective analysis of federal rules, statutes or legislative history. Quite obviously, it is the latter point which causes the most difficulty to the agency. But I have attempted to review this issue from that perspective and I have read the Federal Act and Rules which you mentioned. I find an absence of support for federal preemption. I have found no case supporting preemption in the areas covered by the rules of the Aeronautics Division. To prove that preemptive language or intent does not exist would require reproducing the entire federal act and the federal rules. This would be an expensive and hollow gesture. It also overlooks the fact that in actuality, the rules about which you express concern have already been enacted and enforced for a number of years and are merely addressed as proposed rules because of the renumbering and the nonsubstantive rearrangement of them. I request that you also keep that in mind in your analysis.

If there is evidence of a congressional intent to preempt the state's action in certain specific areas which the Aeronautics' Rules address, I would be happy to discuss those with you. I have not been able to find such support. I have found no clear and manifest intent to preempt this state action and therefore I must conclude that it does not exist.

I trust that this will alleviate your concern of federal preemption. If I can be of any further assistance, please do not hesitate to contact me. I hope that you will feel free now to approve these rules without delay.

DJM:jmr

Memo

TO: EWI

FROM: PEL

RE: Parachutes!!

RECEIVED
DEC 4 1979
OFFICE OF HEARING
EXAMINERS

The State of Minnesota's regulations concerning parachuting (14 MCAR §§ 1.3035 - 1.3039) are designed to enhance the safety of using navigable airspace. Their purpose is to afford parachutists a modicum of protection while insuring that sky diving does not endanger other aviation. The regulations in no way interfere with federal control of Minnesota's navigable airspace, cf American Airlines v. Hempstead, 272 F.Supp. 226 (E.D.N.Y., 1967), aff'd, 398 F.2d 369 (2nd Cir., 1968), Cert. den. 393 U.S. 1017 (1969), nor do they categorically prohibit parachute jumping.

Parachuting can reasonably be deemed to affect adversely the safety and welfare of person's using Minnesota's navigable airspace if not subject to state control. Regulation of this sort is well within the traditional scope of the police power possessed by States and local governing bodies. Because parachute jumping is a matter of great local concern, in determining whether congressional legislation has, by implication, foreclosed remedial local enactments "we start with the assumption that the historic police powers of the States were not to be superceded by the Federal Act unless that was the clear and manifest purpose of Congress." Rice v. Sante Fe Elevator Corp., 331 U.S. 218, 230 (1947). This assumption originates with the basic constitutional division of legislative competence between the States and Congress. San Diego Building Trades Council v. Garmon, 359 U.S. 236, 243 (1959). Unless the requisite pre-emptive intent is abundantly clear, courts are unwilling to invalidate state and local legislation for the added reason that "the state is powerless to remove the ill effects of federal court decisions, while the national government, which has the ultimate power, remains free to remove the burden." Penn Dairies, Inc. v. Milk Control Comm'n, 318 U.S. 261, 275 (1943).

There is no express congressional statement that the Federal Aviation Act of 1958, 49 U.S.C. § 1301 et. seq., pre-empted any local regulations involving aviation. Therefore any finding of pre-emption, must be implied pre-emption. A holding of implied pre-emption depends upon whether the Federal Aviation Act manifested a clear intent to preclude local regulations. Rice v. Sante Fe Elevator Corp., supra at 230.

The 1958 Act was intended to consolidate in one agency in the Executive Branch the control over aviation that had previously been diffused within that branch. The paramount substantive concerns of Congress was to federally regulate all aspects of air safety. See S. Rep. No. 1811, 85th Cong. 2d Sess., 5-6. While the language of the Act is probably broad enough to allow exclusive federal control over parachuting, Congress was not concerned with the problem of parachuting and did not intend to pre-empt the field. Moreover, the only explicit reference to parachuting was deleted by the Conference Committee. U.S. Code Cong. and Admin. News 85th Cong. 2d Sess., 1958 at 3768.

Section § 1421 of the Act empowers the FAA Administrator to set minimum standards, rules and regulation. It does not bestow upon the Administration the exclusive right to regulate aviation matters although the Administrator could pre-empt the field if he found it necessary. The FAA has promulgated regulations if felt necessary to insure safety in parachuting (14 CFR §§ 105.1 - 105.43) but in no way were these regulations intended to preclude complementary state regulation.

The Act does pre-empt certain areas of aviation regulation: noise control, City of Burbank v. Lockheed Air Terminal, 411 U.S. 624 (1973), flight patterns, American Airline, Inc. v. Town of Hempstead, 398 F.2d 369 (2nd Cir., 1968) cert. den. 393 U.S. 1017. In these instances, federal regulation and legislation is deemed so pervasive as to rule out all state and local attempts to regulate in areas thus pre-empted by federal government. The Burbank case involved a 1972 amendment, regulating noise control, to the 1958 Act. Even with the recent amendment pre-emption was upheld by a slender 5-4 majority, with the dissent forcefully arguing against any pre-emption. City of Burbank, supra at 640-654.

The Administration has not pervasively regulated movement of aircraft as to exclude local provisions having the effect of curtailing activities not forbidden by federal regulation. Aircraft Owners & Pilots Ass'n. v. Port Authority of New York, 305 F.Supp. 93, 105 (E.D.N.Y., 1969). The Port Authority of New York was allowed to exact a $25 fee from each aircraft landing or taking off from three major New York airports during certain peak hours. This regulation was found to promote efficient utilization of air space and enhance the safety

purposes of the 1958 Act. Aircraft Owners & Pilots Ass'n v. Port Authority of New York, supra at 106. There are several other decisions where the Act is not found to pre-empt local regulation. Rugers v. Ray Gardner Flying Service, Inc., 435 F.2d 1389, 5th Cong. (1970), Cert. den. 401 U.S. 1010, Sosa v. Young Flying Service, 277 F.Supp. 554 (S.D. Tex., 1967). Texas Aeronautics Commission v. Braniff Airways, Inc., 454 S.W.2d 199 (Tex., 1920), Cert. den. 400 U.S. 943, Gardner State Farms, Inc. v. Bay, 136 N.J. Super. 1, 343 A.2d 832 (1975). Thus the courts have permitted states and local governing bodies to regulate aviation and have not found the 1958 Act to completely pre-empt the field.

To the extent that state law conflicts with any part of the Act it is pre-empted under Congress' power to regulate interstate commerce. Feldman v. Philadelphia Nat. Bank., 408 F.Supp. 24 (D.C. Pa. 1976). The State of Minnesota regulations do not conflict with but complement the federal regulations. Often the State of Minnesota regulations incorporate the federal regulations, (E.G. 14 MCAR § 1.3036 subd. H). The overall purpose of the State regulations is not to defeat federal regulation of parachuting, but to enhance regulation of parachuting in order to promote the safety of Minnesota's navigable air space. A purpose that promotes the designs of the Federal Aviation Act.

Considering the language Congress enacted into law, the available legislative history, and the light shed by these on congressional purpose. Congress did not intend the 1958 Act to oust local government, from the enactment of regulations such as those of the State of Minnesota. The history of congressional and administrative action in the field of parachuting demonstrates an affirmative congressional intent to allow local regulation. The history surely does not mirror "the clear and manifest purpose of Congress" to prohibit the exercise of "the historic police powers of the States" required in finding pre-emption. Clearly Congress could pre-empt the field of parachuting to local regulation if it chose, and very likely the authority conferred on the Administrator of FAA by 49 U.S.C. § 1348 is sufficient to authorize him to promulgate regulations effectively pre-empting local action. But neither Congress nor the Administrator has elected to go that route. Until one of them does, the regulations of the State of Minnesota concerning parachuting are a valid exercise of its police power.

ADMIN 1000 (Rev. 1-78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : RICHARD P. BRAUN
Commissioner of Transportation
Attn: DONALD J. MUETING
Special Assistant
Attorney General

DATE: October 2, 1980

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of Rules, Amendments and Deletions Governing the Aeronautics Rules

The rules in the above-entitled matter have not been approved by this office and are being returned for the following reasons:

1. The Order adopting these rules, which incorporates the agency's Findings of Fact, makes no mention of the deletion of sections 1.3028 and 1.3030. Both of these sections were deleted subsequent to the Hearing Examiner's reports and are changes from the rules as proposed. Because you are adopting the Findings and Conclusions of the Hearing Examiner with exceptions, you must make Findings regarding these changes.

   Given the length of the Rules as Adopted and the number of Findings, I suggest that the Order Adopting Rules be a separate document from the Findings of Fact and Conclusions.

2. In two sections of these rules, sections 1.3020 B.3. and 1.3026 A., federal regulations appear to be incorporated by reference. Pursuant to Minn. Laws 1980, ch. 615, § 6, subd. 4a, an agency must obtain the approval of the Chief Hearing Examiner before an incorporation by reference will be permitted. Apparently, this approval has not been obtained, and therefore these rules must be submitted to the Chief Hearing Examiner for his approval of the incorporations by reference.

3. Section 1.3001 J. defines "Drop Zone." This definition is unnecessary, given the deletion of sections 1.3028 and 1.3030, and probably is beyond the agency's statutory authority as a result of the 1980 legislation.

4. When the sections referring to parachuting were deleted, the section numbers were also dropped, creating numerical gaps in the body of the rules. The Table of Contents appears to be correct and should be followed.

5. The following is a list of typographical errors discovered by this office during its review:

   Section 1.3007 B.10. Delete the period after "airports."

Section 1.3008 E.2. Insert the word "and" between "takeoff" and "taxiing."

Section 1.3024 B. "Ambulance."

Section 1.3028 B. The "a" between "has" and "five" should be deleted.

Section 1.3029 G.6. The citation to Minnesota Statutes 1967 is improper. The year should be 1978.

6. The reference to the Department of Health in § 1.3024 C. should be clarified as the State or Minnesota Department of Health.

In addition to the above comments, a brief review of the Federal Aviation Act, Federal Aviation Regulations, and a couple of cases has raised the question of possible preemption by the federal government of some areas covered by these rules. To the extent that federal action may have preempted state regulation in this matter, these rules would be illegal. Therefore, before approving these rules or any part of them, I request that the issue of preemption be addressed. Please consider the possibility that particular sections or requirements for licensing may be preempted but not others.

After consideration of the above comments and agency action, if any, these rules may be resubmitted for our review. This office has retained copies of all pertinent documents in this matter, and therefore on resubmission you need only include the original and two copies of the new Rules as Adopted and Order Adopting, along with one copy of any other documents that may be required as a result of complying with the comments in this memorandum. At the time of resubmission, please include a memorandum specifying that the rules are being resubmitted so that we may obtain our initial file in this matter.

Also, please be advised that the Chief Hearing Examiner requests that any changes that are made in the rules subsequent to his review, other than those that go only to form, be resubmitted to him. Therefore, we suggest that you contact that office regarding any changes made in the rules.

If you have any questions regarding this matter, please contact me.

JSA:mb

Enclosure

cc: Duane Harves
Susan Robertson

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT of Transportation
Office of the Commissioner

TO : Warren Spannaus
Attorney General

DATE: September 11, 1980

Attention: J. Michael Miles - Assistant Attorney General

FROM : Richard P. Braun
Commissioner

PHONE: 296-3000

SUBJECT: DOT - 80 - 013 - HC
Rules of the Aeronautics Division

Pursuant to Minnesota Statutes and your rules the attached is submitted for your review. The materials constitute the complete record in our proceeding to amend and delete rules pertaining to aeronautics operations in the State of Minnesota.

Your early attention to this matter is earnestly requested. Questions concerning the rules may be answered by Donald Mueting, Special Assistant Attorney General (296-3369) or Kenneth O. Wofford, Aviation Operations Director (296-6823).

Thank you for your continued assistance to this Department.

KHB:ck

1000 (Rev. 1/78)
F-00006-01

STATE OF MINNESOTA Rules HS Adopted

DEPARTMENT Office of Commissioner

Office Memorandum

RECEIVED AG copy.

AUG 20 1980

OFFICE OF HEARING EXAMINERS

TO : Duane R. Harves
Chief Hearing Examiner

DATE: August 25, 1980

FROM : Richard P. Braun
Commissioner

PHONE: 296-3000

SUBJECT: Cruciality of the definition of commercial operations in our administrative rules.

On page 3 of the Order of the Chief Hearing Examiner concerning our proposed rules, you state that there has been no finding by the hearing examiner that the repetition of statutory language is crucial concerning our rule #3019A which defines commercial operations.

I believe that the definition of commercial operations is crucial to the ability of a person affected by this rule to comprehend its meaning and effect. The reason it's crucial is because our commercial operations licensing requirement is often confused by affected person with the requirement set forth by the FAA for a commercial pilot's certificate.

Often times a person hearing that he must have a commercial operations license from our department believes that he has met that requirement by having a commercial pilot's certificate issued by the FAA. I believe that it would be necessary then when sending the person a copy of our commercial operations rules to send him a copy also of the statutory definition of a commercial operation in order to distinguish that from the requirement of a commercial pilot's certificate.

The definition that we have in our rules on page 37 and 38 of the proposed rules should be changed by deleting the words on the 4th line of the definition: "including but not limited to." Would you please address this question? All other changes recommended in your order have been included in the rules.

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT OFFICE OF HEARING EXAMINERS

Office Memorandum

TO : DONALD MUETING
Special Assistant Attorney General

DATE: June 11, 1980

FROM : DUANE R. HARVES
Chief Hearing Examiner

PHONE: 6-8100

SUBJECT: OUR FILE: DOT-80-013-HC
RULES OF THE AERONAUTICS DIVISION

Enclosed herewith and submitted to you as attorney for the Division is the Order of the Chief Hearing Examiner together with the entire hearing record which was submitted to me for review, pursuant to the provisions of 9 MCAR § 2.110, by Eric W. Ingvaldson, who I understand is no longer attorney for the Aeronautics Division.

Pursuant to the provisions of 9 MCAR § 2.111, a copy of this Order is being filed with the Attorney General responsible for reviewing rules. I have also forwarded a copy to Kenneth O. Wofford and Lawrence R. Myking.

It should be noted that rule 3003 B., referring to contested cases, references non-existent adopted rules of the Office of the Attorney General. As you might recall, the Attorney General had, prior to the creation of this office, model rules which had never been adopted. As long as there will need to be a republication in the State Register, I would suggest deleting the words "the Attorney General" and adding instead "administrative hearings". This would not be a substantial change as it merely conforms the rule to existing law. Obviously, as this rule was not proposed for amendment at the hearing, the Aeronautics Division cannot be compelled to make this change.

In rule 3013, when indicating that the licensee must comply with rule 3009 B., a typographical error shows the "B" as "b".

DRH:sh
Enc.
cc: Joanne Hinderaker
Kenneth O. Wofford
Lawrence R. Myking
Harry S. Crump
Kenneth Bjork

RECEIVED
JUN 11 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF TRANSPORTATION
AERONAUTICS DIVISION

IN THE MATTER OF THE PROPOSED)
ADOPTION OF RULES, AMENDMENTS)
AND DELETIONS GOVERNING THE)
AERONAUTICS DIVISION.)

ORDER OF THE
CHIEF HEARING EXAMINER

WHEREAS, the above-entitled matter was heard before State Hearing Examiner Harry Seymour Crump on November 27, 1979, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 4, following which the Hearing Examiner issued his report on January 2, 1980, pursuant to the provisions of Minn. Stat. § 15.052, subd. 3; and

WHEREAS, the above-entitled matter was heard again on March 28, 1980, by the same Hearing Examiner, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 4, following which the Hearing Examiner issued his report on April 29, 1980, pursuant to the provisions of Minn. Stat. § 15.052, subd. 3; and

WHEREAS, on June 5, 1980, pursuant to the provisions of Minn. Stat. § 15.052, subd. 4, and Rule 9 MCAR § 2.110, the Aeronautics Division (hereinafter "Division") submitted the rules to the Chief Hearing Examiner for his review, which review includes the issues of substantial changes in the rules and compliance with the provisions of Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Chief Hearing Examiner, having completed the aforementioned rule review, finds that the changes in the rules as submitted, after considering the elements contained in Rule 9 MCAR § 2.111, are not substantially different from the rules as proposed; and

WHEREAS, the Chief Hearing Examiner finds that the Division has complied with the provisions of Minn. Stat. § 15.0412, subd. 4, with the following exceptions, all of which render the rules illegal and, thus, necessitate a finding that the Division has failed to comply with the provisions of Minn. Stat. § 15.0412, subd. 4, by failing to make an affirmative presentation of facts

establishing the reasonableness of the specific provisions: (for ease of understanding, the numbering herein shall be modified so that, as an example, Rule 14 MCAR § 1.3001 shall be identified merely as 3001)

1. 3007 B.2.c. This rule contains the word "should" which is a word which implies that someone will have discretion to make a determination that this particular requirement need not apply, without indicating who will exercise the discretion nor any standards or criteria by which the discretion will be exercised. The word "should" must be changed to "shall".

2. Rules 3007 B.6., 3008 E.3., 3009 B.8., 3010 B.5., 3011 B.6., and 3012 B.8. are rules relating to "wind indicators". The first three apply to public facilities, while the latter three apply to private facilities. Rules 3007 B.6. and 3009 B.8. include the phrase "or other indicator as approved by the Commissioner" while 3008 E.3. adds the word "wind" before the word "indicator" in the same phrase. The three rules relating to private facilities contain the phrase "All private airports shall be equipped with a wind sock or other wind indicator" except that 3010 B.5. includes the word "approved" prior to the word "wind". Wherever a wind indicator other than the listed 3' x 12' wind sock may be utilized if "approved", the rule is illegal in that discretion is given to the Commissioner to approve other indicators without any standards or criteria under which the discretion will be exercised. Further, there does not appear to be any indication, anywhere in the rules, of any other type of wind indicator. A possible solution would be the addition of a definition of the phrase "wind indicator" which would include the 3' x 12' wind sock, blaze orange in color, and other wind indicators which could be used in certain circumstances, thus removing discretion. As the rules presently proposed and as published in the State Register spoke to the phrase "wind indicator", the addition of other types of wind indicators would not be a substantial change under Minn. Stat. § 15.052 or Rule 9 MCAR § 2.111.

3. 3019 A. This rule defines "commercial operations" and appears to be an exact repetition of Minn. Stat. § 360.013, subd. 11. This statute was amended by the 1980 Legislature (see Minn. Laws 1980, Chapter 488) to delete any reference to parachute jumping. Therefore, the words "parachute jumping" must be deleted from this rule. Additionally, Minn. Stat. § 15.0412, subd. 1, prohibits an agency from adopting a rule which duplicates language contained in Minnesota Statutes unless the Hearing Examiner determines a duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect. As this law applies to this rule, and other rules adopted herein, there has been no finding by the Hearing Examiner that the repetition of statutory language is crucial. Thus, the rules should be resubmitted to the Hearing Examiner for determination of that issue. In the event the Hearing Examiner determines that the repetition of statutory language is crucial, nevertheless, the phrase "but not limited to" is discretionary language which must be deleted from the language in this rule. Rules are defined as agency statements of general applicability and future effect made to implement or make specific the law enforced by the Division. The use of discretionary language fails to make the rule specific.

4. 3019 L.2. requires a commercial operator to maintain, in its files, the date of last physical examination of airman personnel "where necessary". There is no indication under what circumstances the term "where necessary" would apply nor is there any indication who would make the determination. Thus, the language implies discretion without sufficient standards and criteria. The words "where necessary" must be deleted.

5. 3020 B.3. This rule requires an applicant to show "to the satisfaction of the Commissioner" a course outline. This language implies discretion in the Commissioner to require instruction in the courses which are not delineated in the rule without the establishment of any standards or criteria which the Commissioner will utilize in requiring certain elements in flight instruction courses. The rule must be amended to delete the discretion in the Commissioner.

6. 3021 B.3. This rule contains identical language to that as addressed in number five above. For the same reasons, the discretion in the Commissioner must be removed.

7. 3025 B. This rule states: "If an emergency is declared with respect to crop conditions, the Commissioner may authorize variances from the rules." This rule fails to state who may delcare an emergency with respect to crop conditions. It would seem that the only persons qualified to declare such an emergency would be the Commissioner of Agriculture or the Governor. However, the rule is silent on this question. Additionally, once an emergency is declared, the Commissioner still has discretion to authorize variances from the rules without any standards or criteria listed by which this discretion will be granted, nor does it contain any procedures by which persons may apply for these variances. It is apparent from the record that such a variance process is both needed and reasonable. The rule must delineate who is authorized, and by what authority, to declare such an emergency and must contain standards and criteria for the granting of variances which, if met, will require the Commissioner to grant a variance. Depending on the language added, it would not appear that the addition would be a substantial change under the criteria in Rule 9 MCAR § 2.111.

8. 3028 (Commercial Parachuting) and 3030 (Parachuting and Skydiving) must be deleted as, pursuant to Minn. Laws 1980, Chapter 488, any authority to regulate parachuting or skydiving has been removed.

9. 3029 E. This rule allows the Commissioner to inspect books and records of any flying club but contains the words "but not limited to". This is discretionary language without standards or criteria, which must be deleted.

NOW, THEREFORE, pursuant to the provisons of Minn. Stat. § 15.052, subd. 4, and 9 MCAR § 2.111, the Aeronautics Division shall either withdraw those rules discussed above, amend them to remove the illegality, obtain a finding of cruciality from the Hearing Examiner, or reconvene the rule hearing. In the event the rules are amended and the finding of the Hearing Examiner

is obtained, the Aeronautics Division shall have the responsibility of submitting the complete hearing record and the rules as adopted to the Attorney General, notifying all persons who requested to be informed that the record has been submitted to the Attorney General, and, if approved by the Attorney General, shall have the responsibility of publishing the rules in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4.

Dated this 11th day
of June, 1980.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

RECEIVED
FEB - 5 1980
ATTORNEY GENERAL
102 STATE CAPITOL
ST. PAUL, MINN. 55155

DOT-80-013/RC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINER

In the Matter of the Proposed Adoption of Rules, Amendments and Deletions Governing the Aeronautics Rules.

REPLY
TO
REPORT OF HEARING EXAMINER

1. The record in this matter is closed. MSA 15.0412 and Rule HE 107 do not appear toprovide a means of insuring that parties have an opportunity to see the extent to which a proposed agency rule has been revised in response to the findings and recommendations of the Hearing Examiner. We have no notice th the hearing record has been submitted to the attorney general, and we are without knowledge as to how proposed 14 , CAR 1.3030 - 1.3039 now reads. We have obtained a copy of the three-page internal state memorandum but do not have copies of the two letters from the Federal Aviation Administration on which the Hearing Examiner based his finding that "The promulgation of Federal Aviation Regulations, part 105 was not intended to preclude complementary state regulations."

This comment is addressed to the 3 page internal legal summary.

2. "Legislation, whatever its purpose that denies access to the navigable airspace by local rule cannot but be regarded as a plain and forbidden exertion of power to regulate commerce as such."

Part 105 of the FAA parachuting regulations consists of three Sub-parts containing 17 sub-sections of which 14 are designated operating rules. Compliance requires the use of such Federal facilities as the system of Air Traffic Control, the FAA flight service stations, theVOR navigation and communication facilities and radio frequencies assigned to the FAA for the purpose of air to air and air-ground communications, and land lines.

The regulation is pervasive. The only room left by it is the denial of access by local authority. Which is forbidden by Congress.

2. "We start with the assumption that the historic police powers of the States were not to be superceded by the Federal Act unless that was the clear and manifest purpose of Congress."

Neither the case of Rice v. Sante Fe Elavator Corp. (1947) 331 U. S. 218; 91 Led. 1447, nor the case of San Diego Building Trades Council v. Garm (1959) 359 U. S. 236; 3 Led. 775, are relevant to the regulation of the navigable airspace. The Rice case involved regulation of grain warehouses, an area traditionally occupied by the States until Congress legislated.

The San Diego Building Trades Council involved a labor problem. The Court said, " Regardless of the mode adopted, to allow the States to contr that which is the subject of national regulation would create potential frustration of national purpose. -----.

"The governing consideration is that to allow the State to control activities that are potentially subject to federal regulation involves too great a danger of conflict with labor policy. "

Justice Douglas in the Rice case stated the test for determining the "clear and manifest purpose of Congress."----:

(1) Regulations must be so pervasive as to make reasonable that the Congress left no room for the State to supplement it,

(2) The regulations touch a field in which the Federal interest is so dominent that the Federal system will be assumed to preclude the enforcement of State laws on the same subject, o

(3) State policy may produce a result inconsistent with the objecti of the Federal Statute.

The foregoing test for Federal preemption was stated again in almost the same terms in the case of American Airlines v. Town of Hempstead. (1967) 272 F. Sup 226; affirmed, 398 F. 2nd. 369. (A noise abatement case.)

The Federal District Court concluded;

(1) The Town of Hempstead Ordinance was an unconstitutional burden on interstate commerce. (Violation of Commerce Clause)

(2) The area in which the ordinance operated had been preempted by Federal regulation.

(3) The ordinance was in direct conflict with the Federal regulatory scheme.

The Appellate Court said:

"Any one of the three is enough to make the ordinance invalid," holding that the ordinance was an indirect frustration of the Federal air traffic rules.

It is pertinant at this point to look at the case of Loma Portal Civic Club v. American Airlines, Inc. (1964) 394 P 2nd. 548. The case involved low flight of aircraft using an airport. The California Court rejected the claim of preemption, but went on to find the state law unconstitutional on the more narrow ground that it frustrated a Federal purpose , which would be the item No. (3) in the Town of Hempstead case.

Loma followed the narrow reading of the Court's decision in the Cedarhurst case. (Allegheny Airlines Inc. v. Village of Cedarhurst, (1956) 238 F2nd. 812.) The result was the same.

3. Turning now to the question of "need" and the "reasonableness" argument of the Commissioner of the DOT there is obvious conflict with and frustration of the scheme of Federal Regulation with respect to the requirement of notice.

Pursuant to MCAR 1.3030C the Commissioner must be given 10 days advance notice of a parachute jump that is not part of an airshow or "other" event. In conflict is the requirement in FAR 105.23 that notice be given not more than 24 hours in advance but at least 1 hour before the jump. ---any jump.

Here is not only frustration of a Federal plan, but also a discrimination or unwarranted classification.

The Hearing Examiner was not troubled by the naked power of the Commissioner to grant or withhold permission implicit in the language of proposed Section 1.3030 C, even though the applicant had approval of the airport management and the Federal Aviation Agency, suggesting only that it would be "helpful if further clarification was included in the rules indicating under what circumstances, in the alternative that permission from the Commissioner would be required."

The legislature appears to have had in mind "reasonableness and "need" in the interest of safety. Section 1.3030 C does not remotely convey a reason why it is reasonable that a parachute jumper who has approval from airport management and the appropriate agency of the FAA must also have permission from the Commissioner, unless he is able to get under the "other event" tent. There is no indication as to just what the Commissioner can or will do to enhance the safety, since clearly, the parachutist must comply with FAA's Part 105 and may not deviate.

The problem with Section 1.3030C is that its purpose is to empower the Commissioner to grant or deny entrance into the navigable airspace of an aeronautical activity, approved and regulated by the FAA. The Federal statutes, the regulations of the FAA and the decided cases of the Federal Courts appear to prohibit the exercise of this power by the State in frustration of the scheme of the Federal Government and its agencies having primary jurisdiction.

4. The Hearing Examiner finds, " The opinion of Department that parachuting activities are inconsistent with aviation operations at an airport which is currently open for public use , is widely supported." The point has no relevance here. There is even wider support for the opinion that light

aircraft operations at airports served by scheduled air carriers and particularly carriers operating jet-powered aircraft are an inconsistent mix. The resulting traffic hazard exposes thousands of air carrier and light aircraft operators and passengers to real danger. The Commissioner does not argue here that he should be empowered to grant or deny permission for the operation of light aircraft at an air-carrier airport. This is because FAA regulation in the field is complete and Pervasive, leaving no room for State regulation.

Aircraft Owners and Pilots Association v. Port of Authority of New York, 305 F. Supp 93, decided in 1969, presented such a case involving traffic mix at a high density airport. The Port Authority moved to discourage peak-hour traffic by charging a landing and take-off fee of $25.00 applicable to light aircraft operations during peak hours. .

On June 1, 1969 the FAA amended Subpart K of Part 93 of its Special Air Traffic Rules and Patterns by adding Section 93.123 limiting the number of hourly operations of several classes of users at identified high density traffic airports. Pointing to Title 49 USC 1343 (i) which in part authorizes the Administrator to confer with and avail himself of the cooperation of----municipal or other local agencies, the Court, in granting summary judgement for the defendant Port Authority, said: "Evidently the FAA proceeds on the basis that the Authority action is a cooperative action."

"As owner of the lease of the airport facilities involved, the Authority can establish schedules of charges----; that general authority is unchallenged. The present challenge narrows in the absence of direct conflict with existing FAA regulations ----to a want of authority to distinguish between aircraft in their right of access to runways for take-off and landing ---- and to distinguish between mass transportation and ---General Aviation.

"Given the unquestion fact of airport congestion---the efficient use of the airspace plainly justifies the first distinction in the interest of the

greatest number of users. It appears not to be denied that the fee has operate to divert traffic-----but that there has not been a total diversion out of the peak hours of such traffic. ---The charge----, its efficacy and fairness, continues under review of the FAA. "

In short, the FAA did not relinquish its regulatory jurisdiction over the diversion of traffic at highly congested airports, or its control over fees charged which might impact on the Federal scheme of regulation of the use of the air space. General Aviation aircraft were not denied the right of entry to the airspace at these airports, even though a discriminatory standard was admitted and permitted under part 93. 123 of the pervasive FAA regulations.

" The Traffic regulation is wholly committed to the FAA by Federal Law."

Congress did not preempt the field of economic regulation of the intra-state segments of air transportation, or the State laws of bailment. The decided cases cited with reference to economic regulation (Texas Aeronautics Commission v. Braniff, etc., are not relevant here.

5. The finding of the Hearing Examiner that the promulgation of Part 105 of Federal Aviation Regulations relating to parachuting was not intended to preclude complementary State regulation is not supported either by the decided cases listed in the "Internal Document." or by the two letters written by the FAA.

The fact that the parachutist was excluded from the definition of "airman" is not conclusive that the FAA intended, or the Congress intended, to isolate one small segment of the use of the navigable airspace from the otherwise exclusive control of the Federal Agency. The fact is that the FAA has regulated, under its Part 105, in depth. The DOT has set forth no regulations in this hearing for "ground control"

A document titled "MN/DOT Operating Proceedures For Parachuting at Public-Owned Airports was available at the Hearing and a formal motion was made to the Hearing Examiner that the document be included in and made a part of the hearing. DOT took the position that the "Proceedures" document was strictly internal in nature and not required to be made a part of the hearing on proposed regulations. The Hearing Examiner does not appear to have ruled on the motion.

A portion of the ground control provisions of the FAA were read into the record at the time of the Hearing.

Advisory Circular dated 4/11/79 of the Federal Aviation Agency at page 10 reads:

> "Whether or not written authorization or oral authorization is required for a parachute jump depends upon the type of airspace involved, and the area where the parachutist intends to land. The same criteria determines the type of pre-jump notification requirements. These requirements are explained in detail on page 11. "

The ground-control guide-lines which follow are precise and complete and would have been introduced into the record if the Minnesota DOT "guide-lines" had been made a part of the formal rule making action as requested by formal motion duly made.

In fact, the FAA has already regulated in the field of ground control of parachute jumping, and the DOT regulations are not in addition to the Federal Rggulations, but a duplication thereof which add nothing to the safety of the activity and are in effect a frustration of the Federal scheme of regulation and control.

The DOT regulations as proposed are not in compliance with the legislative intent of Chapter 15 of the MSA. There has been no showing of a need to supplement or complement the Federal regulations. There is a complete lack of a showing of what action the Commissioner would take under the proposed regulations which would contribute to safety, other than to deny access to the airspace under the police powers of the State.

6. We concur with the Finding of the Hearing Examiner that the existing rules on parachuting, contained in Sections 1.3035, 1.3036, 1,3037, 1,3037 are unnecessary and should be deleted because the regulations of the FAA under its Part 105 and the FAA Advisory Circular as amended under date of 4/11/79, are pervasive and in depth., making State regulation both unnecessary and unreasonable.

If, as Legislative Counsel for the Minnesota Aviation Trades Association contends, the FAA system of notification through its "NOTAMS" is inadequate, it remains the only system and modification or correction is a task for the FAA. A DOT requirement that the Commissioner be notified still does not get notice to the local pilot operating without radio, or the pilot who fails to read "NOTAMS." or fails to monitor the radio if the aircraft is equipped. The DOT requirement of notification makes no discernable contribution to safety. It does add to the paper-work at everybody's expense.

We believe that DOT has not established either a need for or the reasonableness of the parachute jumping regulations within the intent of MSA 15.0412 and that the Findings of the Hearing Examiner should be amended to effect the elimination of all parallel and complementary regulation.

Respectfully submitted.

L. L. Schroeder, Attorney for
Minnesota Sky-divers
Ad Hoc Committee.

Attachment:
Excerpts From House Report
No. 2360
Federal Aviation Act of 1958

DOT-86-013-HC

FEDERAL AVIATION ACT OF 1958

Excerpts From

House Report No. 2360

"The is not hastily conceived legislation. Airspace use and air-safety problems have been under consideration for a long time by this committee.

" The first basic Federal aviation statute was the Air Commerce Act of 1926. It placed responsibility for the regulation of air commerce on the Secretary of Commerce. ----A pattern of division of responsibility in air-safety rule making----was established to plague civil and military air operations---.

"As a result, in 1938 the Congress passed the Civil Aeronautics Act, ----in recognition of the need for a unified, independent aviation agency.

" Clearly an agency is needed now (in 1958) to develop a soundnational policy regarding the use of the navigable airspace by all users----under one administrative head---to eliminate divided responsibility and conflicts of interest

> "The most carefully thought out and designed equipments alone cannot make for safety in air traffic operations. Something more than communications and intricate guidance devices must be provided. There must be a well planned system, operated by qualified technicians working within the framework of rules devised to provide safety features necessary for modern-day air operations.
>
> "Agreement was expressed regarding the need for a new agency to develop and operate a single system of air traffic control--- a so-called common system.
>
> "Representatives speaking for the executive branch recommended that the new agency be given full safety rulemaking authority=--- to avoid duplication of effort and a division of authority that could result in further confusion over responsibility.
>
> "This position was supported by the Air Transport Association, and the General Aviation Facilities Planning Group, repesnting all civil flying other than scheduled airlines and large irregular carriers. " (U. S. Code Congressional and Administrative News, 1958 - 3741 et sec.)

"It is essential that one agency of government, and one agency alone, be responsible for issuing safety regulations in aviation." (at page 3761)

(E. R. Quesada. Chairman Airways Modernization Board.)

"The purpose of the Federal Aviation Act of 1958 was stated to be to establish a new Federal Agency with power adequate to provide for the safe and efficient use of the navigable airspace. . . . . The Administrator ------would be charged with the management of the national airspace, including responsibility for establishing andenforcing air traffic rules. . (House Report No. 2360) (Aug 2., 1958)

"The Civil Aeronautics Act of 1938 had been in effect for approximately 20 years. Under its provision there had been a division of authority and responsibility., which subsequent amendments by the Congress had not eliminated.

"The declaration of congressional policy in present law has been divided into two sections, one addressed to the Civil Aeronautics Board. ------This was done with full recognition of the fact that the committee substitute places safety regulation of civil aeronautics in the Administrator of theFederal Aviation Agency. (Title III of the 1958 Act.)

"It is essential that one agency of government, and one agency alone, be responsible for issuing safety regulations, if we are to have timely and effective guidelines for safety in aviation. The Administrative Procedure Act under which these regulations will be issued, and aprovision for appeals to the courts, provide the necessary safeguards against arbitrary action on the part of the issuing authority and eliminate any need for time-consuming appeals to another agency of government." (E. R. Quesada, Chairman, Airways Modernization Board.) (July 24, 1958)

Congressional intent could not be stated more clearly. Nothing is left to implication.

DOT-80-013-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF TRANSPORTATION
AERONAUTICS DIVISION

In the Matter of the Proposed Adoption of Rules, Amendments and Deletions Governing the Aeronautics Rules.

REPORT OF THE HEARING EXAMINER

A

The above-entitled matter came on for hearing before Harry Seymour Crump, Hearing Examiner from the State Office of Hearing Examiners, on November 27, 1979, at 9:30 a.m. in Room 83, State Office Building, 435 Park Street, Saint Paul, Minnesota.

The agency panel consisted of the following persons: Eric W. Ingvaldson, Special Attorney, Aeronautics Division; Lawrence E. McCabe, Assistant Commissioner, Minnesota Department of Transportation, Aeronautics Division (the "Department"); Kenneth O. Wofford, Director, Aeronautics Operations; Lawrence R. Myking, Aviation Representative, Enforcement, Inspection and Safety (EIS); Barbara Hicks, Aviation Representative, EIS; and Neil Hyink, Aviation Representative, EIS. Robert Bissonnette, Senior Aviation Representative, EIS, testified in support of the proposed rules, deletions and amendments.

Approximately 30 people attended the hearing. Twenty-three persons signed the Register. Ten persons spoke at the hearing. The hearing continued until all interested persons and groups had an opportunity to be heard and submit written comments.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Commissioner of Transportation shall, if he proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4 (1978). The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Commissioner on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 (1978) within ten calendar days. The Commissioner will be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the Records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On October 23, 1979, the Department filed the following documents with the Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Notice of Hearing proposed to be issued.

2. On October 22, 1979, Notice of Hearing and copy of the proposed rules were published at 4 State Register 628.

3. On October 22, 1979, the Department mailed the Notice of Hearing to all persons and associations who registered their name with the Secretary of State for the purpose of receiving such notice.

4. On October 26, 1979, the Department filed the following documents:

(a) Order for Hearing.
(b) Notice of Hearing as mailed.
(c) Affidavit of Receipt of the Secretary of State's list.
(d) Affidavit of Mailing of the Notice of Hearing.
(e) The Secretary of State's Certifice.
(f) Affidavit Pertaining to Barrier-Free hearing location.

5. On November 2, 1979, the Department filed the Statement of Need and Reasonableness.

6. On November 5, 1979, the Department filed all written responses received pursuant to Notice of Intent to Solicit Outside Opinion concerning the above-subject rules published at 3 State Register 587 on September 18, 1978.

All the above documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of hearing. During this period, several persons requested and received copies of the Statement of Need and Reasonableness from the Hearing Examiner.

7. The record remained open through December 4, 1979, for the receipt of written comments. Three prehearing written comments were received. Two written public exhibits were received at the hearing, and marked as Public Exhibits 1 and 2. Five post-hearing written comments were received. All the above comments were made a part of the record herein.

Statutory Authority

8. The Commissioner of Transportation has statutory authority to promulgate rules governing airports and aeronautics pursuant to Minn. Stat. § 360.015, subd. 3 (1978).

Need and Reasonableness

The proposed rules affect most of the sections under 14 Minnesota Code of Agency Rules (MCAR) excluding the section on airport zoning standards, which was only renumbered. A majority of the changes consisted of the deletion of existing rules which duplicated parallel federal regulations or were unnecessary. Other provisions were rewritten and/or reorganized under different sections. At the hearing, the Department discussed all changes in the rules either individually, depending on the controversy surrounding that provision, or as a group. Copies of the Department's Statement of Need and Reasonableness were available at the hearing and persons appearing at the hearing were given an opportunity to review the Statement. The Department also read and summarized certain sections of the Statement of Need and Reasonableness relevant to the particular provisions under discussion. The Department also introduced the Statement of Need and Reasonableness as an exhibit into the

record in support of its affirmative presentation of facts relevant to those portions of the proposed rules, amendment and/or deletion.

At the hearing, the Department discussed several areas of the proposed rules in the order of those most controversial and having an interest in by those appearing at the hearing, which included sections on parachute jumping, commercial parachuting, flying clubs, definitions and finally, the remainder of the proposed rules. This Report shall be organized in the same manner as discussed at the hearing, starting with parachute jumping, Section 1.3030.

Note 3030 is deleted in entirety

The Department summarized that Section 1.3030, Parachuting and Skydiving, was minimally necessary for safety purposes. Subpart A. of Section 1.3030 required that all parachute jumps performed in the State of Minnesota must comply with all safety regulations and be conducted in accordance with Federal Aviation Regulation, Part 105. (Part 105 is codified under Sub. Chapter F, Air Traffic And General Operating Rules, of Title XIV of the Code of Federal Regulations. Hereafter referred as Federal Aviation Regulations, Part 105.) Federal Aviation Regulations, Part 105 prescribed operating rules governing parachute jumps over or into certain types of airspace and areas, with exceptions for certain governmental agencies. The Department's Statement of Need and Reasonableness indicated that Federal Aviation Regulations were minimum safety requirements which should be followed within the State of Minnesota. At the hearing, the Department stated that the language in this rule referring to the Federal Aviation Regulation was noted only as a reference to the Federal Regulations and not intended as language incorporating by reference those provisions of the Federal Aviation Regulations under Minn. Stat. § 15.0412, subd. 4. At the hearing, the term "regulation" was inserted after "safety" in proposed Section 1.3030 A. by the Department to correct an error in the published rules.

Aside from the general objection of the parachuters to any regulation in this area by the State because of duplication and/or possible conflict with Federal Aviation Regulations, Part 105, one specific comment in opposition to Subpart A. stated that the faulty sentence structure clouded the meaning of the rule and served to make it possible for the Commissioner to prosecute for a violation of the Federal Safety Regulations.

The Hearing Examiner finds that Section 1.3030 A. is misleading as written and appears to make the Federal Aviation Regulations, Part 105 a part of the state rules. This provision is not a rule because it is not an agency statement of general applicability and future effect made to implement or make specific a law enforced or administered by the Department. See, Minn. Stat. § 15.0411, subd. 3. Since the Department presented no facts showing the existence of a problem requiring a reference to the Federal Aviation Regulations to be placed in the body of the rule as proposed, it is unnecessary. Consequently, the complete Section 1.3030 A. must be deleted from the body of the proposed rule. The Department, however, may include such reference as a footnote with clear language that it is only a reference.

Section 1.3030 B. deals with the control, authority, and responsibility of the airport manager and/or owner to open or close the airport. The Department stated that this provision is needed to clarify that this authority rests with the manager and/or owner of the airport rather than the state.

One comment in opposition to Subpart B. suggested that this provision appears to interpose a possibility of a conflict with provisions of local contractual agreements such as a sponsor's insurance agreement. Another comment stated that it was important for local airport management to be in control of all aviation activities rather than the State Aeronautics Division. It was pointed out that the Federal Aviation Regulations provide for exactly this in Federal Aviation Regulations, Part 105.17. (That provision prohibits a parachute jump over and into an airport unless prior approval has been given by the airport management.) It was also suggested that statutory clarification of authority would be more appropriate.

The Hearing Examiner finds, contrary to some of the comments, that this provision is needed and reasonable. The Hearing Examiner also concurs with the statement of the Department made at the hearing that when it licenses the owner, licensee of the airport, it is the owner who determines who is the manager of the airport. Thus, there appears to be no conflict with the provisions of local contractual agreement in this proposed provision of the rule.

Proposed rule Section 1.3030 C. states that parachute jumps may not be made at public-owned airports unless such jump is part of an air show or other event in which a waiver has been granted by the Federal Aviation Administration, or unless permission has been granted by the Commissioner. The Commissioner must be notified ten days in advance and the public-owned airport closed during a parachute jump not more than two hours in the 24-hour period. This proposed provision is needed to separate skydiving activity and aviation activity at public airports which are open and in operation for the interest of safety for the air-traveling public. The Department received a number of complaints in the recent past from pilots who have had near collisions with parachutists while the pilots were making an approach to a public airport. A survey of other states indicated that the experience of other states is similar to Minnesota's. The opinion of the Department, that parachuting activities are inconsistent with aviation operations at an airport which is currently open for public use, is widely supported.

There was opposition to the use of the word "waiver" because the Federal Aviation Regulations either authorize authority, or exempt in accordance with standards. They are not known to "waive" rights. Another comment suggested that parachute jumps should be allowed at small municipal airports if it is mutually agreeable with airport management and the skydivers. Comments stated that the closing of an airport during parachute jumps would result in default of federal and state grant agreements. In addition, the question of duplication of Federal Aviation Regulations was also raised.

The Hearing Examiner finds that the use of the word "may" after the term "parachute jumps" is improper in a rule because it permits the Department to consider criteria other than the two conditions stated in the rule. In order for the public to rely upon this provision, it must be informed of all standards promulgated, as a rule, upon which the Department will act. See, Minn. Stat. § 15.0411, subd. 3. If there are other criteria in which the Department will act upon, it should be included; if not, the word "may" should be changed to "shall".

It is suggested that the Department clarify the word "waiver" since this does not appear in the Federal Aviation Regulations, Part 105.

The Hearing Examiner concludes that there is no evidence in the record to support the opposition's contention that the closing of an airport for two hours under these proposed rules, is sufficient to result in an action of breach of a grant agreement.

It would be helpful if further clarification was included in the rules indicating under what circumstances in the alternative that permission from the Commissioner would be required. The Hearing Examiner concludes that, except for the above recommendation or suggestion, this proposed rule is needed and reasonable.

Proposed rule Section 1.3030 D. deals with the topic of permanent drop zones. The permanent drop zone requires an annual license for which no fee is required. The Department wants to inspect the area in order to protect the non-skydiving public and for notification of the air-traveling public through the NOTAMS and in aeronautical charts of the location where skydiving activity is regularly performed. Objections to this provision were that it added nothing to the safety requirement and it is essentially a duplication of the Federal Aviation Regulations, Part 105.23. The Department stated in its post-hearing comments that the Federal Aviation Regulations do not deal with the question of permanent drop zones or with the question of whether or not airports must be closed. The Department stated that the Federal Aviation Regulations' primary concern is air space regulations, not control of activities on the ground. The Department contends that the designation of permanent drop zones and the requirement that airports be closed during parachute jumping onto airports are in addition to Federal Aviation Regulations' requirements and have been added to the state's for safety considerations. The Hearing Examiner finds, after consideration and review of the comments both during the hearing and following the hearing, and the Federal Aviation Regulations that this proposed rule is needed and reasonable for the reasons given by the Department.

Other comments in opposition to the adoption of any rules relative to parachuting concern the possible preemption of state regulations of parachuting activities by the Federal Aviation Regulations, Part 105. It was commented that if the field is not preempted, the doctrine of conflict must control. The Department, in its post-hearing comment, submitted a copy of a three-page internal state memorandum and two letters from the Federal Aviation Administration which concluded that the Federal Aviation Administration did not intend to have exclusive federal control over parachuting. The promulgation of Federal Aviation Regulations, Part 105 was not intended to preclude complementary state regulation.

After considering the above objections including the constitutionality question, the Hearing Examiner finds that it does not warrant at this time an extensive discussion other than to conclude that the proposed rules herein are a valid exercise of the state's police power and authorize pursuant to authority granted by the State Legislature.

At the hearing, State Representative David Fjoslien commented that a bill excluding parachutes and parachuting from the jurisdiction from the Department

of Transportation is presently under consideration by the legislature; i.e., it has passed the House of Representatives and a Senate hearing is forthcoming. The Representative, however, concluded that parachute jumping and commercial airline traffic may not be compatible at the same airport with some exceptions given to the Alexandria area, which may be unique to the situation. The Representative also concluded that licensing of a permanent drop zone may be beneficial to the public in the cities, but not necessarily rural areas. In summary, the Representative was not in favor of the proposed rule.

The General and Legislative Counsel for the Minnesota Aviation Trades Association and the Treasurer of the Vernon Flying Club made similar comments in support of the proposed rule or rules relative to parachuting and skydiving activities. They are opposed to total deregulation of parachuting because of safety hazards to the general public and the general aviation industry. Redundancy in the state rules is necessary because of the inadequacy of the Federal Aviation Regulations for parachuting. The Federal Aviation Regulations do not require closure of the airports. Airport management has no expertise to make safe jumping standards at airports. The aviation notice system "NOTAMS", given by the flight service stations, is communicated at a minimum of one hour notice. This minimum requirement for NOTAMS is inadequate to give adequate notice to general aviation. The NOTAMS may not be read by some pilots nor communicated to airplanes operating without radios. Simultaneous operating of general aviation and parachute jumping is not a good mix in public airports. There are student pilots and student parachutists all operating at public airports with varied levels of expertise. See, Federal Aviation Regulations, Part 105.17.

The proposed rule Section 1.3028 deals with commercial parachuting. The proposed rule is a simplification of two existing rules requiring only those persons engaged in parachuting for compensation or hire will have to be licensed. This would eliminate the requirement of a license for parachute clubs which are purely recreational and do not in any way charge fees for their services or the services of their members. There were no specific comments directed to this proposed rule. The Hearing Examiner finds that it is both needed and reasonable.

Existing rules on parachuting are contained in Section 1.3035, 1.3036, 1.3037, 1.3037. All the Department's existing rules have been deleted because they are considered unnecessary since many of the rules are covered by the Federal Aviation Regulations, Part 105. Other existing rules are standards of practice adopted by the United States Parachuting Association, of which most skydivers are members. The Hearing Examiner finds that the repeal of the existing rules relative to parachuting and skydiving is needed and reasonable.

Proposed rule Section 1.3029 deals with flying clubs. The Department's Statement of Need and Reasonableness supports the need and reasonableness of proposed Section 1.3029. Included in the Statement of Need and Reasonableness are two amendments to the proposed rules due to typographical errors. Paragraph B. dealing with registration was amended by inserting after the term each flying club, "which at any time during a preceding calendar year, has five or more members". The second amendment is to proposed rule 1.3029 B.6.

The term "or preceding fiscal year, as the case may be," should be inserted following the words "during the preceding calendar year." See, pages 64 and 66, respectively, of the Statement of Need and Reasonableness. p. 55

Several of the public comments relative to proposed rule Section 1.3029 were supportive of the changes. A representative from the Minnesota Soaring Club questioned the need for proposed rule Section 1.3029 G.7., which provides that a flying club will be considered a commercial operation if a member of the flying club leases an aircraft to that club. The Department stated that a soaring or flying club did come under the definition of a commercial operation. The representative contended that this provision constituted a burden on soaring clubs.

The Department's Statement of Need and Reasonableness indicated that this provision is needed to distinguish between bona fide flying clubs on one hand, and commerical operators on the other hand. By post-hearing comment, the Department stated there is a need for the proposed rule and cited an incident involving the North Hennepin Flying Club in which the Department found it necessary to license the lessor of the aircraft and the flying club itself.

The Hearing Examiner finds that proposed rule 1.3029 and its subparts are needed and reasonable.

The existing rules relative to flying clubs were previously dealt with under Section 1.3027, which was deleted and portions of the existing rules were proposed under Section 1.3029. At the hearing, the Department pointed out that it failed to publish the complete text of existing provisions to be repealed relative to flying clubs. Section 1.3027 F. through H. of the existing rules, including parts of commerical operations, air instruction, air school, aeronautics instructor, persons, assets and flying clubs definitions were erroneously excluded from the published text of repeal provisions.

There were no comments from the public concerning the failure of the Department to publish the complete text of the repealed provisions of the existing rules.

The Hearing Examiner finds that the Department failed to comply with Minn. Stat. §§ 15.0411, subd. 3 and 15.0412, subd. 4 in not publishing the complete text of the proposed rules to be repealed. The failure to publish a substantial portion of Section 1.3027 of the existing rule to be repealed does not affect the Department's proposed rules for amendment or the other rules for repeal. Furthermore, the general repealer of all aeronautics rules under proposed rule Section 1.3033 would probably be construed to be restricted in its application and meaning by the preceding inclusion of all of the particular repeal provisions of the existing rules. Furthermore, the repealer is not applicable to this rules proceeding because the substantive portion of the repealer affected prior rules. Thus, any portion of the existing text not published must be republished in the State Register and repealed according to Chapter 15. rehearing held. 3.28.80

With the above exception, all of the existing rules under Section 1.3027 were repealed and reorganized under the proposed rule 1.3029 with some deletions of provisions or amplification of other provisions. See, the Statement of Need and Reasonableness. The Hearing Examiner finds these changes are both needed and reasonable.

Proposed rule Section 1.3024 deals with ambulance service and was derived from existing rule 1.3023. At the hearing, the Department deleted proposed Section 1.3024 C. relative to "Department of Health certificate". The provision should read: " Department of Health requirements. The air ambulance services shall comply with the Department of Health rules and requirements". This amendment is needed because the proposed rule does not actually reflect the present law of the Department of Health which needed clarification. The present law uses the terms "Life support service" in lieu of "non-emergency and emergency services". See, Minn. Stat. § 144.801, et seq. (1979 Supp.). The proposed amendment to this rule provides the Department with authority to deny a license for not complying with the Department of Health requirements.

ok p. 49 F.R.F XVII

One post-hearing comment recommended that the liability insurance limits referred to in Section 1.3024 D. be raised to a minimum of $1 million. The $1 million liability limits would more realistically reflect risk exposure in today's market according to the comment. The proposed rule simply makes reference to the type and amount of insurance specified by the Civil Aeronautics Board. The Hearing Examiner finds the rule, as proposed, to be needed and reasonable. The Hearing Examiner, however, suggests that the Department consider the suggestion of the raised insurance liability limits if it does not increase substantially the burden of cost to the insuree.

no change

One post-hearing comment indicated that proposed rule Section 1.3024 B. does not require "ample space" for attendants and medical equipment in the aircraft. It was suggested that retaining devices for patients, attendants and equipment should conform to Federal Aviation Administration (FAA) guidelines. Furthermore, it was suggested that each aircraft to be used as an ambulance for this purpose of transporting litter or ambulatory patients shall have ample area to accommodate a cot or stretcher in a horizontal position and shall be designed to permit loading without excessive tilting. The ample area described above will include regulation seats for attendants and further allow direct and immediate access between patients and attendants. Equipment required for patient care must also be immediately available to the attendant. "Retaining devices for patient, attendant and equipment will be designed and used l/A/W/ Federal Aviation Regulations and Directions." The Hearing Examiner suggests that the Department consider the above suggestions. However, the rule, as proposed by the Department, is needed and reasonable. The post-hearing suggestions appear not to constitute a substantial change.

no change

One post-hearing comment relative to proposed rule Section 1.3024 E. suggested that the term "dead human bodies" should be changed to read "human remains". The proposed change also added "container" with further reference to "cot or stretcher". The suggested amendment reads as follows:

> E. Transportation of human remains. The provisions contained in this section shall also apply to the transportation of human remains by aircraft. Said remains, if not casketed, shall be carried on a cot or a stretcher in a horizontal position, and in either case shall be designed to permit loading without excessive tilting. Non-casket remains will be protected as specified by the State Department of Health. Retaining devices used will be l/A/W Federal Aviation Regulations and Directions.

some changes made. p. 49 F of F XVII

Although the Hearing Examiner finds the rules, as proposed by the Department, to be needed and reasonable, it is suggested that the Department consid-

ered the suggested amendment above stated. Such modifications would appear not to constitute a substantial change.

In summary, the Hearing Examiner finds the balance of proposed rule Section 1.3024 is needed and reasonable.

Existing rule Section 1.3023 relative to air and land service was repealed. Portions of that rule were reorganized and written in the proposed rule above. The proposed deletions are reasonable and needed.

Fire extinguishers: The proposed rules provide for as part of the minimum requirements for licensing of private and public airports, seaplane bases and heliports "properly maintain" fire extinguishers. The proposed changes are located in six provisions including proposed Sections 1.3007 B.12., 1.3008 E.14., 1.3009 B.7, 1.3010 B.7., 1.3011 B.8. and 1.3012 B.7. These provisions are needed to comply with existing technology in aeronautics and to update the existing rules.

At the hearing, it was suggested that the provisions dealing with fire extinguishers be amended to indicate appropriate fire extinguisher classification of the" 20 B. rating" which is approved by the National Fire Protection Association. The Department amended those provisions dealing with fire extinguishers which indicated that "[I]t must be a minimum of 10 pounds of carbon dioxide or equivalent" by striking that provision and inserting the provision "[I]t must be a minimum of 20 B. rating or equivalent". This amendment should appear in the above six provisions and is needed and reasonable. It appears not to constitute a substantial change.

Existing rule Section 1.3006 deals with general provisions for airport licensing. Under subparagraph H. of this provision, two separate comments questioned the use of the terms "adversely affected" and "waiver", as being vague and indefinite or without standards, respectively. Subsection H. including those terms, is part of the existing rule except for the proposed word "rules" being inserted in lieu of the word "regulations". There was no notice published concerning other aspects of the existing rule. At the hearing, the Department commented that it did not intend to address those provisions in the subsection at this time. The Hearing Examiner concludes that there is a notification problem which renders those terms as matters to be considered at another hearing, and not part of this one.

For the reasons stated in the above paragraph, the Hearing Examiner considered but did not comment on those sections receiving public comments which were not part of the proposed changes published.

Proposed rule Section 1.3008 E.2. and Section 1.3010 B.4. deal with boundary and edge markers, respectively. The rules provide that the markers be constructed and displayed in a manner "approved" by the Commissioner. At the hearing, comments suggested that the Department include safety standards in these provisions upon which the Commissioner will base his approval. The Department stressed the difficulty in specifying standards of minimal designs for the markers. The Department stated that approvals would be handled on a case-by-case basis and that no reasonable request would be denied. The Hearing Examiner finds that the use of the term "approved by the Commissioner" without proper standards in which the public can rely upon is improper. All provisions in the proposed rule must have the minimum standards in which the

Department will base its decision upon. The Hearing Examiner also noticed that other provisions in the existing rules dealing with markers have the same type of language objected to nerein, but were not part of the proposed changes published as part of the rules hearing. Those areas, of course, should be considered by the Department in another rules hearing. See, Section 1.3009 B.4. The proposed changes must include all standards.

changed see FoF II and p. 10 et seq.

There were other minor comments including drafting concerns, and the increase or decrease of liability insurance for private and public airports, which were not discussed by the Hearing Examiner but the Department should consider before finally adopting the proposed rules.

The following were amendments to the proposed rules which were made at the hearing:

In Section 1.3007 B.1., the word "useable" was inserted after the word "minimum" in the first sentence. The proposed rule as amended reads: Size. At least one runway with a minimum useable length of 2,500 feet.

ok p.9.

Section 1.3010 B.1., was amended as above inserting the word "useable" after the word "minimum" in the first sentence. These changes were omissions in the proposed rules as published.

ok p.18

The second sentence of Section 1.3017 A. was amended by inserting the term "to the extent that" in lieu of "if such" following the first use in the sentence of the word regulations.

ok. p.33

The Hearing Examiner finds that the above three amendments are needed and reasonable, and do not appear to constitute a substantial change.

Except for the above comments in the proposed rules, proposed rules, Sections 1.3001 through 1.3030 received no specific comments. All of the proposed rules to be repealed including, all or portions of Sections 1.3001 through 1.3043 were supported by those persons commenting at the hearing. The Hearing Examiner finds needed and reasonable the proposed action taken by the Department. See, the Department's Statement of Need and Reasonableness.

Any Findings herein which may be termed as Conclusions are hereby adopted as such.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. The Department of Transportation, Division of Aeronautics, gave proper notice of the promulgation of the proposed rules, amendments and deletions, except as to the repeal of portions of Section 1.3027.

2. The Department has statutory authority, as cited, to take the above proposed action.

3. The Department has fulfilled all relevant, substantive and procedural requirements of law and rule, except as noted above.

4. The Department has demonstrated the need and reasonableness of the proposed rules and proposed amendments and deletions by an affirmative presentation of facts in the record, except as noted above.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is recommended that the proposed rules, amendments and deletions be adopted by the Department of Transportation, Division of Aeronautics, as

recommended by the Hearing Examiner. The Department should also consider other comments made in the record and make changes accordingly which would not constitute a substantial change.

Dated: January 2, 1980.

Harry Seymour Crump

HARRY SEYMOUR CRUMP
Hearing Examiner

DOT-80-013-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Deletion of Aeronautics Rules Pertaining to Flying Clubs.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Harry Seymour Crump, Hearing Examiner from the State Office of Hearing Examiners on March 28, 1980, at 9:30 a.m. in the Transportation Building, Room 406, Saint Paul, Minnesota.

The agency's panel consisted of the following persons: Eric W. Ingvaldson, Special Attorney, Aeronautics Division; Donald J. Mueting, Special Assistant Attorney General, Aeronautics Division; Kenneth O. Wofford, Director, Aeronautics Operations, Minnesota Department of Transportation; Lawrence R. Myking, Aviation Representative, Enforcement, Inspection and Safety (EIS); Lawrence E. McCabe, Assistant Commissioner, Minnesota Department of Transportation, Aeronautics Division (the "Department"). Susan Robertson, Executive Director, Legislative Commission to Review Administrative Rules, was also present.

No persons from the public attended the hearing.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Department of Transportation shall, if it proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4 (1978). The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 (1978) within ten calendar days. The Department will be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On February 25, 1980, the Department filed the following documents with the Hearing Examiner:

a. A copy of the proposed rule.
b. The Notice of Hearing proposed to be issued.

2. On February 25, 1980, Notice of Hearing and copy of the proposed rules were published at 4 State Register 1393.

2. The Department has statutory authority, as cited, to take the above proposed action.

3. The Department has fulfilled all relevant substantive and procedural requirements of law and rule.

4. The Department has demonstrated the need for and the reasonableness of the proposed deletions by an affirmative presentation of facts in the record.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is recommended that the proposed deletions be adopted by the Department of Transportation, Division of Aeronautics.

Dated: April 29, 1980.

HARRY SEYMOUR CRUMP
Hearing Examiner

3. On February 22, 1980, the Department the Notice of Hearing to all persons and associations who registered their name with the Secretary of State for the purpose of receiving such notice.

4. On February 27, 1980, the Department filed the following documents:

a. Order for Hearing.
b. Notice of Hearing as mailed.
c. Affidavit of Receipt of Secretary of State's list.
d. Affidavit of Mailing of Notice of Hearing.
e. Secretary of State's Certificate.
f. The Statement of Need and Reasonableness.
g. The Names of Department Personnel who will represent it at the hearing.

All the above documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of hearing. During this period, no requests for copies of any of the above materials were received by the Examiner.

5. The record remained open through April 4, 1980, for the receipt of written comments. No post-hearing written comments were received by the Hearing Examiner.

Statutory Authority

6. The Commissioner of Transportation has statutory authority to promulgate rules governing aeronautics pursuant to Minn. Stat. § 360.015, subd. 3 (1978).

7. The purpose of the proposed deletion of aeronautics rules herein is to correct the proposed rules published at 4 State Register 631 on October 22, 1979, which erroneously omitted the deletion of a part of the existing 14 MCAR § 1.3027, dealing with flying clubs. The sole purpose of this proceeding is to delete that portion of Section 1.3027 which was not properly deleted in the October 22, 1979 publication.

Need and Reasonableness

8. The proposed rule deletes existing rule 14 MCAR § 1.3027, dealing with flying clubs. Under this existing provision, Sections F.1., 2., 3., 4., 5., and G., H.1., a. and b. are those specific provisions affected by this proposed deletion. At the hearing, the Department submitted as an exhibit its Statement of Need and Reasonableness as part of its affirmative presentation of facts justifying the need for and the reasonableness of the proposed deletion of the rule provisions. In addition, the Department recited the facts contained in its Statement of Need and Reasonableness. Copies of the Statement of Need and Reasonableness were available at the hearing, and the public had an opportunity to review them. The Hearing Examiner finds that the proposed deletions to the rules are needed and reasonable based on the Statement of Need and Reasonableness.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. The Department of Transportation, Division of Aeronautics, gave proper notice of the promulgation of the proposed deletions for the repeal of portions of Section 1.3027 and its subdivisions.

ADMIN 1080 (Rev. 1/78)

Supplemental Report of HE (C)

STATE OF MINNESOTA

DEPARTMENT OFFICE OF ADMINISTRATIVE HEARINGS **Office Memorandum**

TO : RICHARD BRAUN
Commissioner
Department of Transportation

DATE: 9/5/80

FROM : DUANE R. HARVES
Chief Hearing Examiner

PHONE: 296-8100

SUBJECT: DOT-80-013-HC Rules of Aeronautics Division.

Enclosed please find the suplemental Findings of Fact of the Hearing Examiner and the file, which is being returned to you.

DRH:nt

cc: Ken Bjork

Enc.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF TRANSPORTATION

In the Matter of the Proposed Adoption of Rules, Amendments and Deletions Governing the Aeronautics Rules.

SUPPLEMENTAL REPORT OF THE HEARING EXAMINER

SUPPLEMENTAL FINDINGS OF FACTS

1. On January 2, 1980, the undersigned Hearing Examiner issued a Report of the Hearing Examiner in the above-entitled matter, in which the Hearing Examiner recommended that a rehearing be held to correct a technical error made in the initial publication of the proposed rules.

2. Following the rehearing, the undersigned Hearing Examiner issued a second Report of Hearing Examiner on the said Rules on April 29, 1980, .

3. The Department of Transportation (DOT) subsequently submitted the Rules as adopted to the Chief Hearing Examiner for his review. On June 11, 1980, the Chief Hearing Examiner issued his Report in which, in pertinent part, he stated that Rule 14 MCAR § 1.3019 A., defining "Commercial Operations" appeared to be an exact repetition of Minn. Stat. § 360.013, subd. 11. In addition, Minn. Stat. § 15.0412, subd. 1, prohibits an agency from adopting a rule which duplicates language contained in Minnesota Statutes unless the Hearing Examiner determines a duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect. p. 37, 38

As the law applies to this rule, the Hearing Examiner made no finding that the duplication of statutory language was crucial. The Order of the Chief Hearing Examiner required DOT to obtain said finding of cruciality from the Hearing Examiner.

4. By Memorandum dated August 25, 1980, the Commissioner of Transportation, Richard P. Braun, stated that the definition of Commercial Operations in the Rules of Dot is crucial because DOT's commercial operations licensing requirement is often confused by an affected person with the requirement set forth by the F.A.A. for commercial pilot's certificate.

5. The Hearing Examiner finds that the duplication of the statutory language (proposed Rule 14 MCAR § 1.3019 A.) of the definition of Commercial Operations is crucial to the ability of a person affected by the rule to comprehend its meaning and effect.

Based upon the foregoing Supplemental Findings of Fact, the Hearing Examiner makes the following:

SUPPLEMENTAL CONCLUSION

The duplication of the statutory language in the proposed Rule 14 MCAR § 1.3019 A. is crucial to the ability of a person affected by the rule to comprehend its meaning and effect.

Based upon the foregoing Supplemental Conclusion, the Hearing Examiner makes the following:

SUPPLEMENTAL RECOMMENDATION

IT IS RECOMMENDED that the proposed rule of the definition of Commercial Operations be adopted by the Department of Transportation, Division of Aeronautics.

Dated: This 4 day of September, 1980.

Harry Seymour Crump

HARRY SEYMOUR CRUMP
Hearing Examiner

STATE OF MINNESOTA
COUNTY OF RAMSEY

(B)

CERTIFICATE

In the matter of the Proposed Adoption
of Rules of _____ Division
Governing _____

I hereby certify that the attached 335 label 6 sheets constitute the complete list of persons, associations, and other interested groups who as of 3:00 o'clock P .M this 1st day of February, 1980, have requested pursuant to M.S. 1978, 15.0412 _____, that their names be placed on file with the Secretary of State for the purpose of receiving notice of publi hearing on proposed rules on the subject captioned above.

Secretary of State

Joan Anderson Growe

By Renee M. Lutt

RECEIVED
FEB 27 1980
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION

NOTICE OF HEARING

(B)

In the Matter of the Proposed)
Deletion of Aeronautics Rules)
Pertaining to Flying Clubs)

- -

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. §15.0412 in the Transportatio Building, Room 406, St. Paul, Minnesota 55155, on March 28, 1980, commencing at 9:30 a.m., and continuing until all persons have had an opportunity to be heard.

The Commissioner of Transportation has been provided the statutory authority to promulgate rules governing aeronautics pursuant to Minn. Stat. §360.015 Subd. 3 (1978).

The proposed deletion of rules is being made as a correction to the proposed rules published at 4.S.R. 631 on October 22, 1979.

The proposed rules published at 4.S.R. 631 erroneously omitted the deletion of a part of the existing 14 MCAR §1.3027 dealing with flying clubs. The sole purpose of this Notice and the aforementioned hearing is to delete that portion of §1.3027 which was not typed in and then crossed out in the October 22, 1979, publication.

This proposed deletion will have the following effect:

1. The existing 14 MCAR §1.3027 contains statutory definitions of the terms "commercial operations", "air instruction", "air school", "aeronautics instructor" and "person". All of these definitions will

be deleted. (A portion of the definition of "commercial operations" was previously deleted.)

2. The existing definitions of "assets" now found at §1.3027 G., appears verbatim at §1.3029 F. as published at 4.S.R. 661. The old reference at §1.3027 G. will therefore be deleted.

3. The existing §1.3027 H., dealing with the question of when flying clubs are deemed to be commercial operations, will now be found at §1.3029 G. as published at 4.S.R. 661. The existing section which is to be deleted and the proposed section as published are virtually identical. The existing §1.3027 H. will therefore be deleted. (A portion of this section was previously deleted at 4.S.R. 651.)

A copy of the proposed rules is attached. Copies of the proposed rules are available and one free copy may be obtained by writing to the Minnesota Department of Transportation, Attention Robert Bissonnette, St. Paul Downtown Airport, St. Paul, Minnesota 55107. The proposed rules will also be available at the door on the date of the hearing.

All interested or affected persons will have an opportunity to participate in the hearing. Statements may be made orally and written materials may be submitted. In addition, whether or not an appearance is made, written statements or materials may be submitted by mail to Mr. Harry Seymour Crump, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, Saint Paul, Minnesota 55104 (Phone: 612-296-8111) either before the hearing, or within five (5) working days after the close of the hearing, or for a longer period not to exceed twenty (20) calendar days, if so ordered by the Hearing Examiner.

NOTICE IS HEREBY GIVEN that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the address of the Department of Transportation given above, and at the Office of Hearing Examiners. The Statement of Need and Reasonableness contains substance of the evidence and will be presented at the hearing justifying both the need for and reasonableness of the proposed rules. It is recommended that the public obtain and read the Statement of Need and Reasonableness prior to the hearing. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

PLEASE BE ADVISED that a lobbyist must register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined by Minn. Stat. §10A.01, subd. 11, as any individual who is:

A. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month, or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

B. Spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

A lobbyist does not include any:

A. Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

B. Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

C. Individual while engaged in selling goods or services to be paid for by public funds;

D. News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

E. Paid expert witness whose testimony is requested by the body before which he is appearing but only to the extent of preparing or delivering testimony; or

F. Stockholder of a family farm corporation as defined in §500.24, subd. 1, who does not spend over $250, excluding his own travel expenses in any year in communicating with public officials.

Questions should be addressed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, Saint Paul, Minnesota 55155 (Telephone: 612-296-5615).

NOTICE: Any person may request a notification of the date on which the Hearing Examiner's Report will be available, after which date the Department of Transportation may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Transportation. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in case of the Hearing Examiner's Report), or to the Department representative listed above (in case of the Department's submission or resubmission to the Attorney General).

Richard P. Braun
Commissioner

Dated this 7th day of February, 1980

Subscribed and sworn to before me
this 7th day of February, 1980.

Colette E. Prokop
Notary Public

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

RULE AS PROPOSED
14 MCAR §1.3027 F.
FLYING CLUBS

[Note: Rule 14 MCAR §1.3027 F. - H.l.b. should have appeared at 4.S.R. 651-652, October 22, 1979, as follows:]

~~[14 MCAR §1.3027 Flying Clubs]~~

. . .

~~F. Statutory definitions. Statutory definitions, where applicable, shall apply to these rules. As a matter of convenience, the following statutory definitions are set forth below.~~

~~1. Commercial Operations, Minn. Stat. §360.013, subd. 11. "'Commercial Operations' means any operations 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, parachute jumping, and the operation of aircraft for fishing. 'Commercial Operations' also mean brokering or selling of any of the aforesaid services but do not include any operation of aircraft as common carriers certificated (certified) by the federal government or the services incidental thereto."~~

2.--Air-Instruction,-Minn.-Stat.-§-360.013,-subd.-16.-"'Air-Instruction'-means-the-imparting-of-aeronautical-information by-any-aeronautics-instructor-or-in-or-by-any-air-school-or-flying club."-

3.--Air-School,-Minn.-Stat.-§360.013,-sub.-17.--"'Air-School'-means-any-person-engaged-in-giving-or-offering-to-give, instruction-in-aeronautics,-either-in-flying-or-ground-subjects,-or both,-for-or-without-hire-or-reward-and-advertising,-representing, or-holding-himself-out-as-giving-or-offering-to-give-such-instructions.--It-does-not-include-any-public-school-of-this-state,-the-University-of-Minnesota,-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."

4.--Aeronautics-Instructor,-Minn.-Stat.--§-360.013,-subd. 19-(1967).--"'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-reward,-without-advertising-such-occupation,-without-calling-facilities-an 'Air-School,'-or-anything-equivalent-thereto,-and-without-employing-or-using-other-instructors.--It-does-not-include-any-public-school-of-this-state,-the-University-of-Minnesota,-or-any-institution-of higher-learning-accredited-by-the-North-Central-Association-of Colleges-and-Secondary-Schools-and-approved-by-it-for-carrying-on such-collegiate-work,-while-engaged-in-his-duties-as-such-instructor."

5.--Person, Minn. Stat. §360.013, subd. 8 (1967).
"'Person' means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof."

G.--Assets.--The word "assets" when used herein, shall mean property which 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.

H.--Flying clubs can be deemed to be commercial operations. A flying club shall be deemed to be engaged in commercial operations and therefore a commercial operations license shall be required:

1.--If any of the club's assets are used by members of the club who:

a.--Do not have a bona fide and significant percentage of the property interest in the assets of the club;--or

b.--Hold property interest in the club's assets, which property interest 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 thereof is to enforce valid club rules;-or

. . .

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FEB 27 1980
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EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION

In the Matter of the Proposed)
Deletion of Aeronautics Rules)
Pertaining to Flying Clubs.)

ORDER FOR HEARING

B

- -

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules shall be held in the Transportation Building, Room 406, Saint Paul, Minnesota 55155, on March 28, 1980, commencing at 9:30 a.m., and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered for that purpose.

IT IS FURTHER ORDERED that a Notice of Hearing be published in the State Register.

Richard P. Braun
Commissioner

Dated this 7th day of February, 1980.

Subscribed and sworn to before me
this 7th day of February, 1980.

Colette E. Prokop
Notary Public

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

RECEIVED
FEB 2 / 1980
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

IN THE MATTER OF THE PROPOSED
Deletion of Aeronautics Rules
Pertaining to Flying Clubs.

AFFIDAVIT OF RECEIPT OF
THE SECRETARY
OF STATE'S LIST (B)

Cynthia J. Stream, being duly sworn on oath deposes and says:

1) That she is an employee of the State of Minnesota, Department of Transportation.

2) That on the 1st day of February, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat., § 15.0412 (1978, & 1979 Supp.).

3) That on the 1st day of February, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not. Cynthia J. Stream

Subscribed and sworn to before me this
12th day of February, 1980.

Notary Public, Colette E. Prokop

Ramsey County, Minnesota

My Commission expires 9-13-86.

COLETTE E. PROKOP
NOTARY PUBLIC--MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

RECEIVED
FEB 27 1980
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

IN THE MATTER OF THE PROPOSED
DELETION OF AERONAUTICS RULES
PERTAINING TO FLYING CLUBS.

AFFIDAVIT OF MAILING

B

Cynthia J. Stream, being first duly sworn, deposes and says:

That on the 22nd day of February, 1980, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

/s/ Cynthia J. Stream
Cynthia J. Stream

Subscribed and sworn to before me
this 22nd day of February, 1980.
Notary Public,

Ramsey County, Minnesota
My commission expires Sept. 13, 1986.

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

L. L. Schroeder
ATTORNEY AT LAW
Maple Hills Office Center
905 Parkway Drive
St. Paul, Minnesota 55106

Telephone: (612) 772-3446

June 17, 1980

Mr. Kenneth Neustel
973 Gorman Avenue
West St. Paul, Minn 55118

Re: 14 MCAR 1.3001 Amendments

Dear Ken:

As of today the Administrative Division of the Attorney General's Office has no record of any further action with reference to the Hearing on the proposed amendments to the above regulations. The presumption is that the old regulations are still in effect, except insofar as the approval of HF 1272 has limited the regulatory authority of the Commissioner.

There appears to be no record that the regulations as otherwise amended at the Hearing last November have ever been formally filed. There appears to be no notice published as to a new Hearing. This may or may not have come to the attention of the Board of MATA and Mr. Sherm Booen.

I called in person at the above offices and waited while the records were examined and I am transmitting a copy of the "Office Memorandum Dated May 7th, 1980 which was circulated to all public airport owners, to the office of the Attorney General for the file in the above matter.

Sincerely,

L. L. Schroeder

S/m

RECEIVED
JUN 20 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Telephone: (612) 772-3446

L. L. Schroeder
ATTORNEY AT LAW
Maple Hills Office Center
905 Parkway Drive
St. Paul, Minnesota 55106

June 11, 1980

Mr Kenneth Neustel
973 Gorman Avenue
West St Paul, Mn. 55118

Re "Office Memorandum"
Dated May 7, 1980 (McCabe)

Dear Ken:

Public officers are given quite a bit of elbow-room in exercising their discretion as to the scope of their statutory duties. The Commissioner's decision to notify "All Public Airport Owners" that the Legislature had eliminated his authority to regulate parachuting, though unusual, could not well in itself be found to be improper.

The implications which naturally follow from the rest of the communication are quite another matter.

Since it may be presumed that a communication of this nature, following the action of the legislature, was not circulated without having first been scrutinized by the representative counsel from the office of the Attorney General attached to that office, I must review the lengthy file before making a positive assertion. However, at the moment I do not recall that the matter of insurance liability coverage was mentioned in any way by the Commissioner either at the Administrative Hearing, or before the legislative committees, or the matter of conflicts with contractural agreements.

It must be assumed that Public Airport owners constantly review their insurance coverage and the mutual obligations of their contracts with the public and with other agencies of government. The only thing the Commission gains by flogging this horse is to possibly frighten airport owners into thinking that they have lost some kind of protection that the state was providing.

I am sure he would not presume to attempt to do indirectly what the law no longer empowers him to do directly. That is the unfortunate conclusion that the Memorandum conveys.

Sincerely,

S/m

Dept. Transportation
Division of Aeronautics

Office Memorandum

TO : All Pubic Airport Owners

DATE: May 7, 1980

FROM : Lawrence E. McCabe
Assistant Commissioner

PHONE: 296-8046

SUBJECT: Parachuting at Public Airports

The recent passage of a Legislative bill in Minnesota has eliminated the statutory authority to regulate parachuting by the Commissioner of Transportation.

The final authority for denying or approving a request for parachuting now belongs solely to the airport manager or management.

The safety of users and air traveling public is a primary concern you should have before deciding to allow airshows, parachuting, and other possible conflicts to normal operations at your airport.

A secondary consideration is the responsibility for liability in the event of an accident involving such activities at your airport.

Therefore, we recommend that you review your airport insurance policy so that you can determine whether or not the airshows, parachuting operations, and non-routine activities are included in your liability coverage. Keep in mind that insurance by others does not usually include the airport owner, City Council, Airport Commissioner and/or other responsible officials.

In reviewing an unusual use request, you may want to evaluate conflicts with any other contractual agreements. Your attorney should be consulted if you have any questions.

Les
I'll call you this week.
Ken

Ken Mandel
913 Bonnie
West St. Paul, Minn.
55118

original

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
AERONAUTICS DIVISION

In the Matter of the
Proposed Adoption of
Rules, Amendments and
Deletions Governing the
Aeronautics Rules.

ORDER AND
NOTICE OF RULE
ADOPTION

see later
Amended order

The above-entitled matter came on for hearing before Harry Seymour Crump, Hearing Examiner, from the State Office of Hearing Examiners, on November 27, 1979, at 9:30 a.m., in Room 83, State Office Building, 435 Park Street, St. Paul, Minnesota, after proper notice as required by Minn. Stat. §15.0412 (1980), was served upon all persons, associations and other interested parties who registered with the Secretary of State for that purpose.

Following the hearing, in his report of January 2, 1980, Examiner Crump required that a rehearing be held in order to correct a technical error made in the initial publication of the proposed rules. As a result of this technical error, and as required by Examiner Crump's Report, a second hearing was held on the 28th day of March, 1980, at 9:30 a.m., in Room 406, Department of Transportation Building, John Ireland Boulevard, St. Paul, Minnesota, before Harry Seymour Crump, Hearing Examiner. Both of these hearings were held pursuant to proper notice as required by Minn. Stat. §15.0412.

After consideration of the comments made at the public hearings, the written materials which were submitted into the record, and the Reports of the Hearing Examiner, the Department now desires to adopt the Rules in the form attached hereto as Exhibit A. The Rules now proposed for adoption are identical to the proposed rules which were

published in the State Register and on which the two hearings were held, except as specifically noted below in this Order. The Department hereby adopts the Findings and Conclusions of the Hearing Examiner except as noted herein.

The following is a discussion of the changes between the rules as published and on which hearings were held, and the rules as now proposed for adoption. Exhibit A hereto indicates these changes by the appropriate deletions and underlinings. References to sections of the rules, unless otherwise explicitly stated, are to the section numbers as set forth in the rules proposed for adoption.

I.

14 MCAR §1.3001E. The words "ATCO" (Air Taxi/Commercial Operator) have been deleted and the words "Air Carrier Operating" have been substituted. This change is necessary because of a recent change in FAA terminology. The change is not substantial.

II.

14 MCAR §1.3007B.1. The word "usable" has been added to the first sentence of this section. This change was discussed at the hearing and was approved by Examiner in his report.

III.

14 MCAR §1.3007B.4. This section deals with edge markers. The section as proposed stated that the edge markers to be used would be of a type "approved by the Commissioner." The Hearing Examiner, in his Report, required that the Department come up with some standard to be used for the required edge markers, rather than leaving this approval

to the unfettered discretion of the Commissioner. This section has therefore been rewritten. The rule as now proposed for adoption states that the edge markers and end markers shall be constructed of a durable material and installed in such a manner so as to be clearly visible from traffic pattern altitude. The requirement that the design of the markers be approved by the Commissioner has been deleted in accordance with the Examiner's Report. The Department believes that this change satisfies Examiner Crump's objections and does not constitute a substantial change.

IV.

14 MCAR §1.3007B.12. This section deals with fire extinguishers. Two changes were made to this section. Both were discussed at the hearing. These changes require that the fire extinguishers which must be kept at airports be "properly maintained" and that they be of a "20 B rating or equivalent." These changes were discussed at the hearing and were approved by Examiner Crump in his Report as needed and reasonable.

V.

14 MCAR §1.3008E.2. This paragraph deals with boundary markers for public seaplane bases. This section has now been changed so as to be consistent with the edge marker requirement discussed above. The same reasons apply to the changes as were stated above.

VI.

14 MCAR §1.3008E.14. This paragraph deals with fire extinguishers and was modified in the same manner and for the same reasons as the above paragraph dealing with fire extinguishers.

VII.

14 MCAR §1.3009B.7. This section contains the change regarding fire extinguishers, as discussed above.

VIII.

14 MCAR §1.3010B.1. This paragraph deals with the required length of a runway on a private airport. The change inserts the word "usable" to modify the term "length" as it pertains to the length of the runway. This proposed change was discussed at the hearing and was approved by Examiner Crump in his Report as being needed and reasonable.

IX.

14 MCAR §1.3010B.4. This section deals with edge markers and has been changed for the reasons indicated above.

X.

14 MCAR §1.3010B.7. This is the fire extinguisher change.

XI.

14 MCAR §1.3011B.8. This is also the fire extinguisher change.

XII.

14 MCAR §1.3012B.7. This is the fire extinguisher change as to private heliports.

XIII.

14 MCAR §1.3012B.8. This section deals with the requirement of a wind indicator on a private heliport. The rule as proposed requires that all private heliports be equipped with "an operable wind sock, 3' x 12', blaze orange in color, or other indicator as approved by the Commissioner." It also requires that "if the heliport is lighted for night operations, the wind indicator must also be lighted" The

rule as proposed for adoption, Exhibit A, states as follows:

> All private heliports shall be equipped with a wind sock or other wind indicator.

This change is being made from the rules as proposed in order to be consistent with the corresponding sections for private seaplane bases and private airports. The Department does not believe this change is substantial in that the rule as proposed requires a wind indicator of a certain specified type. The rule proposed for adoption simply requires a wind indicator without specifying the type.

XIV.

14 MCAR §1.3017A. This change adds the words "to the extent that such" in place of the words "if such" to this paragraph which deals with seaplane operations. This change was discussed at the hearing and was approved by Examiner Crump as needed and reasonable. The change is not substantial.

XV.

14 MCAR §1.3022B. This section deals with the requirements for a commercial operations license for aircraft charter. This particular paragraph deals with the requirement of an "ATCO" certificate. As discussed above in connection with §1.3001, the letters "ATCO" and the words "Air Taxi/Commercial Operator" have been deleted and the words "Air Carrier Operating" have been substituted in their place. This change is necessary in order to conform to a recent change in FAA terminology. The change is needed and reasonable and is not substantial.

XVI.

14 MCAR §1.3023A. This paragraph deals with the requirement that a person renting or leasing aircraft for hire or compensation be licensed as a commercial operator. The rule as proposed for adoption

contains the following exception to the general requirement of a commercial operator's license:

> Except that no commercial operations license shall be required of a person who owns his own aircraft and leases or rents his aircraft to a party who holds a commercial operations license.

The effect of this exception is to prevent double licensing in aircraft leasing transactions. Frequently, a private citizen who is not in the aviation business, will own an aircraft and lease it to a commercial operator for use in that operator's business. So long as the lease is to a licensed commercial operator, it is not believed to be necessary for the lessor to also be licensed. This exception is contained in the Department's existing rules at §1.3017Q.2. This exception was deleted from a different section of the rules as published and erroneously was not put back in this section.

The change, therefore, preserves existing law. The Department does not believe the change is substantial in that it merely continues an existing exception to the commercial operations licensing requirements.

XVII.

14 MCAR §1.3024. The change in 14 MCAR §1.3024C. was discussed at the hearing and was approved by Examiner Crump as needed, reasonable, and not constituting a substantial change.

In response to a post-hearing suggestion mentioned by Examiner Crump, 14 MCAR §1.3024E. was modified to substitute the term "human remains" for the term "dead human bodies."

For the reasons discussed above 14 MCAR §1.3024F. is being changed to substitute the words "Air Carrier Operating" for the words

"Air Taxi/Commercial Operator" in order to comply with recently revised FAA terminology.

The Department has considered the other changes in the rule on air ambulance service which were recommended by public comments and discussed by Examiner Crump in his Report. Except as provided herein, the Department does not wish to adopt the suggested changes.

XVIII.

14 MCAR §1.3026B.2.A. This is the change regarding fire extinguishers discussed above.

XIX.

14 MCAR §1.3027E.1. This section has been amended to substitute the words "Air Carrier Operating" for "ATCO" and "Air Taxi/Commercial Operator" in order to conform with recently revised FAA terminology.

XX.

14 MCAR §1.3027. This section deals with flying clubs. There are two changes in 14 MCAR §1.3027B. and B.6. Both of these changes from the rules as published were discussed at the hearing and were approved as needed and reasonable by Examiner Crump in his Report. The changes are not believed to be substantial.

XXI.

14 MCAR §1.3030A. The Report of the Hearing Examiner required that this paragraph be deleted because it had the effect of incorporating Federal Aviation Regulations, Part 105, into the State rule, by reference. The Examiner went on to say that the Department could include such a reference as a footnote with clear language and that

it only be a reference. Consequently, §1.3030A. has been revised to read as follows:

> "All parachute jumps performed in the State of Minnesota must be conducted in a safe and reasonable manner with due regard for the protection of persons and property on the ground and the air-traveling public."

This restatement partially retains the substance of the rule as proposed but deletes the prohibited reference to FAR, Part 105. A reference to Part 105 has been put in a footnote for the convenience of the reader. This footnote reads as follows:

> "Note: Federal regulations as to parachute jumping are found in Part 105 of the Federal Aviation Regulations."

This section as proposed for adoption, is needed and reasonable and does not represent a substantial change from the rules as published. The rule as published stated that parachute jumps must be performed in compliance with all safety regulations and in accordance with Part 105. The rule as proposed for adoption now states that parachute jumps must be performed in a safe manner. This is not a substantial change. The reference to Part 105 is now simply a reference and not a prohibited incorporation by reference.

XXII.

14 MCAR §1.3030C. The word "may" has been changed to the word "shall" in the first line of this section as required by Examiner Crump in his Report. The term "certificate of authorization" has been substituted for the word "waiver" as suggested by Examiner Crump. The purpose of this change is to be consistent with FAR, Part 105.

The Department has duly considered all other comments made at the hearing, and written materials submitted before, during and after the hearing, and does not believe that any other changes to the rules as published are necessary.

The Department has afforded interested persons an opportunity to present written and oral data, statements and arguments, has heard all of the testimony, has considered all of the evidence adduced, and has reviewed the records, files and proceedings herein and applicable statutory standards or criteria, has confirmed the need for the above-captioned rules and reasonableness thereof, and has considered the Findings of Fact and Report of the Hearing Examiner.

IT IS HEREBY ORDERED that the rules identified as Chapter 14 of the Minnesota Code of Agency Rules, in the form of Exhibit A, which is attached hereto and made a part hereof, are adopted this 3rd day of June, 1980, pursuant to the authority vested in me by Minn. Stat. §360.015, Subd. 3 (1978).

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

By: _____
Richard P. Braun
Commissioner of Transportation

Dated: 3rd day of June, 1980.

No copy
1st. Submission

MINNESOTA CODE OF AGENCY RULES

DEPARTMENT OF TRANSPORTATION

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RULE

(14 MCAR §1)

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Chapter One §§ 1.3001-1.3005: Definitions, Procedural Rules, Contested Cases, Taxation, Applications for Financial Aid.

14 MCAR § 1.3001 Definitions.

A. Aeronautics instructor. 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 an "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.

B. Airport. 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.

C. Airport elevation. The established elevation of the highest point on the usable landing area measured in feet above mean sea level.

D. Airport hazard. 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.

E. ~~ATCO-(Air-Taxi/Commercial-Operator)~~ Air Carrier Operating FOF I certificate. A certificate issued by the Federal Aviation Administration that entitles the holder to conduct charter operations according to the operating specifications in the certificate.

F. Balloon. A lighter-than-air aircraft that is not engine driven.

G. Edge marker. 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.

H. CAB (Civil Aeronautics Board). The agency of the federal government that has regulatory authority over scheduled supplemental and charter air carriers providing air transportation.

I. Commissioner. Any reference to the term "Commissioner" in these rules shall mean the Commissioner of the Minnesota Department of Transportation.

J. Drop Zone. That area of land or water on which a parachutist should reasonably expect to land.

K. Dwelling. Any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

L. FAA. The capital letters "FAA" shall mean the Federal Aviation Administration of the United States.

M. Flight instructor. A pilot who possesses a valid flight instructor's rating as issued by the FAA.

N. Glider. 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.

O. Gradient. The angular degree, from horizontal, of an ascending or descending uniformily smooth slope. With regard to runways:

1. Transverse gradient refers to the degree of slope across the width of the runway, and

2. Longitudinal gradient refers to the degree of slope along the length of the runway.

P. Height. For the purpose of determining the height limits set forth in these rules, the datum shall be mean sea level elevation as determined by U.S. Geological Survey.

Q. Helicopter. A rotorcraft, that for its horizontal motion, depends principally on its engine-driven rotors.

R. IFR. The symbol used to designate instrument flight rules.

S. Letter of authority. "Letter of authority" shall be included in the term "license" as used herein.

T. Night. 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.

U. Nonprecision instrument runway. A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities planned or indicated on an approved planning document.

V. Parachute. A device used or intended to be used to retard the fall of a body or object through the air.

W. Passenger. An occupant of an aircraft who is not assigned to perform duty necessary for operating the aircraft.

X. Person. The term "person" when used herein shall include 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.

Y. Planned. As used in these rules, refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Commissioner.

Z. Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Microwave Landing System (MLS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

AA. Rotorcraft. A heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

BB. Runway. Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and taking off of aircraft.

CC. Slope. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

DD. Structure. An object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, earth formations and overhead transmission lines.

EE. Sunset and sunrise. The mean solar times of sunset and sunrise as published in the American Air Almanac, converted to local time.

FF. Traffic pattern. The traffic flow that is prescribed for aircraft landing at, taxing on, or taking off from an airport.

GG. Traverse ways. Roads, railroads, trails, waterways, or any other avenue of surface transportation.

HH. Tree. Any object of natural growth.

II. Utility runway. A runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less.

JJ. VFR. The symbol used to designate visual flight rules.

KK. Visual runway. 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 planning document.

LL. Water surfaces. For the purpose of these rules, water surfaces shall have the same meaning as land.

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14 MCAR § 1.3002 Procedural rules as to structure heights.

A. When a permit is required under Minn. Stat. §§ 360.81-360.91, and amendments made subsequent hereto, application shall be made to the Commissioner on a form furnished by him.

B. The Commissioner shall make such investigation as may be necessary.

C. 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 his interest. Such notification shall be in writing.

D. 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.

E. All hearings, notices, orders, and other procedural rules, regarding this subject shall be in accordance with Chapters 360 and 15 of the Minn. Stat., these rules, and any other applicable law.

14 MCAR § 1.3003 Hearings in contested cases.

A. This rule does not include hearings in rule making and is supplementary to statutory provisions concerning the subject of contested cases.

B. Hearings in contested cases shall be in conformance with Chapters 360 and 15 of the Minn. Stat. and in conformance with the "Rules for Contested Cases" then in effect as promulgated by the 6/1/78 Memo CHE
Office of ~~the Attorney General~~ Administrative Hearings of the State of Minnesota.

14 MCAR § 1.3004 Taxation of converted military aircraft.

When a military aircraft is purchased for civilian use and enters

the State of Minnesota, it will be given a base value for taxation purposes according to its age, condition, weight, and performance characteristics.

14 MCAR § 1.3005 Applications for state and federal aid.

A. The Commissioner will make a substantive decision as to 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.

B. 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.

C. The municipality must show that sufficient funds are available for that portion of the project costs to be borne by the municipality and that the project will be completed without undue delay, and that the municipality submitting the project application has legal authority to engage in the development as proposed.

Chapter Two: §§ 1.3006-1.3016: Airport Licensing, Airport Zoning, Obstructions to Air Navigation.

14 MCAR § 1.3006 General provisions for airport licensing.

A. Airport. The term "airport" as used herein shall also include seaplane bases, heliports, and all other designated areas.

B. License. Every airport before operating as such, shall be approved and licensed by the Commissioner. (Airports owned or operated by public corporations formed pursuant to the Metropolitan Airports Commission Act need not be licensed.)

1. Application. Application for license shall be made on forms supplied by the Commissioner and accompanied by the appropriate fee and renewed annually.

Type of License	Fee
Public Airport (privately or publicly owned)	$5.00
Private Airport (restricted use)	$5.00
Personal-use Airport	None

2. Inspection. The applicant for any license shall offer full cooperation in respect to any inspection which may be made of the airport premises upon proper demand at reasonable hours by any authorized representative of the Commissioner, prior to or subsequent to the issuance of a license.

3. Ownership. The applicant shall show that he has right of access to and control of the land, or right of access to the water area to be licensed, as owner, co-owner, tenant, or by any other right of entry.

4. Agency approvals. No airport shall be licensed unless the applicant meets the requirements of other federal or state government agencies or their political subdivisions.

C. Restricted operation. A letter of authority granting temporary or restricted operation may be issued pending full compliance with the provisions of these rules and shall have an expiration date.

D. License display. The license issued under this section shall be posted in a prominent place at the airport.

E. Nontransferability. Licenses shall not be transferable.

F. Alteration or change of operational status. The licensee shall immediately notify the Commissioner of any proposed construction, alteration, or change in the operational status of the airport. The licensee

is also responsible for properly notifying the Federal Aviation Administration of such alterations or changes.

G. Danger area or closed airport. Any part of the landing strip or runway which has become temporarily unsafe, or for any reason is not available for use, shall be marked by suitable warning flags and/or flares which shall clearly show the boundaries of the danger area. Upon the closing, abandonment or cessation of any airport, the licensee shall immediately notify the Commissioner, return the current license, and mark the landing area in a manner that clearly indicates that the airport is closed to air traffic. All markings indicating a usable runway must be obliterated. An "X" must be placed at a central location, the minimum size to be 3' x 30', and of contrasting colors to the surrounding surface where the "X" is placed. In the event that the licensee fails to do the above, then and in such case, and without excusing the licensee, the Commissioner may go upon the premises and remove the markings that indicate a usable runway and may also mark the airport as indicated above.

H. Exceptions. In any case where it is determined that the public interest and safety will not be adversely affected, the Commissioner may waive any of the requirements stated in 14 MCAR §§ 1.3006-1.3016 subject to such conditions or limitations as may be necessary. Conversely, where it is determined that the public interest and safety will be adversely affected, the Commissioner may deny the issuance of a license, despite compliance with rules herein.

14 MCAR § 1.3007 Licensing of a public airport.

A. 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. The requirements of this section do not apply to the licensing of public seaplane bases or public heliports. Specific requirements for the licensing of a public seaplane base are found in 14 MCAR § 1.3008. Specific requirements for the licensing of a public heliport are found in 14 MCAR 1.3009.

B. Requirements. A public airport shall be granted a license when it has shown that it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. Size. At least one runway with a minimum usable length of 2,500 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in 14 MCAR § 1.3015 that are or may create an airport hazard.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

a. The longitudinal gradient on any part of the landing area shall not exceed 2%.

b. The transverse gradient shall not exceed 3%.

c. In addition, runway grade changes ~~should~~ shall be such that any two points 5 feet above the runway centerline will be mutually visible for the entire runway length:

3. Obstructions. The minimum obstruction clearance requires that no structure, tree or mobile object which creates a hazard, other than those necessary and incidental to airport operation, shall penetrate the imaginary airspace surfaces described in 14 MCAR § 1.3015, paragraphs

E.1., E.4., and E.5. The standards of this section shall also apply to traverse ways only after their heights have been increased as described in 14 MCAR § 1.3015 B.

4. Edge markers. Turf runways shall be outlined with effective edge markers and end markers which shall be constructed of a durable material and installed in such a manner ~~approved by the Commissioner~~ so as to be clearly visible from traffic pattern altitude.

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5. Buildings. Buildings and structures on a public airport shall not be closer than 250' to the centerline of the runway. For height limitations see 14 MCAR § 1.3015 E.

6. Wind indicator. All public airports shall be equipped with a wind sock, 3' x 12', blaze orange in color, ~~or other indicator as approved by the Commissioner;~~ 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 indicator must also be lighted.

deleted per CHE P2

7. Fencing. Such adequate fencing or barriers shall be constructed as will prevent all persons not engaged in flight activities from having access to a position of danger with relation to aircraft in the vicinity of building areas and on the flight line.

8. Lighting. If the airport is lighted for night operations and is advertised as lighted for night operations, the lights shall be kept on from dusk to dawn. Any object in the approach zone of a lighted visual utility runway that extends above a slope of 30:1, shall be marked and lighted in accordance with the standards for obstruction marking and lighting where requested by the Commissioner in the interest of safety.

9. Tiedowns. Facilities must be furnished for at least three more aircraft than regularly use the facilities. The tiedowns are to be marked and maintained so as to be readily located.

10. Toilets. A sanitary public toilet facility shall be provided at all public airports., except where it can be demonstrated that it is impracticable to install such a facility. An enclosed portable chemical toilet, properly maintained and serviced, shall be acceptable.

11. Aviation fuel. All aviation fuel dispensed on any airport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

12. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed. It must be a minimum of ~~10 pounds of carbon dioxide~~ 20 B. rating or equivalent.

13. Telephone. When feasible, a telephone shall be made available for public use. Telephone numbers for the appropriate Flight Service Station, for emergency assistance, and for aircraft servicing shall be prominently posted.

14. Bulletin board. A weather-protected bulletin board shall be prominently located on the airport. Posted, thereon shall be the airport license, safety and traffic rules, and an area map showing danger or restricted areas.

14 MCAR § 1.3008 Licensing of a public seaplane base.

A. Public seaplane base. A public seaplane base shall mean any seaplane base, whether privately-or publicly-owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the operator or the person having right of access and control.

B. Operation. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, to the extent that such rules and regulations do not interfere with the safe operations of aircraft.

C. Separate licenses. The license issued to a seaplane base shall apply to the land area from which operations are conducted. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

D. Use. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of these public waters.

E. Requirements. A public seaplane base shall be granted a license when it has shown it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. Size. The body of water shall have a minimum usable length of at least one mile and shall be of sufficient width and depth to permit the safe operation of aircraft on the surface. All approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

2. Boundary markers. The outline of the part of the area available for landing, takeoff and taxiing when required in the interest of safety, shall be marked. All hazards, including underwater obstructions in the landing, approach, departure and taxi areas shall be marked. All such markers shall be constructed ~~and displayed in a manner approved by the Commissioner~~ of a durable material and in such a manner so as to be clearly visible from traffic pattern altitude.

3. Wind indicator. Each public seaplane base shall be equipped with a wind sock 3' x 12', blaze orange in color, ~~or other wind indicator approved by the Commissioner,~~ 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.

4. Dock. A dock or float, suitable for the loading and unloading of seaplanes, shall be so located as to afford the maximum degree of operational safety.

5. Ramp. A ramp, or equivalent substitute, for beaching of aircraft, shall be provided. Tie-down or storage area shall be so arranged that the ramp is normally clear for the beaching of incoming aircraft.

6. Toilets. A sanitary public facility shall be provided at all public seaplane bases, except where it can be demonstrated that it is impracticable to install such facility. An enclosed portable chemical toilet, properly maintained and serviced, shall be acceptable.

7. Telephone. When feasible, a telephone should be made available for public use. Telephone numbers for the appropriate Flight Service Station, for emergency assistance, and for aircraft servicing will be prominently posted.

8. Bulletin board. A weather-protected bulletin board shall be prominently located on the seaplane base. Posted thereon shall be the seaplane base license, safety and traffic rules, and an area map showing danger or restricted areas.

9. Beaching or mooring. Beaching or mooring facilities must be provided for at least three more seaplanes than regularly use the facilities.

10. Life preserver. At least one life preserver shall be immediately available for use at all times.

11. Boat. A boat and operable motor shall be immediately available for use at all times that flights are in progress.

12. Lines. An adequate supply of lines for heaving, towing, securing and rescue operations shall be kept available.

13. Fuel filters. All aviation fuel dispensed at a public seaplane base shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

14. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of ~~ten-pounds-of-carbon dioxide~~ 20 B. rating or equivalent.

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14 MCAR § 1.3009 Licensing of a public heliport.

A. Public heliport. A public heliport is any heliport, 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.

B. Requirements. A public heliport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements:

1. Landing and takeoff area. That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

2. Touchdown area. The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

3. Peripheral area. A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than 10 feet, is recommended as an obstruction-free safety zone.

4. Obstructions. An object will be 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. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

b. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

c. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

5. Approach-departure paths. Approach-departure paths are selected to provide the most advantageous lines of flight to and from the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

a. Approach-departure paths coincide in size with the imaginary surfaces described in B. 4. above, except that an approach-departure path may be curved.

(1) If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet.

(2) If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

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

c. Emergency landing areas must be available along the approach-departure paths.

6. Fuel filters. All aviation fuel dispensed on any public heliport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available. It must be a minimum of ~~ten pounds of carbon dioxide~~ 20 B. rating or its equivalent.

8. Wind indicator. All public heliports shall be equipped with an operable wind sock, 3' x 12' blaze orange in color, ~~or other indicator as approved by the Commissioner.~~ If the heliport is lighted for night operations, the wind indicator must also be lighted.

9. Safety barriers. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in B. 4. above.

10. Rooftop egress. Rooftop heliports should have two exits, one at each side of the landing and takeoff area, which should be provided in accordance with local building codes.

C. Applicability. The regulations contained in B. 3., 4., and 5. above, are predicated upon VFR operations by helicopters certificated in the normal category. The Commissioner may set additional requirements for heliports which will conduct IFR operations and/or operations by transport category heliports.

14 MCAR § 1.3010 Licensing of a private airport.

A. Private airport. A private airport is a restricted airport The persons who may use the airport are determined by the owner of the airport. The private airport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. Requirements. A private airport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements.

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1. Size. At least one runway with a minimum usable length of 2,000 feet. The minimum width of a turf runway shall be 75 feet. The minimum width of a hard-surfaced runway shall be 60 feet. All runway widths shall include an area 75 feet either side of the runway centerline which is clear of all obstructions as defined in 14 MCAR § 1.3015 that are or may create an airport hazard.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

3. Obstructions. The minimum obstruction clearance requires that no structure, tree or mobile object which creates a hazard, other than those necessary and incidental to airport operation, shall penetrate the imaginary airspace surfaces described below:

a. Primary surface. An imaginary surface longitudinally centered on a runway and:

(1) At the same elevation as the elevation of the nearest point on the runway centerline.

(2) Extending to the ends of each runway.

(3) The width of the primary surface is 200 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. The approach surface inclines upward and outward at a slope of:

(1) 20:1 for a horizontal distance of 10,000 feet.

(2) Expanding uniformly to a width of 2,250 feet.

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4. Edge mark[redacted]s. Turf runways shall be [redacted]utlined with effective edge markers and end markers which shall be constructed of a durable material and installed in such a manner ~~approved by the Commissioner~~ so as to be clearly visible from traffic pattern altitude.

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5. Wind indicator. All private airports shall be equipped with a wind sock. ~~or other approved wind indicator.~~

deleted per CHE. ¶2

6. Aviation fuel. All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or on the flight line if fuel is dispensed for sale. It must be a minimum of ~~10 pounds of carbon dioxide~~ 20 B. rating or equivalent.

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C. Hazards. A private airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

D. Use. A private airport may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

14 MCAR § 1.3011 Licensing of a private seaplane base.

A. Private seaplane base. A private seaplane base is a restricted seaplane base. The persons who may use this seaplane base are determined by its owner. The private seaplane base shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. Requirements. A private seaplane base will be granted a license when it has shown that it has met the following minimum requirements.

1. Operation. In case the body of water to be used for landing and taking off is under the jurisdiction of any federal, state, municipal port or other authority, the operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority, to the extent such rules and regulations do not interfere with the safe operation of aircraft.

2. Separate licenses. The license issued to a seaplane base shall apply to the land area from which operations are conducted. Where two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate seaplane base license.

3. Use. The use of such body of water for aeronautical purposes shall in no way impair or deny the right of the public to the use of public waters.

4. Size. The body of water shall be of sufficent length, width and depth to permit safe operation by the aircraft intended to use it. The approaches to the landing area shall be sufficiently clear of obstructions to permit a 20:1 glide angle to the nearest point of the usable landing area, provided that if any structure on the land is located within 300 feet of the centerline of the approach path, such glide angle shall be computed so as to provide a clearance of at least 100 feet above such structure.

5. Markers. All hazards in the approach or landing area, including underwater obstructions, shall be marked.

6. Wind indicator. All private seaplane bases shall be equipped with a wind sock. ~~or other wind indicator.~~

7. Fuel filters. All aviation fuel dispensed for sale shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content less than 30 parts per million parts of fuel.

8. Fire extinguishers. At least one properly maintained fire extinguisher shall be available in the vicinity of the fuel pump or at the ramp or dock. It must be a minimum of ~~ten pounds of carbon dioxide,~~ 20 B. rating or equivalent.

C. Hazards. A private seaplane base shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

D. Use. A private seaplane base may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

14 MCAR § 1.3012 Licensing of a private heliport.

A. Private heliport. A private heliport is a restricted heliport The persons who may use this heliport are determined by its owner. The private heliport shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.

B. A private heliport shall be granted a license when it has met the general provisions of 14 MCAR § 1.3006 and the following minimum requirements.

1. Landing and takeoff area. That specific area in which the helicopter actually lands and takes off, including the touchdown area. The minimum landing and takeoff area length shall be 2.0 times

the overall length of the largest helicopter expected to use the heliport, and the width of the area shall be 1.5 times the overall length of the largest helicopter expected to use the heliport.

2. Touchdown area. The minimum length and width of the touchdown area shall be equal to the rotor diameter of the largest helicopter expected to use the heliport.

3. Peripheral area. A peripheral area surrounding the landing and takeoff area, with a minimum width of one-quarter the overall length of the largest helicopter expected to use the heliport, but not less than 10 feet, is recommended as an obstruction-free safety zone.

4. Obstructions. An object will be 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. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

b. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

c. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

5. Approach-departure paths. Approach-departure paths are selected to provide the most advantageous lines of flight to and from

the landing and takeoff area. These paths begin at the edge of the landing and takeoff area and should be aligned as directly as possible into the prevailing winds.

a. Approach-departure paths coincide in size with imaginary surfaces described in B. 4. above, except that an approach-departure path may be curved.

(1) If the approach-departure path is curved, its centerline must have a turning radius of not less than 700 feet.

(2) If the approach-departure path is curved, the curved portion of the path must begin at a distance not less than 300 feet from the landing and takeoff area.

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

c. Adequate emergency landing areas must be available along the approach-departure paths.

6. Fuel filters. All aviation fuel dispensed on any private heliport shall be filtered to be free of solid matter in excess of 5 microns particle size and to have a free water content of less than 30 parts per million parts of fuel.

7. Fire extinguishers. At least one properly maintained fire extinguisher shall be available. It must be a minimum of ~~ten-pounds of carbon-dioxide~~ 20 B. rating or its equivalent.

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8. Wind indicator. ~~All private heliports shall be equipped with an operable wind sock, 3' x 12' blaze orange in color, or other indicator as approved by the Commmissioner. If the heliport is lighted for night operations, the wind indicator must also be lighted.~~ All private heliports shall be equipped with a wind sock.

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9. Safety barriers. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas. Suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas. If a fence is used, it shall not penetrate the heliport imaginary surfaces described in B. 4. above.

C. Hazards. A private heliport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

D. Use. A private heliport may be used for limited commercial operations as provided for in 14 MCAR § 1.3019.

14 MCAR § 1.3013 Licensing of personal-use airports, seaplane bases and heliports.

A. Personal-use airport. A personal-use airport shall mean any landing area on land or water from which aircraft are, or will be, regularly based or operated. There are three types of licenses:

1. Personal-use Airport License.
2. Personal-use Seaplane Base License.
3. Personal-use Heliport License.

B. Requirements. Personal-use airports shall be granted a license when they have met the general provisions of 14 MCAR § 1.3006 and the following general requirements.

1. Size. A personal-use airport shall be of sufficient length and width and the approaches shall be sufficiently clear of obstructions

to permit safe operations by the aircraft intended to use it.

2. Surface. The landing surface shall be smooth and free from hazards or obstructions.

C. Operation. A personal-use airport shall not interfere with the safe operation of any public airport or with the safety of any federal airways.

D. Restrictions. A personal-use airport shall not be operated except in accordance with the restrictions set forth below:

1. A personal-use airport shall not be held out as available for public use, nor shall the public use of a personal-use airport be invited, permitted, or tolerated.

2. A personal-use airport shall not be used for commercial activities which include the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing or other operations deemed similar in character by the Commissioner. However, a personal-use airport may be used for commercial activities which include the operation of aircraft for the purpose of aerial spraying and dusting, banner towing, balloon operations, aerial photography, pipeline/powerline patrol or other operations deemed similar by the Commissioner.

3. A personal-use airport shall not be displayed on any chart for public distribution.

E. Hazards. A personal-use airport shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

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F. In addition to the general requirements listed heretofore for the licensing of personal-use airports, the following specific requirements must be met before a personal-use airport license can be granted for a personal-use seaplane base or a personal-use heliport:

1. Personal-use Seaplane Base License.

a. A personal-use seaplane base license shall apply to the land area from which operations are conducted.

b. When two or more bases located on the same body of water are under different ownership or control, each base shall obtain a separate personal-use seaplane base license.

c. A personal-use seaplane base license will not be granted for those lakes upon which seaplane operations are prohibited by 14 MCAR § 1.3018.

2. Personal-use heliport license.

a. 14 MCAR § 1.3009 ~~b.,~~ B except that the landing and takeoff area minimum length and width shall be 1.5 times the overall length of the helicopter expected to use the heliport.

CHE memo 6/11/8

b. 14 MCAR § 1.3009 C., D.

c. 14 MCAR § 1.3009 F., except that a personal-use heliport must have as a minimum one approach-departure path meeting those requirements.

d. Safety barrier. Access to the landing and takeoff area and the peripheral area, if any, shall be fenced or protected to keep unauthorized persons out of these areas.

14 MCAR § 1.3014 Unlicensed landing areas.

A. Unlicensed landing area. An unlicensed landing area shall mean any area of land or water, other than a licensed airport which is used

or is made available for the landing and takeoff of aircraft for the purpose and in the manner described herein. No person shall use or make available such unlicensed landing area except in compliance with the provisions of this section.

B. Temporary operations. Any area of land or water may be used as an unlicensed landing area for temporary operations by the following for the purpose designated:

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

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

C. 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:

1. Aircraft shall not be stored or regularly based at an unlicensed landing area.

2. The landing area proposed to be used shall be of sufficient length and width and free from obstructions, and the surface shall be in suitable condition to permit the safe operation of the type of aircraft to be used thereon.

3. The aircraft owner or operator shall have the permission of the landowner to use the landing area or any facilities that will be used in his operation for the purpose and time intended.

4. The use of the landing and operating area shall in no way endanger persons or property, and suitable safeguards necessary to protect the safety of passengers and public shall be provided.

5. Where it uses an unlicensed water landing area, the aircraft shall carry an approved type of life preserver for the pilot and each passenger.

D. Hazards. An unlicensed landing area shall not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines.

14 MCAR § 1.3015 Criteria for determining obstructions to air navigation. (NOTE: See Minn. Stat. §§ 360.061 et seq., for airport zoning statutes and Minn. Stat. §§ 360.81 et seq., for regulations of structure heights.)

A. Obstruction. 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 heights or surfaces established herein.

B. Traverse ways. Except for traverse ways whose activities are coordinated with adjacent controlled airports, the standards of this section apply only after the heights of traverse ways are increased by:

1. 17 feet for interstate highways.

2. 15 feet for all other public roadways.

3. 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads.

4. 23 feet for railroads.

5. For waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

C. Notification. Any sponsor who proposes any construction or alteration that would exceed a height of 200 feet above ground level at

the site, or any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100:1 from the nearest point of the nearest runway of a public airport shall notify the Commissioner at least 30 days in advance.

D. General obstructions. The following objects will be considered general obstructions to air navigation:

1. Objects extending more than 500 feet above ground level at the site of the object.

2. Objects more than 200 feet above the ground or more than 200 feet above the established airport elevation, whichever gives the higher elevation, within three nautical miles of the nearest runway of an airport, and increasing in height in the proportion of 100 feet for each additional nautical mile of distance from the airport but not exceeding a maximum of 500 feet above ground.

3. Objects which would increase the minimum obstruction clearance altitude of a federal airway or approved off-airway route.

4. Objects whose elevation will increase a precision or non-precision instrument approach flight altitude minimum or flight visibility minimum.

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

1. Primary surface. An imaginary surface longitudinally centered on a runway and:

a. Extending 200 feet beyond each end of a runway with a specially prepared hard surface or planned hard surface; or

b. Coinciding with each end of other runways.

The width of the primary surface is:

c. 250 feet for visual utility runways; or

d. 500 feet for nonprecision instrument runways and for visual runways other than utility; or

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

2. Horizontal surface. An imaginary horizontal surface with its height 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:

a. 10,000 feet for precision instrument runways and for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile, or

b. 6,000 feet for all other runways.

When a 6,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 6,000-foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

3. Conical surface. An imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward form the periphery of the horizontal surface.

4. 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:

a. 20:1 for a horizontal distance of 10,000 feet for visual utility runways; or

b. 40:1 for a horizontal distance of 10,000 feet for nonprecision instrument runways and for all visual runways other than utility.

The approach surface expands uniformly to a width of:

c. 2,250 feet for other visual utility runways (10:1 flare ratio); or

d. 2,500 feet for visual runways other than utility (10:1 flare ratio); or

e. 3,500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile (20:3 flare ratio); or

f. 4,000 feet for nonprecision instrument runways having visibility minimums as low as three-fourths of a statute mile (20:3 flare ratio).

5. Precision instrument approach surface. An imaginary surface longitudinally centered on the extended centerline at the end of a precision instrument runway. The inner edge of the precision instrument approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The precision instrument approach surface inclines upward and outward for a horizintal distance of 10,000 feet at a slope of 50:1, expanding uniformly to a width of 4,000 feet, then continues upward and outward for an additional horizontal distance of 40,000 feet at a slope of 40:1, expanding uniformly to an ultimate width of 16,000 feet.

6. 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 7:1 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 which 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.

F. Obstructions to public heliports. An object will be considered an obstruction to a public heliport if it is of greater height than any of the following heliport imaginary surfaces:

1. Heliport primary surface. The primary surface of a heliport coincides in size and shape with the designated takeoff and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

2. Heliport approach surface. The heliport approach surface begins at each end of the primary surface, with the same width as the primary surface and extends outward and upward at a slope of 8:1 for a horizontal distance of 4,000 feet where its width is 500 feet.

3. Heliport transitional surface. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

G. The standards for marking and lighting structures are contained in FAA Advisory Circular 70/7460-1D, Obstruction Marking and Lighting,

and any subsequent changes, except that spherical markers shall be a diameter of not less than 30 inches, and except that the colors of the markers shall be aviation orange, white, and chrome yellow, and be installed in that sequence.

14 MCAR § 1.3016 Airport zoning standards. (Number change only, adopted at 3 S.R. 2265.)

Chapter Three §§ 1.3017-1.3018: Seaplane Operations.

14 MCAR § 1.3017 Seaplane operations.

A. Compliance with marine traffic rules and regulations. All seaplanes must comply with marine traffic rules and regulations to the extent that such ~~if such~~ rules and regulations do not interfere with the safe operations of aircraft.

B. Approaches and take-offs. All approaches to and take-offs from the water area shall be made in such a manner as to clear all structures on the land by at least 100 feet, and wherever the area of the body of water will permit, such landing and take-offs shall be made at a distance of not less than 300 feet, both laterally and vertically, from any boat or person on the surface of the water, or as near to 300 feet as the area of the water will permit.

14 MCAR § 1.3018 Seaplane operations within the seven-county metropolitan area.

A. Scope. 14 MCAR § 1.3018 covers seaplane operations on all public waters within the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

B. Seaplane operations are permitted only on the following public waters within the seven-county metropolitan area.

1. Anoka County
    a. Centerville Lake
    b. Clear Lake
    c. Coon Lake
    d. George Watch Lake
    e. Ham Lake
    f. Howard Lake
    g. Lake George
    h. Linwood Lake
    i. Martin Lake
    j. Mississippi River
    k. Mud Lake
    l. Otter Lake
    m. Peltier Lake
    n. Pickerel Lake
    o. Reshenav Lake
    p. Rice Lake
    q. Round Lake
2. Carver County
    a. Goose Lake
    b. Hazeltine Lake
    c. Lake Minnewashta
    d. Lake Pettersen
    e. Lake Riley
    f. Lake Waconia
    g. Lundsten Lake
    h. Mud Lake
    i. Oak Lake

j. Parley Lake

k. Pierson Lake

l. Tiger Lake

3. Dakota County

a. Alimagnet

b. Byllesby Reservoir

c. Crystal Lake

d. Lake Marion

e. Mississippi River

f. Orchard Lake

g. St. Croix River

4. Hennepin County

a. Bryant Lake

b. Diamond Lake

c. Eagle Lake

d. Fish Lake

e. French Lake

f. Lake Independence

g. Lake Minnetonka, except the following areas:
Black Lake, Emerald Lake, French Lake, Forest Lake, Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, Tanager Lake

h. Lake Sarah

i. Medicine Lake

j. Mississippi River

k. Schmidt Lake

l. Whaletail Lake

5. Ramsey County

a. Bald Eagle Lake

b. Lake Owasso

c. Lone Lake

d. Mississippi River

e. Turtle Lake

f. White Bear Lake

6. Scott County

a. Cedar Lake

b. Geis Lake

c. Pleasant Lake

d. Prior Lake East

e. Prior Lake West

f. Spring Lake

7. Washington County

a. Big Carnelian Lake

b. Big Marine Lake

c. Forest Lake

d. Lake Elmo

e. Mississippi River

f. Oneka Lake

g. St. Croix River

C. Prohibited operations. Seaplane operations are prohibited on all public waters within the seven-county metropolitan area not listed in paragraph B of this section. NOTE: See paragraph E of this section.

D. 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:

1. Lake Minnetonka and all bays and lakes therein.

2. White Bear Lake and all bays and lakes therein.

3. Lake Owasso and all bays and lakes therein.

However, this restriction contained in D. shall not apply to the holder of a Private or Personal-use Seaplane Base License issued under 14 MCAR § 1.3011 and § 1.3013 while operating to and from his licensed base subject to the following conditions:

1. Such operations are limited to a maximum of one takeoff and one landing during these restricted hours; and

2. Such operations are authorized only when lake traffic and use permit such operations to be conducted in a safe and reasonable manner.

E. Emergency use. Nothing in 14 MCAR § 1.3018 shall be construed to prohibit the landing or taking off of a seaplane in case of a bona fide emergency.

F. Ski-equipped aircraft. When lakes are frozen, aircraft equipped with either wheels or skis may operate on the lakes if such operations can be conducted in a safe and reasonable manner relative to lake traffic and use.

Chapter Four §§ 1.3019-1.3028: Licensing of Commercial Operations.

14 MCAR § 1.3019 General commercial operations rules.

see Supp. HE report + CHE ¶ 3

A. 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

deleted per CHE ¶ 3

photography and surveys, air shows or expositions, ~~parachute-jumping~~ and the operation of aircraft for fishing. "Commercial Operations" also means brokering or selling of any of the aforesaid services but does not include any operations of aircraft as common carriers by the federal government or the services incidental thereto. NOTE: Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defined in this chapter.

deletion per CHE PP 3

B. License. Every person who does in fact provide or who advertises, represents or holds themselves out as giving or offering to provide such service, must be licensed by the Commissioner. The license shall contain endorsements showing the type or types of commercial operations the licensee is authorized to perform. Such persons must be licensed by the Commissioner before they advertise, represent or hold themselves out as giving or offering to provide such service or services.

C. Application. Application for license shall be made on forms supplied by the Commissioner.

D. Fee. The fee shall be $10.00 annually and must accompany the application.

E. Duration and renewal. The license issued under this section shall be effective for one year from the date of issuance thereof and shall be renewed annually. Application for renewal shall be made 30 days before the expiration of the current license.

F. Nontransferability. The license shall not be transferable to other persons.

G. Display. The license issued under this section shall be posted in a prominent place in the office of the licensee.

H. Notice of change. The licensee shall immediately notify the Department of Transportation in writing of any change in the status of

such commercial operation relating to ownership, activities, aircraft or key personnel.

I. Place of business.

1. Each applicant for a commercial operations license must have a place of business.

2. In addition, if the commercial activity includes the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing, then such applicant's base of operations shall be on:

a. An airport licensed for public use by the Commissioner as provided by law or an airport owned by the Metropolitan Airports Commission, or:

b. A private airport licensed by the Commissioner if that airport meets the requirements of 14 MCAR § 1.3007, § 1.3008 and § 1.3009.

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

4. A personal-use airport licensed by the Commissioner may be used for commercial operations which are not included in paragraphs 2 and 3 above.

J. Airport authorization. If the applicant does not own the airport, he or she must submit evidence from the owner that he or she meets the airport owner's minimum standards for such commercial operation and is authorized to operate from such airport.

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

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

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

2. An accurate list of airman personnel employed by the commercial operator, together with the airman certificate type, number of ratings, address and ~~where necessary,~~ date of last physical examination. deleted per CHE PH 4

3. A list of aircraft used in the commercial operation and the current Minnesota Department of Transportation registration decal number.

M. 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.

N. Aircraft maintenance. An applicant whose commercial activity includes the operation of an aircraft and who is also not licensed to perform aircraft servicing, maintaining, and repairing must have a contract or agreement with a commercial operator licensed to perform these services for all aircraft used in the commercial activity, or employ a mechanic certificated by the FAA for the type of servicing, maintaining and repairing to be performed.

O. Cooperation. The applicant for a commercial operations license shall offer full cooperation with respect to any inspection which may be made of his operation upon proper demand at reasonable hours by the Commissioner or any authorized representative of the Commissioner prior to or subsequent to the issuance of a license.

P. Endorsements. To receive an endorsement to a commercial operations license, the applicant must meet and comply with the requirements of 14 MCAR § 1.3019, unless specifically exempted therefrom, and must

also comply with the appropriate regulation for the type or types of commercial operations applied for.

Q. Insurance.

1. Unless otherwise specified in this chapter, 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 which provide coverage for each aircraft in the types and amounts as specified in the appropriate rule for the type or types of commercial operations applied for.

2. The applicant shall ensure that the insurance company or companies which hold the insurance contracts are authorized by the Insurance Commissioner to do business in the State of Minnesota.

3. Any contract of insurance to be approved by the Commissioner shall carry an endorsement stating that such contract cannot be cancelled by the insurer until five days' notice in writing of such cancellation has been given the Commissioner by the insurer. In any case, where an insurance contract is cancelled, notice of such cancellation shall immediately thereafter be given to the Commissioner by the insurer.

14 MCAR § 1.3020 Flight school.

A. Flight school. Any person engaged in giving or offering to give dual flight instruction leading to a pilot's certificate or rating or giving or offering to give solo flight instruction leading to a pilot's certificate or rating for hire or compensation, or advertising, representing, or holding himself out as giving or offering to give such instruction, shall be considered to be operating a flight school, except:

1. Company instruction. A company engaged in flight operation giving flight instruction to its own employees in furtherance of their duties in conjunction with that flight operation.

2. Public schools. Any public school, the University of Minnesota, 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.

3. Aeronautics instructor. Any individual engaged in giving flying or ground subjects, or both, for hire or compensation, without advertising such occupation, without calling facilities an "air school" or anything equivalent thereto, without employing or using other instructors and without operating an aircraft for compensation or hire for the purpose of flight instruction.

B. Minimum requirements. To be eligible for a flight school endorsement, an applicant shall show compliance with the following minimum requirements:

1. Office. The flight school operator shall show that he or she has an office of adequate size with the necessary facilities and equipment for the operation of the school.

2. Records. The flight school operator shall keep and maintain complete and adequate records of the flight instruction given to all enrolled students, showing the date, the amount of dual or solo instruction, the maneuvers given, the aircraft used and the name of the instructor of each dual flight. These records shall be available for inspection at the flight school office and shall be retained for at least one year from the date of the last entry.

3. Curriculum. The applicant must show ~~to the satisfaction of the Commissioner~~ a course outline so organized for each course offered as deleted per CHE pp 3 to ensure that the student completing the course of ground and flight instruction will meet all the requirements of FAR Part 61. All course outlines shall include a review of Minnesota Statutes and Rules relating to

Aeronautics that are pertinent to that course.

a. 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.

b. The flight instruction given to each regularly enrolled student shall be in accordance with such course outline, a copy of which shall be made available to each student.

4. Rules. The flight school operator shall establish and enforce the rules which shall govern the flight school operation, including rules relating to the traffic pattern, practice areas, taxi rules, flight rules and other safety procedures. A diagram of the traffic pattern and the practice area shall be posted on a bulletin board at the flight school. Other rules and safety procedures of the school shall be readily available to all students. A copy of the rules shall be submitted with the application.

5. Insurance. The minimum insurance coverage for each aircraft shall be of the following types and amounts:

a. $75,000 per passenger seat for passenger liability.

b. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

c. $100,000 per plane for property damage.

d. Each flight school operator shall advise the student as to whether or not he or she is specifically covered under the flight school's insurance policy and the type and extent of coverage, if any. The flight school operator must then obtain a signed statement of acknowledgement of this disclosure from the student.

6. Faithful performance bond covering students. The applicant must file with the Commissioner a continuous corporate surety bond to the

State of Minnesota in the sum of $5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

a. The aggregate liability for the surety for all breaches of conditions of the bond in no event shall exceed the principal sum of $5,000.

b. The surety of any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the flight school license shall be revoked.

c. The bond form shall be provided by the Commissioner.

d. A copy of the executed bond certificate shall be attached to the application.

C. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3021 Ground school and aeronautical correspondence school.

A. Ground school and aeronautical correspondence school. A ground school or aeronautical correspondence school shall be any person giving or offering to give instruction in aeronautical ground subjects leading to a pilot's certificate or rating, for hire or compensation, except any public school, the University of Minnesota, 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.

B. Requirements. To be eligible for a ground school or an aeronautical correspondence school endorsement, the applicant shall meet the following minimum requirements:

1. Classroom. The applicant shall maintain a suitable classroom with adequate seating facilities for the maximum number of students enrolled in each class. Such classrooms shall be properly heated, lighted and ventilated, and the students shall have access to proper sanitary facilities. This requirement shall not apply to aeronautical correspondence schools.

2. Records. The applicant shall maintain adequate records of the instruction given, which shall show the date, the hours of attendance, the subjects covered, the examination given and the grade achieved by each student. Such records shall be maintained for at least one year from the date of last entry and shall be available for inspection.

3. Curriculum. Each school shall show ~~to the satisfaction of the Commissioner~~ a curriculum so organized as to properly qualify each student completing the particular course for the grade of pilot certificate he or she is seeking. All course outlines shall include a review of the Minnesota Statutes and Rules relating to Aeronautics that are pertinent to that course. In the case of an FAA approved school, the FAA approved curriculum will be acceptable, if the review of the Minnesota Statutes and Rules is included.

deleted per CHEPL

4. Faithful performance bond covering ground school and aeronautical correspondence school students. The applicant must file with the Commissioner a continuous corporate surety bond to the State of Minnesota in the sum of $5,000 conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association or corporation, or their agent.

a. The aggregate liability for the surety for all breaches of the conditions of the bond in no event shall exceed the principal sum of $5,000.

b. The surety on any such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner and thereafter the surety shall be relieved of liability for any breach of conditions occurring after the effective date of cancellation, provided, however, that whenever a bond under this section ceases to be in effect for any reason, the ground school or aeronautical correspondence school license shall be revoked.

c. The bond form shall be provided by the Commissioner.

d. A copy of the executed bond certificate shall be attached to the application.

5. Instructor. The applicant must have at least one FAA certificated flight or ground instructor to certify training reports.

6. Certification. The applicant must be able to certify to the student that he or she has satisfactorily completed the course of instruction or home study in the appropriate knowledge areas for the rating sought.

C. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3022 Aircraft charter.

A. Charter operations. Any person engaged in flying persons or property from place to place, or offering to provide such service for hire or compensation, who does not hold a certificate of public convenience and necessity from the Civil Aeronautics Board or its successor, or who does not hold a license as a commuter air carrier under 14 MCAR § 1.3027, shall be deemed to be engaged in a charter operation and shall have an endorsement on their commercial operations license to certify their authority to engage in charter operations.

B. ~~Air taxi/commercial operator~~ Air carrier operating certificate. The applicant shall be the holder of an air ~~taxi/commercial-operator~~ carrier operating certificate with operating specifications as issued by the Federal Aviation Administration, and a valid letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

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C. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

D. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3023 Aircraft rental or leasing.

A. Aircraft rental or leasing. Any person renting or leasing aircraft or offering to rent or lease aircraft for hire or compensation shall be deemed to be in the business of renting or leasing aircraft and must have an endorsement on their commercial operations license certifying their authority to engage in such activity, except that no commercial operations license shall be required of a person who owns his own aircraft and leases or rents his aircraft to a party who holds a commercial operators license.

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B. Records. The holder of a commercial operations license with an aircraft rental or leasing endorsement shall keep and maintain a complete and adequate set of records to show the following:

1. The name of the pilot renting or leasing an aircraft.
2. The identification of the aircraft rented or leased.
3. The date, time and duration of the flight for which the aircraft was rented or leased.

C. 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, such flight shall be given the lessee by a person holding an effective commercial pilot, flight instructor or airline transport pilot certificate. The commercial operator shall assure that a designated person capable of determining an aircraft is properly serviced is present when an aircraft is checked out.

D. Insurance. The minimum insurance coverage for each aircraft shall be of the following types and amounts:

1. $75,000 per passenger seat for passenger liability.

2. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

3. $100,000 per plane for property damage.

4. 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 flight school's insurance policy and the type and extent of coverage, if any. The commercial operator must then obtain a signed statement of acknowledgement of this disclosure from the renter pilot or lessee.

E. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3024 Air ambulance service.

A. Air ambulance service. Any person engaged in flying ambulance stretcher cases from place to place, or offering to provide such service for hire or compensation, shall be deemed to be engaged in air ambulance service and shall have an endorsement on their commercial operations license certifying their authority to engage in air ambulance service.

B. Aircraft. Each aircraft to be used as an ambulance for the purpose of transporting stretcher cases shall have ample area to accommodate a regulation ambulance cot or aircraft ambulance stretcher in a horizontal position, and shall be designed to permit loading without excessive tilting. The aircraft shall be equipped with at least one safety belt for securing the person and cot or stretcher to the aircraft.

C. Department of Health ~~certificate~~ requirements. ~~The air ambulance service shall be the holder of a current authorized air ambulance service certificate with specifications for non-emergency service, or with, issued by the Minnesota Department of Health. A copy of the certificate shall be attached to the application.~~ The air ambulance services shall comply with the Department of Health rules and requirements.

D. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

E. Transportation of ~~dead human bodies~~ human remains. The provisions contained in this section shall also apply to the transportation of ~~dead human bodies~~ human remains by aircraft. Such ~~bodies~~ remains shall be enclosed in a suitable container as specified by the State Department of Health and if not casketed shall be transported on the type of cot or stretcher described in B above.

F. ~~Air taxi/commercial operator~~ Air carrier operating certificate. The air ambulance service shall be the holder of an ~~air taxi/commercial operator~~ air carrier operating certificate with operating specifications as issued by the Federal Aviation Administration and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

.3025

G. The applicant must meet the requirements of 14 MCAR § 1.3019.

14 MCAR § 1.3025 Aerial spraying or dusting.

A. Aircraft spraying or dusting. Any person applying or offering to apply chemicals or other substances from an aircraft shall be deemed to be engaged in aerial spraying or dusting.

B. Emergency provision. ~~If an emergency is declared with respect to crop conditions, the Commissioner may authorize variances from the rules.~~

If the Governor of the State of Minnesota declares an emergency as a result of a natural disaster affecting agriculture (such as insect infestation), these licensing provisions shall be lifted during the period of the emergency declarations.

change per CHE 7

C. Department of Agriculture certification. No commercial operations license to engage in agricultural spraying or dusting will be issued until the applicant furnishes evidence that the requirements of the Minnesota Department of Agriculture are met.

D. Aircraft and pilot safety equipment. Every aircraft used for aerial spraying or dusting in this state shall be provided with a positive method of shutting off distribution of chemicals or other substances which shall prevent material from leaking or dropping except over the areas of intended application. Each pilot shall wear a seat belt, shoulder harness and protective headgear during flight operations.

E. Nonresident applicant. Every nonresident commercial operation applicant shall provide on the application a permanent address for the business.

F. Aircraft. In the application, the aerial applicator must inform the Commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the aerial applicator intends to use within the state.

G. Certificate. The applicant shall certify that he or she is the

holder of an FAA commercial agricultural aircraft operator certificate.

H. Insurance. The minimum insurance coverage for each aircraft shall be the following types and amounts:

1. $100,000 per person and $300,000 per occurrence for bodily injury, excluding passengers.

2. $100,000 per plane for property damage.

I. The applicant must meet the requirements of 14 MCAR § 1.3019 unless specifically exempted therefrom.

14 MCAR § 1.3026 Aircraft servicing, maintaining and repairing.

A. Aircraft servicing, maintaining and repairing. Any person who for compensation or for hire, provides or offers to provide aircraft maintenance (as defined in FAR Part 1), major or minor repair, alteration to airframes or aircraft power plants or both, shall be deemed to be engaged in the business of aircraft servicing, maintaining and repairing and shall have a commercial operations license with an endorsement to certify their authority to engage in aircraft servicing, maintaining and repairing.

B. Requirements. To be eligible for an aircraft servicing, maintaining and repairing endorsement, the applicant shall meet the following minimum standards:

1. 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.

2. Adequate fire protection equipment to include at least:

a. One fully charged fire extinguisher with a minimum of ~~ten-pounds-of-carbon-dioxide~~ a 20 B. rating or its equivalent maintained in an operational condition.

b. One outward swinging personnel exit door.

3. At least one mechanic certificated by the FAA for the type

of servicing, maintaining and repairing to be performed.

C. Insurance. The minimum insurance coverage shall be of the following types and amounts:

1. $100,000 per person and $300,000 per occurrence for premise hazard for bodily injury.

2. $100,000 per occurrence for premise hazard for property damage.

3. Products hazard insurance shall be carried.

4. Each person who provides aircraft servicing, maintaining and repairing shall advise his or her ~~client~~ customer as to whether or ~~nor~~ not hangar-keepers insurance is in force and the extent of such coverage, if any.

D. The applicant must meet the requirement of 14 MCAR § 1.3019.

14 MCAR § 1.3027 Commuter air carriers.

A. Any person offering to provide scheduled air transportation in this state must obtain a commercial operations license and a scheduled air carrier certificate of registration from the Commissioner before engaging in such activity, and annually thereafter.

B. As used in these rules, "air carrier" means that person owning, controlling, operating or managing aircraft as a common carrier of either persons or property, or both, for compensation on regularly scheduled flights.

C. These regulations do not apply to that portion of an air carrier's operations in this state which is conducted between points named in a then-current certificate of public convenience and necessity issued by the Civil Aeronautics Board or its successor.

D. No air carrier shall operate aircraft on regularly-scheduled flights except in accordance with the provisions of these rules.

E. Requirements. Any person requesting an endorsement to certify their authority to engage in commuter air carrier service on their commercial operations license must meet the following minimum requirements:

1. ~~ATCO certificate:~~ Air carrier operating certificate

The commuter air carrier shall be the holder of an ~~air taxi/commercial operator~~ air carrier operating certifcate with operation specifications as issued by the Federal Aviaiton Administration, and a letter of registration from the Civil Aeronautics Board. A copy of this certificate with operating specifications shall be attached to the application.

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2. Use agreements. A copy of current use agreements with owners of each airport to be served in the state shall be attached to the application. Each agreement shall set forth what facilities will be used on the airport.

3. Faithful performance bond covering advance ticket sales.

a. The commuter air carrier must file with the Commissioner, on a form provided by him, a fully executed copy of a continuous corporate surety bond to the State of Minnesota in the sum of $10,000 conditioned upon the refund of all unperformed advance ticket sales to passengers made by such commuter air carrier or their agents.

b. The aggregate liability for the surety of all breaches of the conditions of the bond in no event shall exceed the principal sum of $10,000.

c. The surety on such bond may cancel such bond upon giving sixty days' notice in writing to the Commissioner, and thereafter the surety shall be relieved of the liability for any breach of conditions occurring after the effective date of cancellation.

d. Whenever a bond under this section ceases to be in effect for any reason, the commercial operations license shall be revoked.

(.3029

e. The bond shall not enlarge upon or alter in any way the ticket contract between the commuter air carrier and its customers.

4. Aircraft. In the application, the commuter air carrier must inform the Commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the commuter air carrier intends to use within the state.

5. Schedules and rates. The commuter air carrier must submit a copy of its proposed schedules and its proposed passenger and freight rates with each application. No schedule or rate change shall be made without notifying the Commissioner as to such change at least ten days before such change is to go into effect.

6. The commuter air carrier shall file with the Commissioner a copy of all reports which it files with the Civil Aeronautics Board or its successor agencies, such filing to be done within ten days after such reports are filed with said agencies.

F. Insurance. The minimum insurance coverage for each aircraft shall be the types and amounts as specified by the Civil Aeronautics Board.

G. The applicant must meet the requirements of 14 MCAR § 1.3019.

~~14 MCAR § 1.3028 Commercial parachuting.~~

~~Any person engaged in parachuting for hire or compensation must be licensed in accordance with Minn. Stat. § 360.013, subd. 11 (1978), as a commercial operator. The applicant shall meet the requirements of 14 MCAR § 1.3019.~~ deleted per CHE P8

Chapter Five § 1.3029: Flying Clubs.

14 MCAR § 1.3029 Flying clubs.

A. Flying club.

1. "Flying club" means any person other than an individual which neither for profit nor compensation, owns, leases, or uses one or more aircraft for the purpose of instruction, business, or pleasure.

2. Intent. A flying club is intended as benefiting the members of the group for pilot proficiency or instruction, or personal business use, or pleasure flying.

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

1. 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 the current Minnesota registration decal number of the aircraft that the club either owned or used during the past calendar year.

2. The form of organization of the flying club--that is, whether it is a corporation or a partnership.

3. The name, home address and phone number, and business address and phone number of the Club Safety and Operations Officer.

4. The name of the club's insurance company, the policy number and its expiration date, and the amounts and types of coverage.

5. The amount or share in club assets held by each member of the club.

6. 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 such members to the club, and a description of the goods

sold by such member of the club.

C. Club Safety and Operations Officer. Every flying club must appoint a Club Safety and Operations Officer and set forth his or her duties in their operating rules or bylaws:

D. Responsibilities of the Club Safety and Operations Officer. The Club Safety and Operations Officer shall be responsible for the record of the club's operation. These records shall be up to date and in an orderly form and shall contain the following information:

1. Names and addresses of all current members.

2. If the flying club is a corporation, then the articles of incorporation and all amendments thereto, the current bylaws, minutes of corporation, and all shareholder agreements. If the flying club is a partnership, then the current articles of partnership and all current partnership agreements.

3. All club operating rules.

4. The share in club assets held by each member, stated by percentage or dollars.

5. The voting rights of each member, stated by percentage or number of votes.

6. The rights of each member to the assets of the club, stated by percentage or dollars, in case of dissolution of the club if a corporation, and in case of termination of the club, if a partnership.

7. A statement of financial condition of the flying club at the end of its preceding fiscal year, or at the end of its preceding calendar year, as the case may be, showing the assets and liabilities of the club.

8. An operating statement of the club for the preceding fiscal year, or the preceding calendar year, as the case may be, showing the profits or losses, or a statement of receipts and disbursements, of the

club, as the case may be, for that period of time.

E. Inspection of records. The Commissioner, or any employees of the department designated by him, shall have the right to inspect the books and records of any flying club, including ~~but not limited to,~~ the records referred to above.

deletion p CHE P9

F. Assets. The word "assets" when used herein, shall mean property which 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.

G. Flying clubs can be deemed to be commercial operations as defined in Minn. Stat. § 360.013, subd. 11. A flying club shall be considered to be engaged in commercial operations and therefore a commercial operations license shall be required:

1. If any of the club's assets are used by members of the club who:

a. Do not have a bona fide and significant percentage of the property interest in the assets of the club; or

b. Hold property interest in the club's assets, which property interest 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 thereof is to enforce valid ~~clubs~~ club rules; or

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

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

4. If the club charters, leases or rents their aircraft or any interest in their aircraft to any persons or organizations other than fully-qualified members of said club; provided, however, that this paragraph shall not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators; or

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

6. 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 Minn. Stat. § 360.13, sub. 16 and 17 (1967)), provided, however, that this rule 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.

7. If a person or persons, who are members of a flying club (lessors) lease an aircraft to that flying club (lessee).

8. If lessor, as described in paragraph 7 above, gives air instruction; whether free or for compensation to members of that flying club.

~~Chapter Six--§ 1.3030--Parachuting and Skydiving.~~

~~14-MCAR-§-1.3030--Parachuting-and-skydiving.~~

~~A.--All-parachute-jumps-performed-in-the-State-of-Minnesota-must comply-with-all-safety-and-be-conducted-in-accordance-with-Federal Aviation-Regulation-Part-105.~~

~~B.--For-parachute-jumps-that-occur-at-an-airport,-the-airport manager/owner-shall-hold-the-control-authority-and-responsibility-to close-and-open-the-airport.~~

~~C.--Parachute-jumps-shall-not-be-performed-at-a-public-owned-airport unless-such-jump-is-part-of-an-airshow-or-other-event-in-which has-been-granted-by-the-Federal-Aviation-Administration,-or-unless-permission-has-been-granted-by-the-Commissioner.~~

~~1.--If-the-parachute-jump-requires-the-permission-of-the Commissioner,-notification-must-be-made-ten-days-in-advance.~~

~~2.--A-public-owned-airport-shall-be-closed-during-a-parachute jump,-but-not-for-more-than-two-hours-in-any-24-hour-period.~~

~~D.--Permanent-Drop-Zones.--A-permit-shall-be-required-and-approved by-the-Commissioner-for-parachuting-areas-designated-as-permanent-drop zones.--A-permanent-drop-zone-shall-be-permitted-for-use-by-parachutists for-one-year-from-the-date-of-permit-unless-suspended-or-revoked-by-the Commissioner.~~

~~1.--A-permanent-drop-zone-permit-will-be-issued-when-it-is-shown that-the-use-of-the-site-does-not:~~

a.--Impose-undue-hazards-to-persons-or-property.

b.--Endanger-the-users-or-use-of-existing-surface-communication-or-transportation.

2.--Application-for-renewal-of-a-permanent-drop-zone-permit shall-be-submitted-annually.

3.--A-permanent-drop-zone-may-be-located-at-a-privately-owned airport.

4.--The-person-or-organization-must-show-that-they-have-the permission-of-the-property-owner.

5.--A-permanent-drop-zone-shall-be-depicted-on-all-aeronautical charts-and-NOTAMS-shall-be-filed-when-applicable.

Chapter Seven § 1.3031 Repealer.

14 MCAR § 1.3033 Repealer. All rules of the Department of Transportation, Aeronautics Division, promulgated prior to the date hereof are hereby repealed.

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EXAMINERS

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION

A

STATEMENT OF FACTS
ESTABLISHING NEED AND
REASONABLENESS OF RULES

In the Matter of the Proposed)
Adoption of Rules, Amendments)
and Deletions Governing the)
Aeronautics Rules.)

The proposed adoption of rules, amendments and deletions governing the Aeronautics Rules, contains a large number of changes to the existing Chapter 14 of the Minnesota Code of Agency Rules. The vast majority of these changes are not substantive in nature. The Department did desire to make certain substantive changes. It took this opportunity to rewrite certain other provisions for purposes of clarity and to reorganize the rules somewhat into different chapter groupings. All changes, whether or not of substantive effect, are discussed below.

The Commissioner of Transportation has the authority to propose these amendments, deletions and new proposed rules pursuant to Minn. Stat. § 360.015, Subd. 3(1978).

The only topic in Chapter 14 of MCAR which is not in any way affected by this action is airport zoning.

The proposed § 1.3001 is the section containing definitions of various terms used elsewhere in the proposed rules.

The existing § 1.3001 A. dealing with "aerobatic flight" has been deleted because this term is not used in the proposed rules.

The proposed § 1.3001 A. is a definition of the term "aeronautics instructor." This definition has always been in the rules at § 1.3027 F. 4. It has been placed here, in the definitional section, for clarity of organization.

The proposed § 1.3001 A. differs from the existing § 1.3027 F. 4. in the following ways:

a. The statutory reference in the existing rule has been deleted as it is unnecessary.

b. The word "reward" in the proposed rule has been changed to "compensation." The term compensation is a more modern usage and it clarifies the intent of the rule to apply to some sort of prearranged agreement for compensation, rather than to a gratuitous exchange of consideration.

c. The definition in the proposed rule does not include the statutory exception for accredited institutions of higher learning. It is unnecessary to include this in the rule because the definition is already included in the statute, and because such accredited institutions are aware of their statutory exemption.

The proposed §§ 1.3001 B., C. and D. are identical to the existing §§ 1.3001 B., C. and D., respectively.

The existing §§ 1.3001 E., F., G., H. and I. have been deleted since those terms are no longer used in the proposed rules.

The proposed § 1.3001 E. is a definition of the term "ATCO (air taxi/commercial operator) certificate." This is a new definition in the proposed rules. The existing rules contain references

to "ATCO certificate" in § 1.3021 B., § 1.3023 F. and § 1.3026 E. 1. It is therefore necessary and appropriate to define the term in the definitional section.

The proposed § 1.3001 F. is identical to the existing § 1.3001 J.

The existing §§ 1.3001 K., L. and M. have been deleted since they are not used in the proposed rules.

The proposed § 1.3001 G. is a definition of the term "edge marker." The existing rules use the term "marker" without definition. The term "edge marker" clarifies and specifies the intended meaning. The term "edge marker" is used by the FAA and it is necessary and desirable for the state and the FAA to use consistent terminology. It is also necessary and desirable for the sake of clarity to include a definition of this term in this section.

The proposed § 1.3001 H. is a definition of "CAB." The Civil Aeronautics Board is referred to in the existing rules and the proposed rules. Including a definition of it here is necessary and desirable for explanation.

The proposed § 1.3001 I. defines the term "Commissioner" as the Commissioner of the Minnesota Department of Transportation. This term is used frequently in the proposed rules and it is necessary and desirable to specify which Commissioner is being referred to.

The proposed § 1.3001 J. is a definition of the term "drop zone." The substance of this proposed rule is contained in § 1.3035 O. of the existing rules. The proposed rule changes the existing rule by specifying that a "drop zone" may be either on land or water. This change does not represent a change in substance. This definition is set forth here for purposes of clarity.

The proposed §§ 1.3001 K., L. and M. are identical to the existing §§ 1.3001 N., O. and P., respectively.

The existing § 1.3001 Q., defining the term "flight visibility," has been deleted in its entirety since this term is no longer used in the proposed rule.

The proposed § 1.3001 N. is identical to the existing § 1.3001 R.

The proposed § 1.3001 O. is a definition of the term "gradient." The term gradient is used in the existing rules in § 1.3008 B. 2. with regard to licensing of public airports. It is also used in various sections of the proposed rules. A definition of the term is therefore necessary. The proposed definition is the generally-accepted one.

The proposed § 1.3001 P. is derived from the existing § 1.3001 S. There are two differences between the proposed rule and the existing rule. The first is the addition of the word "for" at the beginning of the sentence for purposes of clarity. The other difference is the addition of the clause "as determined by U. S. Geological Survey" at the end of the sentence. This reference to U. S. Geological Survey data is necessary because height may be measured by more than one standard, and the standard being used must therefore be specified. U. S. Geological Survey data are generally available and generally-accepted.

The proposed §§ 1.3001 Q. and R. are identical to the existing §§ 1.3001 T. and U., respectively.

The existing §§ 1.3001 V., W. and X. have been deleted since references to those terms, key system airport, intermediate system airport and landing strip system airport are not contained in the proposed rules.

The proposed §§ 1.3001 S., T. and U. are identical to the existing §§ 1.3001 Y., Z. and AA., respectively.

The proposed § 1.3001 V. is a definition of the term "parachute." The definition used is identical to that contained in the existing § 1.3035 A.

The proposed § 1.3001 W. is derived from the existing § 1.3001 BB. The definition in the existing rules defines a passenger to be an occupant of an aircraft in flight, other than a crew member. The proposed rule modifies this definition to state that a passenger is an occupant of an aircraft who is not assigned to perform duties necessary for operating the aircraft. The "in flight" limitation has been eliminated because the aircraft may well be on the ground. The "other than a crew member" phrase has been changed to person "not assigned to duty necessary for operating the aircraft" because the definitions no longer include the section defining "crew member." The proposed rule incorporates the substance of the existing § 1.3001 M. (which defines "crew member") into the proposed § 1.3001 W. This does not represent a change in the substance of the rule.

The proposed § 1.3001 X. is derived from the existing § 1.3001 CC. This is a definition of the term "person." The words "the term 'person' when used herein shall include" were added at the beginning of the sentence for grammatical clarity.

The existing § 1.3001 DD., the definition of "pilot in command" has been deleted since this term is not used in the proposed rules.

The proposed § 1.3001 Y. is identical to the existing § 1.3001 EE., with the sole exception that the word "rules" has been

substituted for the word "regulations." This is in conformity with existing state administrative practice.

The proposed § 1.3001 Z. is identical to the existing § 1.3001 FF.

The proposed § 1.3001 AA., as published, is the definition of the term "radio-controlled lighting system." This term was used in an earlier draft of the proposed rules. It is not used anywhere in the proposed rules as published, and the Department, therefore, wishes to withdraw it as a proposed definition. If this is accepted by the hearing examiner, the proposed § 1.3001 AA. will be deleted and the numbering of subsequent sections in § 1.3001 will have to be adjusted accordingly.

Proposed §§ 1.3001 BB. and CC. have been changed in their numbering only. These sections are numbered as 1.3001 GG. and HH., respectively under the existing rules.

The definition of "second in command," existing § 1.3001 II. has been deleted. This term is not used in the proposed rule. It was formerly contained in Chapters 4, 5 and 6 on General Operating Rules, Airmen and Air Traffic Rules, which chapters have also been deleted.

Sections 1.3001 DD., EE., and FF., which are the definitions of "slope," "structure," and "sunset and sunrise," are the same as existing §§ 1.3001 JJ., KK. and LL, respectively.

The term "pilot," existing § 1.3001 MM., has been deleted since it is not used in the proposed rule. This definition was formerly used in Chapters 5 and 6 of 14 MCAR, which chapters have also been deleted.

The definition of "traffic pattern" now appears at 14 MCAR 1.3001 GG. This is a numbering change only. The existing section number is NN.

The term "traverse ways," now found at § 1.3001 HH. is used in Chapter 2 of the proposed rules in connection with airport licensing and obstructions to air navigation. It is therefore reasonable to define the term in the definitional section. The term, as defined, is merely a shorthand method referring to various modes of surface transportation.

14 MCAR § 1.3001 OO. has been renumbered as § 1.3001 II. This is the definition of "tree."

The definition of "utility runway" appears at § 1.3001 JJ. of the proposed rules. This definition formerly appeared at subsection PP. In addition, the reference to "propeller driven" aircraft has been deleted. This usage is antiquated because such utility runways are now constructed for and used by jet aircraft as well.

The proposed §§ 1.3001 KK., LL. and MM., the definitions of "VFR," "visual runway," and "water surfaces," appear in the existing rules as §§ 1.3001 QQ., RR. and SS., respectively.

14 MCAR § 1.3002 of the proposed rules deals with "procedural rules as to structure heights." This section is identical to the existing rule with the exception that references to the word "regulations" have been changed to read "rules" in order to conform with existing State Administrative practice.

14 MCAR § 1.3004 of the proposed rules deals with taxation of converted military aircraft. This section as proposed is identical to the existing rule, except that the following sentence has been deleted: "these valuations are established in the table of valuations kept in the Department of Transportation." Although the Department has numerous records and data as to the valuations of such aircraft, no actual "tables" are maintained. It is therefore appropriate to delete this reference.

The proposed § 1.3005, dealing with applications for state and federal aid is identical to the existing § 1.3005.

14 MCAR § 1.3006 A., of the proposed rules is identical to the existing rule, except that the word "also" has been added and the word "landing" has been deleted. These are minor and insignificant changes which were made for the purpose of clarification.

14 MCAR § 1.3006 B., first paragraph, is now entitled "license" instead of "licensing procedure." It is felt that this designation of the section is more accurate.

14 MCAR § 1.3006 B. 1. has been slightly reorganized so that the term "and renewed annually" appears once as a reference to all types of licenses rather than three times in a separate column. This simply shortens the proposed rule. The other change appearing in this section is the change of the term "privately owned commercial airport," as it appears in the existing rule, to the term "private airport (restricted use)." This change was necessary in order to be consistent with later sections of the proposed rules.

The proposed §§ 1.3001 B. 2. and 3. are identical to the existing sections of the same number.

§ 1.3006 B. 4. has been changed in its substance. The existing rule requires that the applicant for an airport license submit evidence of approval from the FAA, the MAC, if applicable, and from local governmental agencies. The submission of these approvals was a prerequisite for the granting of an airport license. The rule as proposed simply states that the applicant must be in compliance with applicable laws. No proof of such compliance need be submitted. This change is reasonable and necessary because it eliminates duplication of regulation. It is believed that the other applicable agencies are capable of and will enforce their

own requirements. Nonetheless, the airport still must comply with applicable laws. The Department does not feel it necessary to keep proof of such compliance in its files.

§ 1.3006 C. has been modified by deleting the words "and regulations." This reference is no longer necessary. The word "regulations" has also been deleted from § 1.3006 H. The proposed §§ 1.3006 D., E., F. and G. are identical to the existing rules of the same numbers.

§ 1.3007, as proposed, was formerly numbered § 1.3008. § 1.3007 A. contains two changes in references to other sections. These changes are necessary because of numbering changes in the proposed rules.

§ 1.3007 B. 1. deals with the minimum permissible size for a runway. The existing width requirement for a turf runway is 150 feet. The requirement in the proposed rule is 75 feet with an additional 75 feet on each side of the centerline which is clear of obstructions. The proposed width requirement for a hard-surfaced runway is 60 feet, plus the 75-foot clear zone on each side of the centerline. The existing rules do not contain a minimum width requirement for hard-surfaced runways. As to turf runways, experience has shown that it is not necessary that a runway surface be 150 feet in width. A 75-foot runway surface is adequate so long as there is an additional amount of room on each side of the runway which is free from obstructions. This is all that is required for purposes of safety in the Department's experience. The lack of a minimum requirement for hard-surfaced runways in the existing rules is simply an omission. As a practical matter, the Department has always required hard-surfaced runways to be

of adequate width for safety purposes. The standard size of a hard-surfaced runway is a minimum of 75 feet, for new runways. It is felt, however, that the 60-foot minimum width, with a 75-foot area on each side of the centerline which is free of obstructions, is the minimum which is acceptable for safety. These minimum requirements enable the airports to serve most light aircraft and also give a margin for maneuvering and safety purposes.

§ 1.3007 B. 2. has been modified to delete the word "effective" as a modification of the term "landing surface." This change is necessary because the entire landing surface should be smooth and free from hazards or obstructions. Using the term "effective" allows airport operators to make judgments as to whether the entire landing surface can be used effectively. It is felt by the Department that this is a matter for a decision by pilots not airport owners, and that the entire landing surface should therefore be smooth and clear.

14 MCAR § 1.3007 B. 2. c. contains a new requirement that any two points 5 feet above the centerline shall be mutually visible for the entire runway length. This proposed rule is reasonable and necessary because, for safety purposes, it is necessary that aircraft be visible to each other from all points on a runway. This requirement is necessary for safety reasons in addition to the longitudinal gradient requirement contained in 14 MCAR § 1.3007 B. 2. a. This proposed requiremetn would only be violated by a very long runway with an unusual gradient. In such case, however, the runway would be highly unsafe.

§ 1.3007 B. 3., dealing with obstructions, has certain changes for purposes of clarification and consistency. There are two

changes as to references to other sections in order to be consistent with the proposed rules. The word "tree" has been relocated. The words "which creates a hazard" have been added. This is merely an amplification of the existing rule in that "hazards" are those things that penetrate imaginary surfaces.

§ 1.3007 B. 4. dealing with markers, has been modified in order to clarify its meaning. That section now referes to "edge" markers rather than simply to "markers" in order to conform with FAA terminology and with existing practice. The existing rule refers to "landing strips or areas." This terminology has been replaced in the proposed rules. This section therefore now refers to "turf runways." This is consistent with other parts of the proposed rules.

§ 1.3007 B. 5. is the same as the existing rule, except there is one change in a reference to another section.

§ 1.3007 B. 6. deals with wind indicators. The proposed rule refers to a wind "sock" rather than to a wind "cone." It is felt this is more commonly accepted terminology. Additionally, the proposed rule now requires that wind indicators or socks be lighted if the airport is lighted for night operations. This requirement was formerly contained in subsection B. 8. dealing with lighting and does not constitute a substantive change.

§ 1.3007 B. 8. has been changed by deleting the requirement that wind indicators be lighted. This requirement is now contained above as discussed in the previous paragraph.

Proposed § 1.3007 B. 9. deals with tiedowns. This section has been changed, in the proposed rule, in two particulars. The proposed rule requires that the tiedowns be maintained. It is obvious that, if tiedowns are required at all, they should be

maintained in reasonable condition. The requirement in the existing rule that the markers not protrude above the surface has been deleted. The reason for this is that certain tiedown rings presently in use do in fact protrude above the surface by a few inches. This type of tiedown is considered to be safe and acceptable.

§ 1.3007 B. 10. deals with toilets. The existing rule requires that sanitary public toilets be provided at all public airports. This rule has been relaxed to provide that the requirement will be waived where it can be demonstrated that it is impracticable to install a toilet at a particular airport. There are certain public airports in the state, in highly rural areas, where provision of sanitary public toilets is indeed impracticable. It is not reasonable for those airports to be disqualified from getting a license simply for this reason.

The proposed § 1.3007 B. 11. is identical to the existing rule.

§ 1.3007 B. 12., dealing with fire extinguishers, has been modified in order to require that the fire extinguishers which are required to be kept at the airports be "properly maintained." This is obviously reasonable and necessary.

Proposed §§ 1.3007 B. 13. and 14. are identical to the existing rules.

14 MCAR § 1.3008 was formerly numbered § 1.3012. This section deals with licensing of a public seaplane base.

§ 1.3008 A. contains the definition of a public seaplane base. The words "and control" have been added to the first sentence of this subsection. This addition is to clarify the intent of the rule in its application to the person actually operating or controlling the seaplane base. The requirement in subsection A.

that a public seaplane base comply with the general provisions of 14 MCAR § 1.3006 has been deleted from this subsection and has been added below to § 1.3008 E.

§ 1.3008 B., as proposed, provides that operations at a public seaplane base shall be in conformity with marine traffic rules and regulations to the extent that such rules and regulations do not interfere with safe operation of aircraft. The existing rule provides that such marine traffic rules must be complied with if they do not interfere with the safe operation of aircraft. This change was made in order to clarify the rule's intent that marine traffic rules and regulations should be complied with to the extent feasible and consistent with safety.

§ 1.3008 C. has been changed in that it no longer states that the seaplane base license applies to the water area designated for operation of the base. It is felt that jurisdiction over the actual public water area is more appropriately exercised by other federal and state agencies.

Proposed § 1.3008 D. is identical to the existing rule of the same number except that one word has been added for grammatical purposes.

§ 1.3012 E. of the existing rule (now § 1.3008) has been deleted. This section formerly provided that the applicant for a seaplane base license show that it had complied with the Regulations of the Minnesota Department of Natural Resources and with other pertinent regulations. This section has been deleted as duplicative and unnecessary. This is consistent with the earlier-referenced change deleting the requirement that the applicant for an airport license show proof of permits granted by applicable governmental agencies.

14 MCAR § 1.3008 E. now sets forth the requirements which must be met in order to obtain a public seaplane base license. These requirements were formerly contained in § 1.3012 F. through K. This section now requires that the general provisions of 14 MCAR § 1.3006 be met. This requirement previously was contained in § 1.3012 A.

The proposed § 1.3008 E. 1. appears in the existing rules as § 1.3012 F. The only change is that the word "usable" was substituted for the word "effective" as that word applies to the length of the body of water in question. This change was made for the purpose of clarity.

The provision in the existing rule dealing with boundary markers, § 1.3008 E. 2. formerly appeared in the rules as § 1.3012 G. This paragraph is a consolidation of the old subparagraphs G. and H. dealing with boundary markers and hazards. This does not represent a change in substance from the existing rule. The old section § 1.3012 H. has been deleted. Part of this change has been incorporated into the proposed § 1.3008 E. The provision which provided that hazards be marked with lights at seaplane bases engaging in night operations has been deleted. As a practical matter, there are no seaplane bases in Minnesota which engage in or are capable of engaging in night operations.

The proposed § 1.3008 E. 3. formerly appeared as § 1.3012 I. The section, as proposed, is otherwise identical to the existing rule except that the reference to "wind cones" has been changed to the word "wind sock." This is in conformance with accepted terminology and other references in the proposed rules.

The introductory language to the existing § 1.3012 J., now § 1.3008 E., has been deleted as unnecessary.

The proposed § 1.3008 E. 4. deals with the requirement of a dock. The corresponding section of the existing rules provides that the dock should be located so as to afford the maximum degree of safety in "taxiing approach." These words have been deleted and the word "operational" has been inserted before the word "safety." The rule, as proposed, therefore requires a maximum degree of operational safety. Safety considerations are applicable to all areas of operation, not simply taxiing.

The proposed § 1.3008 E. 5. appears in the existing rules at § 1.3012 J. 2.

The proposed § 1.3008 E. 6. appears in the existing rules at § 1.3012 J. 3. This rule deals with the provision of toilets at seaplane bases. It has been modified to state that the toilet requirement may be waived where impracticable. The reason for this change was stated above in the discussion of public airports.

The proposed § 1.3008 E. 7. appears in the existing rules at § 1.3012 J. 4. This section formerly required that a telephone be provided in all cases. The rule has been changed to provide that a telephone "should" be provided, but the requirement is no longer mandatory. This requirement has been relaxed because it presents hardships in highly rural areas.

The proposed § 1.3008 E. 8. formerly appeared in the rules at § 1.3012 J. 5. No change has been made.

The proposed § 1.3008 E. 9. formerly appeared in the rules at § 1.3012 J. 6. No change has been made.

The intorductory language of the former § 1.3012 K. has been deleted as unnecessary.

The proposed § 1.3008 E. 10. formerly appeared at § 1.3012 K. 1. This section deals with the requirement of providing a life preserver at the seaplane base. Reference to the specific type

of life preserver required has been deleted as unnecessary since there are various suitable types available. The existing rule provides that the life preserver be kept on the ramp, dock or in the emergency boat. The proposed rule leaves the location of the life preserver at the discretion of the operator so long as it is immediately available for use at all times.

The proposed §§ 1.3008 E. 11., 12., 13. and 14. formerly appeared at §§ 1.3012 K. 2., 3., 4. and 5., respectively. The only changes in these sections are numbering changes, with the single exception that the rule as to fire extinguishers now requires that they be "properly maintained." This is obviously reasonable.

The proposed § 1.3009, dealing with licensing of public heliports, formerly appeared in the rules at § 1.3014.

The proposed § 1.3009 A. is a definition of a public heliport. The words "and control" have been added to this section as they were above in the section regarding licensing of a public seaplane base. The change was made for the same reasons as stated above. The provision that a public heliport must comply with the general provisions of § 1.3006 has been deleted from this paragraph and has been put into the next paragraph, subsection B..

The proposed § 1.3009 B. formerly appeared in § 1.3014 A. through K. The introductory language to subsection B. now provides that a public heliport must comply with the general provisions of § 1.3006.

The proposed § 1.3009 B. 1. formerly appeared in the rules at § 1.3014 B.

The proposed § 1.3009 B. 2. formerly appeared in the rules at § 1.3014 C. This section deals with the size of a touchdown

area. The proposed rule has been clarified in order to specify that the "dimensions" referred to are the length and the width of the touchdown area.

The proposed § 1.3009 B. 3. formerly appeared in the rules at § 1.3014 D.

The proposed § 1.3009 B. 4. deals with obstructions to public heliports. This section, formerly § 1.3014 E., provided that criteria for determining obstructions to heliports would be found in 14 MCAR § 1.3009 F. Instead of using this cross-reference, the Department has set forth the criteria in the proposed rule. These criteria are identical to those criteria set forth in the existing rule at § 1.3009 F.

The proposed § 1.3009 B. 5. appears in the existing rules at § 1.3014 F. Subsection a. of § 1.3009 B. 5. contains a change in a cross reference. This is necessary for consistency with the proposed rule. Other subsections of B. 5. have been renumbered for consistency with the proposed rules.

The proposed § 1.3009 B. 6. appears in the existing rules at § 1.3014 G.

The proposed § 1.3009 B. 7. appears in the existing rules at § 1.3014 H. This section deals with fire extinguishers and the proposed rule includes the additional requirement that the fire extinguishers be "properly maintained." As stated above, this is obviously necessary and reasonable.

The proposed § 1.3009 B. 8. formerly appeared in the rules at § 1.3014 I. This section deals with wind indicators. The requirement that the wind indicator be operable has been added for obvious reasons. The requirement that the wind indicator be

3' x 5', blaze orange in color, or otherwise approved by the Commissioner has been added in order to be consistent with other sections of the proposed rule. It is reasonable and necessary to have the same wind indicators used at all public airports throughout the state so that they are immediately recognizable by pilots. The requirement has been added that, if the heliport is lighted for night operations, the wind indicator must also be lighted. This is consistent with the requirements for other types of lighted airports and is necessary for safety purposes.

The proposed § 1.3009 B. 9. formerly appeared in the rules at § 1.3014 J. This section deals with safety barriers. An additional requirement has been added that "suitable placards warning of the dangers of turning rotors shall be prominently displayed in pedestrian access areas." Turning rotors are not visible. Experience has shown that the public is often not aware of the fact that helicopters have turning rotors, particularly tail rotors. There have been a number of serious accidents involving this problem. It is felt that posting warning signs will help to alleviate injuries. This requirement should not be particularly expensive or burdensome for the operators of public heliports and the burden is outweighed by Safety Considerations.

The proposed § 1.3009 B. 10. appears in the existing rules at § 1.3014 K. No change is proposed.

The proposed § 1.3009 C. appears in the existing rules at § 1.3014 L. The only change in the proposed rule is a change in the cross-references to other sections. This is necessary to be consistent with the numbering system in the proposed rules.

The proposed § 1.3010, entitled "Licensing of a private airport" is a modification of the existing section § 1.30085, which

was entitled "Licensing of a privately owned commercial airport." Under the existing rule, a privately-owned airport which met all of the licensing requirements for a public airport, could be used to satisfy the condition for granting of a commercial operations license that the commercial operator have a base of operations on a public airport. This continues to be the case under the proposed rule. Additionally, whether or not the private airport meets all of the public airport requirements, certain other commercial operations may be conducted thereon if the commercial activity does not include the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction or aircraft rental and/or leasing.

The proposed § 1.3010 A. is a modification of the existing rule, § 1.30085 A. There are two changes in this paragraph. The first is the deletion of the reference to the use of the airport for commercial purposes. This is in recognition of the fact that private airports may or may not be used for commercial purposes, at the discretion of the owner. This section now also provides that a private airport may be displayed on aeronautical charts as a restricted facility. The existing rule on this point, § 1.30085 D., provided that a privately-owned commercial airport could not be displayed on any chart for public distribution. So long as private airports are labeled as restricted, the Department believes that it is in the interest of safety to show their availability on charts. It is an advantage to a pilot who must make an unplanned or emergency landing to have knowledge of as many airports in the area as exist. This would be true whether or not the airport were sufficient to meet the standards for a public-use airport.

The proposed § 1.3010 B. is a modification of the existing § 1.30085 B. The section of the existing rules has a reference to the existing 14 MCAR § 1.3008 B. 1. - 6., 11. and 12. The proposed rule sets out those requirements in detail, rather than using a cross-reference. This is done for administrative simplicity and clarity.

The proposed § 1.3010 B. 1. deals with the size of a runway. This section has been modified, under the proposed rule, to reduce the minimum runway length from 2,500 feet to 2,000 feet; to reduce the minimum width of a turf runway to 75 feet, from 150 feet, provided that there is also an area 75 feet on each side of the runway centerline which is clear of all obstructions; and also to specify that the minimum width of a hard-surfaced runway shall be 60 feet, together with the 75-foot clear zone on each side of the runway centerline. The justification for these changes in runway widths was previously discussed in this Statement. The reduction in minimum length of a runway for a private airport from 2,500 feet to 2,000 feet is justified and reasonable because the use of private airports is controlled by the owners. Since the permission of the owner must be granted in advance of landing, the owner has ample opportunity to inform the proposed pilot of the usable length of the runway. It would then be a pilot's decision whether or not 2,000 feet was adequate under conditions in effect at the time. Because of the size of a quarter-section of land, it is often difficult to lay out a runway with 2,500 usable feet of length on private property. There are a number of private airports in the state which are faced with this problem. The Department received many letters from affected persons urging that the minimum length

be reduced from 2,500 feet to 2,000 feet for these very reasons. The Department considers this public input to be valid and justified.

The proposed § 1.3010 B. 2. deals with the surface of the runway. It requires that the landing surface be smooth and free from hazards or obstructions. This provision was formerly contained in § 1.3008 B. 2. The difference is that the longitudinal and transverse gradient requirements have been eliminated and no longer apply to private airports. Experience has shown that some of the private airports do not comply with these gradient requirements and further that, due to their limited use, they may be safely operated in such condition.

The proposed § 1.3010 B. 3. deals with obstructions on a private airport. The existing section dealing with this topic is § 1.3008 B. 3. which references § 1.3009 E. 1., E. 4., and E. 5. The substance of the proposed rule has been slightly modified in that the requirement of an obstruction-free area around a private airport has been reduced. The proposed rule, like the existing rule, requires that no structure, tree or mobile object, other than those necessary and incidental to airport operation, shall penetrate certain imaginary airspace surfaces. The definition of the "primary surface" has been changed in the proposed section as it applies to private airports. Thus, the proposed subdivision E. 3. a. now provides that the primary surface begins at the end of each runway rather than 200 feet away from the end of the runway and further that the width of the primary surface is 200 feet, rather than 250 feet as was formerly required. This has the effect of reducing both the length and width of the primary surface.

Private airports do not have as great a frequency of use as public airports, and, as stated above, the persons using a private airport must have the consent of the owner. The owner has the opportunity to inform them of any potential obstructions. It is necessary, however, to require that certain minimum safety requirements be in effect at all airports, whether or not they are open to public use.

The definition of "approach surface" contained in proposed § 1.3010 B. 3. b., although it is worded somewhat differently, is the same in substance as the definition of "approach surface" contained in the existing rule at § 1.3009 E. 4. The requirement that no obstruction penetrate a precision instrument approach surface at a private airport has been deleted. This is because there are no precision instrument approaches at private airports and, if there should be in the future, FAA Standards would need to be met and would be satisfactory. The reference is therefore unnecessary.

The proposed § 1.3010 B. 4. dealing with edge markers is identical to the proposed § 1.3007 B. 4. discussed above, and is being proposed for the same reasons stated above. It is derived from the existing § 1.3008 B. 4.

The proposed § 1.3010 B. 5. requires that private airports be equipped with a wind sock or other approved wind indicator. The existing rule, § 1.3008 B. 6. requires a specific kind of wind cone. It was felt that as to private airports, the use of which is restricted, there were other reasonable and perhaps more economical alternatives which could be safely employed.

The proposed § 1.3010 B. 6., dealing with aviation fuel, is the same as the existing § 1.3009 B. 11.

The proposed § 1.3010 B. 7. deals with fire extinguishers. The old rule, § 1.3008 B. 12. required that a fire extinguisher should be available in the vicinity of the fuel pump in all cases. The new rule simply requires that the fire extinguisher be maintained if fuel is dispensed for sale at the airport. The reason for this change is that the state is concerned with protecting customers of commercial operations and not persons who maintain fuel on their own private premises but do not offer it for sale. Additionally, the requirement is added that the fire extinguisher be properly maintained. This is obviously necessary and reasonable.

The former § 1.30085 C. has been deleted. The substance of this paragraph now appears in the proposed § 1.3010 D.. The substance of the provision has been modified to allow increased use of private airports for commercial purposes. This was discussed above.

The proposed § 1.3010 C. is entitled "Hazards" and it requires that a private airport shall not impose undue hazards on adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines. This is a new requirement as applied to private airports. The existing rules apply this or similar requirements to personal-use landing areas (see the existing § 1.3016 B.) and to public airports through the imposition of airport zoning. It is reasonable and consistent to also apply this type of standard to private airports. The proposed rule simply states that the airport shall not impose undue hazards. It is therefore a relatively loose standard. It is reasonable for the state to protect

the interests of owners and occupants of adjoining property and persons using roads which are adjacent to airports. Private airports are frequently located near the property of others, near roads and near power and communication transmission lines. The proposed rule is necessary in order to give the state a limited amount of control over these potentially hazardous situations.

The proposed § 1.3011, which deals with licensing a private seaplane base, appears in the existing rules at § 1.30125. The title of the existing rule is "Licensing of a privately owned commercial seaplane base." The title of the proposed § 1.3011 is "Licensing of a private seaplane base." This change reflects the same considerations as discussed above with regard to licensing of a private airport. That is, the proposed rule no longer makes a distinction between privately-owned commercial seaplane bases and privately-owned noncommercial seaplane bases. Whether or not there is commercial use is the decision of the owner of the base. Please see the discussion set forth above as to private airports.

The proposed § 1.3011 A. is a definition of a private seaplane base. This section has been changed from the existing § 1.30125 A. in that the references to commercial use have been deleted for the reasons set forth in the preceding paragraph. The other substantive change in the section, as proposed, is that a private seaplane base may now be shown on aeronautical charts provided that it is marked as a restricted facility. Under the existing rule, § 1.30125 D., a private seaplane base could not be shown on any charts which would have public distribution. The reason for this are primarily safety considerations and were discussed above as to private airports.

The proposed § 1.3011 B. is derived from the existing rule which appears at § 1.30125 B. The existing rule sets forth the licensing requirements for private seaplane bases. These licensing requirements are set forth by cross reference to §§ 1.3012 B. - I., and K. 1., 3., 4., 5., of the existing rule. Proposed § 1.3011 B. sets forth the substance of these licensing requirements rather than using a cross-reference. This is done for purposes of administrative simplicity and to improve readability of the proposed rule.

The proposed § 1.3011 B. 1. is the same as the existing § 1.3012 B., except that, under the proposed rule, marine traffic rules and regulations must be followed to the extent that they do not interfere with the safety of operation of aircraft. The existing rule states that marine traffic rules and regulations must be followed <u>if</u> they do not interfere with the safe operation of aircraft. This change is to emphasize the point that such marine traffic rules must be followed to the extent consistent with aircraft operational safety.

The proposed §1.3011 B. 2. is identical to the existing rule which appears at §1.3012C.

The proposed §1.3011 B. 3. is the same as the existing §1.3012 D.

The existing rules, in §1.30125 B., by reference to §1.3012 E., require that the applicant for a private seaplane base license show that any construction or alteration of shoreline on the land area of the seaplane base is in conformity with the regulations of the Minnesota Department of Natural Resources and other applicable law. This requirement no longer appears in the proposed rule, §1.3011. As stated above, it is believed that this duplication of regulation between the Department of Transportation and other regulatory agencies is unnecessary.

The proposed §1.3011 B. 4. is identical to the existing §1.3012 F., with one exception. It is no longer required that the minimum effective length, for a private seaplane base, be at least one mile. It is felt that this is unnecessary for a private seaplane base because the operator of such a base determines who is allowed to use the base and therefore many inform pilots of the effective landing area. The proposed rule does preserve the requirements as to glide angle and clearance over objects on the ground.

The existing rule in §1.3012 G. requires that the areas available for landing and takeoff and for taxiing should be marked in a manner approved by the Commissioner. This section has been deleted from the proposed rule. As to a private seaplane base, it is felt that marking is both expensive and unnecessary since the operator of the private seaplane base has ample opportunity to inform proposed users as to the appropriate

areas of the water to be used. The deletion of this rule is mitigated by the fact that underwater obstructions must be marked, as discussed below.

The proposed §1.3011 B. 5. requires that all hazards in the approach or landing area, including underwater obstructions, be marked. This section is derived from the existing §1.3012 H. The section is in substance the same, except that as to private seaplane bases, there is no longer a requirement that the hazards be marked with lights on seaplane bases which engage in night operations. There are no private seaplane bases in the state which engage in night operations, and it is not thought likely that there will be any such bases in the foreseeable future.

The proposed §1.3011 B. 6. requires that a private seaplane base have a wind sock or other wind indicator. This rule is derived from the existing §1.3012 I. The existing rule requires a certain type of wind cone and also that the wind cone be lighted if the private seaplane base engages in night operations. The proposed rule deletes the requirement of lighting for the reasons discussed above and also does not specify the precise type of wind indicator which is required. As to private seaplane bases, there may be other reasonable and perhaps more economical alternatives than the specific type of wind cone required for public airports and seaplane bases. The need for uniformity, as to private operations, is obviously much less.

The proposed §1.3011 B. 7. deals with fuel filters. This is derived from the existing §1.3012 K. 4. The only difference between the proposed rule and the existing rule is that, under the proposed rule, the only fuel which must be filtered is that which

is dispensed for sale. This is really a clarification of the existing rule and also a liberalization in that there is no longer a requirement for the private seaplane base operator to filter fuel which is used in his own operation.

The proposed §1.3011 B. 8. is derived from the existing §1.3012 K. 5. The only difference between the proposed rule and the existing rule is that, under the proposed rule, the fire extinguisher must be "properly maintained." This is consistent with fire extinguisher requirements in other sections of the proposed rules and is obviously reasonable and necessary.

The existing rule, in §1.30125 B., by reference to §1.3012 K. 1. and 3. requires that life preservers and lines be provided at a private seaplane base. These requirements have been deleted from the existing rule. As to private operations, this should be up to the discretion of the operator since it is a restricted-use facility.

The existing rule, §1.30125 C., has been renumbered and now appears at proposed §1.3011 D. There is also a substantive change in this rule. As is the case with private airports, discussed above, private seaplane bases may be used for limited commercial purposes, whether or not all licensing requirements for a public seaplane base are compiled with. This is a liberalization and modification of the existing rule. The same limited commercial activities may be performed on a private seaplane base as may be performed on a private airport.

As is the case with the requirement for private airports, a new requirement has been added as to private seaplane bases. This appears in proposed §1.3011 C. That proposed section provides that a private seaplane base shall not impose undue hazards on adjoining

property or its occupants or endanger the user or use of existing surface transportation or power and communication tranmission lines. This generalized type of requirement is necessary in order to provide some minimum safety standards at private seaplane bases. These types of restrictions are imposed, in much greater detail, for public airports through airport zoning. Even for private airports and seaplane bases, it is necessary that the state have some minimum types of control for the protection of the public.

The proposed §1.3012 deals with licensing of private heliports. This topic was formerly dealt with at §1.30145 under the heading of "Licensing of a privately-owned commercial heliport." The commercial/noncommercial distinction has been eliminated for private heliports in the same manner and for the same reasons as the distinction was eliminated for private airports and private seaplane bases. The same reasons are applicable.

The proposed §1.3012 A. is derived from the existing §1.30145 A. There are two changes in the proposed rule. The first is that the references to commercial purposes have been eliminated. The second change is that a private heliport may now be displayed on aeronautical charts provided that it is marked as a restricted facility. The existing rule, in §1.30145 D., prohibited the display of a privately-owned commercial heliport on any chart available for public distribution. The reasons for these changes were discussed above as to private airport and seaplane bases.

The proposed §1.3012 B. is derived from the existing §1.30145 B. The existing rule sets forth the requirements for licensing of a private heliport by reference to the existing §1.3014. The

proposed §1.3012 B. specifically sets forth those licencing requirements, rather than using a cross-reference.

The proposed §1.3012 B. 1. is identical to the existing §1.3014 B.

The proposed §1.3012 B. 2. is identical to the existing §1.3014 C.

The proposed §1.3012 B. 3. is identical to the existing §1.3014 D.

The proposed §1.3012 B. 4. deals with obstructions to a private heliport. The existing §1.3014 E. refers to obstruction criteria set forth in the existing §1.3009 F. The proposed §1.3012 B. 4. sets forth those criteria. The proposed section is identical to existing §1.3009 F.

The proposed §1.3012 B. 5. is derived from and identical to the existing §1.3014 F. 1. - 3. with two exceptions. The first exception is that the cross-reference in the proposed B. 5. a. to imaginary surfaces has been changed in order to be consistent with the proposed rules. The other difference is that in the proposed F. 5. c. the word "adequate" has been added to modify emergency landing areas. The existing rule simply requires emergency landing areas. The proposed rule requires "adequate" emergency landing areas. This allows the Department to exercise its judgment as to what is or is not adequate for this purpose in the Department's expert opinion.

The proposed §1.3012 B. 6. is identical to the existing §1.3014 G.

The proposed §1.3012 B. 7. is identical to the existing §1.3014 H., with the exception that, under the proposed rule, the required fire extinguishers must be "properly maintained."

As discussed above this is obviously reasonable and necessary.

The proposed §1.3012 B. 8., as set forth in the proposed rules as published in the State Register, deals with the topic of wind indicators for private heliports. The proposed rule, as published, requires that private heliports be equipped with an operable wind sock, 3' x 12', blaze orange in color, and if the heliport is lighted, that the wind indicator must also be lighted. The Department wishes to withdraw this proposed section and substitute in its place the language contained in the proposed §1.3010 B. 5. and §1.3011 B. 6. With such substitution, requirements for private heliports will be consistent with the requirements for private airports and private seaplane bases as to wind indicators.

The proposed §1.3010 B. 9. is derived from the existing §1.3014 J. This section deals with safety barriers. The proposed rule is identical to the existing rule with the exception that the proposed rule requires that suitable placards warning of the dangers of turning rotors be prominently displayed in pedestrian access areas. This requirement was also added, as discussed above, for public heliports. It is felt that turning rotors on heliports present a serious danger to the public and the public should be warned.

The existing §1.30145 C. has been deleted and its substance now appears in the proposed §1.3012 D. This section deals with the use of private heliports for limited commercial purposes. As is the case with private airports and private seaplane bases, the proposed rule would allow private heliports to be used for limited commercial operations, as set forth in the proposed §1.3019. The

same reasons are applicable to private heliports as are applicable to private airports.

The proposed §1.3012 C. provides that a private heliport shall not impose undue hazards on adjoining property or endanger the user or use of existing surface transportation or power and communication transmission lines. The reason for this proposed standard as to private heliports is the same as the reason for applying the proposed standard to private airports and private seaplane bases. These reasons are discussed above.

The existing §1.3013 dealing with seaplane operations within the seven-county metropolitan area now appears at proposed §1.3018 and will be discussed below.

The proposed §1.3013 deals with licensing of personal-use airports, seaplane bases and heliports. This section is derived from the existing §1.3016 which is entitled "Licensing of personal-use landing areas." The new terminology specifying airports, seaplane bases and heliports, rather than using the term landing areas, is simply for purposes of consistency and clarity. These changes have been made throughout the proposed §1.3013.

§1.3013 A. of the proposed rules is derived from existing §1.3016 A. The existing rule, in section A., states that the license will be granted when certain licensing requirements have been met. This sentence has been deleted from the proposed subsection A., but the substance of the statement is contained in the proposed subsection B. There are no substantive changes to the proposed §1.3013 A.

The existing §1.3016 B. has been deleted. The substance of this subdivision now appears at the proposed §1.3013 E. The

wording of this section has been changed in order to be consistent with the proposed requirement for private airports, seaplane bases and heliports. The substance of the proposed rule does not differ from the existing rule.

The proposed §1.3013 B. now sets forth the requirements for obtaining a personal-use airport licence.

The proposed §1.3013 B. 1. is identical to the existing §1.3016 E.

The proposed §1.3013 B. 2. is a new requirement. It provides that the landing surface on a personal-use airport shall be smooth and free from hazards or obstructions. The proposed rule simply states a minimum standard of safety which has, as a practical matter, always been required as a prerequisite to the issuance of a personal-use airport license. It is necessary that the runway or landing area be smooth and free from obstructions or hazards in order to have safe operations.

The proposed §1.3013 C. is identical to the existing §1.3016 C. with the exception that the reference to "landing area" has been replaced by the word "airport."

The proposed §§1.3013 D. 1. and 3. are the same as the existing §§1.3016 D. 1. and 3. except that the words "landing area" have been replaced with the word "airport."

The proposed §1.3013 D. 2. is derived from the existing §1.3016 D. 2. The existing rules provide that a personal-use landing area cannot be used as a base of operation for any commercial purpose except aerial spraying and dusting. The proposed §1.3013 D. 2. has been expanded in that now a personal-use airport may be used for limited commercial activities which can be conducted without inviting the public, or private customers, to come onto the property. The

types of activities which would be allowed are set forth in the proposed rule and include aerial spraying and dusting, banner towing, balloon operations, aerial photography, pipeline/power-line patrol and other similar operations. Each one of these activities basically involves use of the personal-use landing area solely by the owner of the area and does not involve the carrying of passengers or the use of the landing area by other pilots. There is no reason why this type of activity cannot be conducted by the owner of a personal-use landing area since these commercial operations by the owner involve no greater hazards to the public then the owner's non-commercial operations. Additionally, certain activities such as banner towing and aerial spraying may be better conducted at personal-use landing areas in that they don't always fit in with the normal flow of traffic at public airports.

The proposed §1.3013 E. has been discussed above.

The proposed §1.3013 F. is derived from the existing §1.3016 F. and G. The proposed rule deals with additional specific requirements, over and above those for personal-use airports, which are required as a prerequisite to granting of a personal-use seaplane base or personal-use heliport license. The introductory sentence contained in subsection F. is new and is necessary because of the changed format of this section.

The proposed §1.3013 F. 1. a. was formerly contained in §1.3016 F., first paragraph. There is a change in the proposed rule in that the license for a personal-use seaplane base no longer will apply to the water area designated for its operation. It is felt that the regulation of water areas is more properly under the jurisdiction of other governmental agencies.

The proposed §1.3013 F. 1. b. formerly appeared at and is identical to the existing §1.3016 F. 1.

The proposed §1.3013 F. 1. c. is the same as existing §1.3016 F. 2., except that there has been a change in cross-reference to another rule in order to be consistent with the numbering system of the proposed rules.

The proposed §1.3013 F. 2. a. is the same as the existing §1.3016 G. 1., except that the cross-references have been changed. Similarly, the proposed §§1.3013 F. 2. b., c. and d. correspond to the existing §§1.3016 G. 2., 3. and 4. except that cross-references have been changed.

The proposed §1.3014, Unlicensed Landing Area, formerly appeared at §1.30135. The proposed rule is identical to the existing rule with the exception that an additional section is added to the proposed rule. Proposed §1.3014 D. now requires that an unlicensed landing area not impose undue hazards upon adjoining property or its occupants or endanger the user or use of existing surface transportation or power and communication transmission lines. This is the same standard which has been applied, under the proposed rules, to private airports and to personal-use airports. Even as to unlicensed landing areas, it is necessary that the state have some control in order for protection of the public. This has been previously discussed.

The proposed §1.3015, Criteria for Determining Obstructions to Air Navigation, is identical to the existing §1.3009. Subsection E. 4. c., d., e. and f. have been modified by adding parenthetical language for the purpose of clarifying the configuration of the approach surfaces. This parenthetical language has no effect on the substance of the existing rule; it is only

a different manner of stating it.

The existing rule on airport zoning standards has no proposed changes. There is, however, a numbering change. That section will now be numbered §1.3016 rather than §1.3010.

The proposed §1.3017 A. is identical to the existing §1.3013 E.

The proposed §1.3017 B. is identical to the existing §1.3033 K. 5.

The proposed §1.3018 is derived from the existing §1.3013.

The proposed §1.3018 A. is identical to the existing §1.3013 A. with the exception of a change in a cross-reference.

The proposed §1.3018 B. is identical to the existing §1.3013 B. with exception of a change in the introductory language contained in the first paragraph. This change is not one of substance and is being made simply for the purpose of grammatical clarity.

The proposed §1.3018 C. is a new section. It states that seaplane operations are prohibited on public waters within the seven-county metropolitan area except for those areas listed in the preceding subdivision. This prohibition was previously found in the introductory language to §1.3013 B. and it is again located here for purposes of clarity.

The proposed §1.3018 D. is identical to the existing §1.3013 C.

The proposed §1.3018 E. is identical to the existing §1.3013 D.

The existing §1.3013 E. has been deleted from the proposed

rule because it now appears in the proposed §1.3017 A.

The proposed §1.3018 F. is derived from the existing §1.3013 F. This section has been rewritten for purposes of clarity.

The proposed §1.3019 A. is identical to the existing §1.3017 A., with one exception. The proposed rule adds the following statement at the end of the paragraph, "NOTE: Shared expense flights as defined in the Federal Aviation Regulations are not commercial operations as defined in this chapter." This is to clarify the intent of the existing rule that such shared expense flights do not constitute commercial operations. Shared expense flights, as defined by the FAR's are distinguished from flying passengers for hire. The state rules are and continue to be consistent with federal regulations.

The proposed §§1.3019 B., C., D., E., F., G. and H. are identical to the existing §§1.3017 B., C., D., E., F., G. and H., respectively.

The existing §1.3017 I. has been deleted from the proposed rules. This existing rule requires a commercial operations licensee to report all accidents. Existing federal regulations require these reports to be made and this duplication in state regulations is considered to be unnecessary, since these reports are forwarded to the state by the federal agencies.

The proposed §1.3019 I. is derived from existing §1.3017 J. Certain changes have been made.

The proposed §1.3019 I. I. is identical to the existing §1.3017 J. 1.

The proposed §1.3019 I. 2. has been modified. The corresponding section in the existing rules provided that if the commercial activity includes the operation of aircraft, then

the applicant's base of operations must be on a public airport, seaplane base or heliport or on an airport owned by the Metropolitan Airports Commission. The only exceptions to this were commercial operations consisting of aerial spraying and dusting and leasing of aircraft for more than thirty days to a non-commercial operator. The proposed rule continues the requirement that, if the commercial activity in question includes the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, or aircraft rental and/or leasing, the commercial operation must be based on a lincensed public airport, a Metropolitan Airports Commission airport, or a licensed private airport which meets the minimum runway length, width, and approach surface requirements of a public airport. This does not represent any substantive change from the existing rules.

The proposed §1.3019 I. 3. is a new section dealing with commercial operations limited to aircraft servicing, maintaining and repairing. The proposed rules states that such operations may be conducted on a public airport or a private airport which complies with the proposed rules on private airport licensing. As discussed above, the proposed rules on private airport licensing would allow the operation of a service and maintenance operation even though the private airport does not comply with all licensing requirements for a public airport. Reference should be made to the rule on licensing of private airports discussed above for a statement of these requirements. The Department has received a great deal of input from the public requesting this change. Based upon this input, there would appear to be a need for additional aircraft servicing and

maintenance operations. Such operations often are not able to find space on existing public airports. The Department believes that aircraft service and maintenance operations may be safely conducted on licensed private airports even though the standards for these airports are less stringent than for public airports. Private airports are restricted facilities and the operator of the airport has the responsibility to inform pilots using the airport of any hazards or limitations which may be present. Because of the less stringent requirements which apply to private airports, the permitted commercial operations at such airports do not include those kinds of activities where fare-paying passengers will be involved.

The proposed §1.3019 I. 4. is a new section which deals with the commercial operations which are permitted on licensed personal-use airports. Under the existing rule, no commercial operations are allowed to be conducted from personal-use airports except for aerial spraying or dusting. Under the proposed rule, commercial operations such as banner towing, pipeline/power-line patrol and others may be operated from personal-use airports. These activities are of the type which involve neither the carrying of passengers for hire nor the use of the airport by pilots other than the owner. Use of a personal-use airport for these limited commercial purposes presents no greater danger to the public than if such commercial uses were prohibited. In fact, certain of these activities, such as banner towing and aerial spraying and dusting may be better conducted at personal-use airports in that those activities may tend to interfere with the regular operation of public airports where there is more traffic.

The proposed §1.3019 J. is identical to the last paragraph of the existing §1.3017 J.

The proposed §1.3019 K. is derived from the existing §1.3017 K. The section has been revised to delete the requirement that each aircraft used by a licensee for commercial operations possess a currently valid certificate of airworthiness issued by the Federal Aviation Administration and that the aircraft be maintained in an "airworthy" condition. These requirements are present in the federal regulations and this duplicative state rule is not necessary. In all other respects, this section is the same as the existing rule.

The existing §1.3017 L. has been deleted. This section required that each airman engaged in a commercial operation or employed by the commercial operator hold an airman's certificate from the FAA together with appropriate equipment ratings. This requirement is present in federal regulations and this duplicative state regulation is not necessary.

The proposed §1.3019 L. is derived from existing §1.3017 M. There is a change in the first paragraph of the proposed subsection L. in that the requirement that the records be kept at the base of operations has been deleted. This is in recognition of the fact that a commercial operator's base of operation on an airport may well not be the same as his business office where records would tend to be kept. It is not necessary for the Department of Transportation to inspect these records at the base of operations so long as they are otherwise available.

The proposed §1.3019 L. 1. is identical to the existing §1.3017 M. 1.

The proposed §1.3019 L. 2. is identical to the existing

§1.3017 M. 2.

The proposed §1.3019 L. 3. is derived from the existing §1.3019 M. 3. The proposed rule deletes the requirement that the commercial operator keep a record of the annual maintenance inspection date of each aircraft. Again, this is a federal requirement and duplication is not needed in the state regulations.

The proposed §1.3019 M. is derived from the existing §1.3017 N. This section has been reworded for purposes of brevity and clarity. The section has also been substantively changed in that it now requires that a commercial operator comply with federal laws as well as state laws. This is necessary because the existing rules reiterate many provisions of federal law in this area. The proposed rule eliminates all or most of this duplication. Thus, compliance with state regulations is no longer synonymous with compliance with federal regulations as to these matters. The State of Minnesota does not want to be in a position where it must grant a commercial operations license to an applicant which is in violation of federal law and regulation. In order to prevent this anomalous situation from occurring, the proposed rule is necessary. The proposed rule is reasonable because federal regulations in this area impose a variety of minimum safety requirements which are and must be met as to aircraft condition, pilot qualifications, flight rules, and a host of other matters which are generally-accepted operating standards in the industry.

The proposed §1.3019 N. is derived from the existing §1.3017 R. The existing rule requires that a commercial operations applicant whose commercial activity includes the operation of aircraft, but who is not licensed to perform aircraft servicing,

maintaining and repairing, must have a contract with commercial operator who is licensed to perform such service and maintenance activities. The proposed rule continues this requirement but gives the applicant an additional option of employing an FAA - certificated mechanic to do the service and maintenance work. Thus, under the proposed rule, a commercial operator who is not specifically licensed by the State for aircraft service and maintenance may directly engage in those activities as to its own aircraft through the services of an appropriately-qualified mechanic rather than contracting with another commercial operator.

The proposed §1.3019 O. is identical to the existing §1.3017 O.

The existing §1.3017 P., dealing with shared-expense flights has been deleted. This section is now unnecessary because of the reference to shared-expense flights in the proposed §1.3019 A.

The proposed §1.3019 P. is identical to the existing §1.3017 S., except that a cross-reference has been changed in order to be consistent with the proposed rules.

The existing §1.3017 Q. entitled "Leasing" has been deleted in its entirety. That section requires that one or the other party to an aircraft lease have a commercial operations license. This subject is now dealt with in the proposed §1.3023 dealing with aircraft rental and leasing.

The proposed §1.3019 Q. is derived from the existing §1.3017 U. This section deals with insurance requirements for commercial operators.

The proposed §1.3019 Q. 1. is the same as the existing §1.3017

U., first pargrap● with four exceptions. In the beginning of the paragraph the phrase "unless otherwise specified in this chapter" has been added. This was added for purposes of clarity because more specific insurance requirements are set forth under the respective rules for the particular commercial activity in question. The second change is the addition of the phrase "whose operation will involve the use of aircraft," which phrase now modifies the phrase "applicant for a commercial operations license." The purpose of this change is to clarify the point that commercial operators who do not in any way operate aircraft are not required to have aircraft insurance. This is in conformity with the existing rules and practice. Examples of such commercial operators would be aircraft dealers and ground school operators. It is obvious that persons who do not operate aircraft do not need to insure against this risk. The next change in this paragraph is the substitution of the word "aircraft" for the word "accident" in connection with the insurance coverages which must be provided. This change clarifies the point that insurance companies really insure aircraft against accidents. It is necessary to have insurance on each aircraft which is operated in order to provide comprehensive coverage. The only other change in this paragraph is the substitution of the word "rule" for the word "regulation" in order to conform with existing state administrative practice.

The proposed §1.3019 Q. 2. is identical to the existing §1.3017 U., second paragraph.

The proposed §1.3019 Q. 3. is identical to the last paragraph of the existing §1.3017 U. with the single exception that

the word "after" has been deleted from the third line of the existing rule. This word was unnecessary.

The proposed §1.3020, dealing with flight schools, is derived from the existing §1.3018 dealing with the same topic. The proposed §1.3020 A., first paragraph, has been slightly rewritten for purposes of clarity and in order to conform with current terminology. There are no changes in substance in this rewriting. The words "flight time" have been deleted since the terminology "flight instruction" is both more specific and comprehensive. The phase "to persons holding less than a private pilot's certificate" has been deleted as unnecessary because most all students holding less than a private pilot's certificate are already covered by the first clause of the paragraph in that their instruction is "leading to a pilot's certificate or rating." The only other change in this paragraph is the substitution of the word "compensation" for the word "reward." This is more modern terminology and is more widely understood.

The proposed §1.3020 A. 1. is the same as the existing §1.3018 A. 1., except for the addition of the word "flight" in two places. The word flight has been added in the second line of the proposed rule to modify the word instruction. This change simply clarifies the intent of the existing rule that we are talking about flight instruction rather than ground school instruction. The word "flight" was also added in the last clause of the paragraph and the words "such" and "activity" were deleted. This is a grammatical change for purposes of clarity.

The proposed §1.3020 A. 2. is identical to the existing §1.3018 A. 2.

The proposed §1.3020 A. 3. is derived from the existing §1.3018 A. 3. Again, the word "compensation" has been substituted for the word "reward". Additionally, the last clause of the existing rule which now reads, "and without using his own aircraft" has been deleted and the following language substituted in its place: "and without operating an aircraft for compensation or hire for the purpose of flight instruction." This rule, as proposed, continues the intent that a free-lance aeronautics instructor who simply gives lessons on his or her own time does not need to be a licensed commercial operator. However, if the person is engaged in a commercial operation in which he employs other people, rents aircraft in connection with the flight instruction, uses his or her aircraft or a leased aircraft, then such persons are deemed to be a commercial operator. The existing rule talked only about using one's own aircraft. The proposed rule is somewhat more broad than that. This is in recognition of the modern practice of leasing aircraft, using flying club aircraft and also rental of aircraft by commercial operators. The intent of the rule remains the same, but the definition is slightly broadened in order to conform to modern practice.

The proposed §1.3020 A., first paragraph, is identical to the existing §1.3018 B., first paragraph.

The existing §1.3018 B. 1. dealing with "records and office," has been divided into two paragraphs under the proposed rule, §1.3020 B. 1., "office" and §1.3020 B. 2., "records". The proposed §1.3020 B. 1. is the same as the last sentence of the existing §1.3018 B. 1., with the exception of one grammatical change in which the words "and containing" were deleted and the

word "with" was substituted. This change is not substantive.

The proposed §1.3020 B. 2. is derived from the first two sentences of the existing §1.3018 B. 1. There have been a few minor changes in these sentences. The first is that the word "flight" has been added as the second word in the paragraph. This is for purposes of clarity. The second change is that the words "in addition to the students' logbooks" have been deleted. The existing rule requires the flight school operator to keep student logbooks as part of his required records. Under existing law and practice, the flight school operator has no right to keep student logbooks. Rather, they belong to the students. The existing rule is therefore out-of-date and unreasonable in this regard. The other change in this proposed rule is the deletion of the word "regularly" as it modifies "enrolled students." This is a substantive change in that under the existing rule, flight school operators only need maintain records on regularly-enrolled students. Under the proposed rule, records must be maintained on all enrolled students. It was felt that the term "regularly-enrolled" simply created an ambiguity in the proposed rule. The Department simply wants to clarify its intent that records be kept as to all student activities.

The proposed §1.3020 B. 3. is derived from the existing §1.3018 B. 2. This section deals with the required curriculum for flight schools. The proposed section has been slightly rewritten for purposes of clarity. The only substantive change is that all course outlines must now include a section on Minnesota Statutes and Rules relating to aeronautics. The Department has found that not all pilots operating within the state are familiar with Minnesota Statutes and, in particular, the Aeronautics

Division Rules. Since the activities of these pilots are governed by such laws and rules it is reasonable and necessary that their formal instruction include a section pertaining to these matters.

The proposed §1.3020 B. 4. is derived from the existing §1.3018 B. 3. The proposed rule deletes reference to the word "regulations" in order to conform with state administrative practice. The proposed rule has been slightly rewritten. The only substantive change is that the only flight school operation rules and procedures which now must be prominently posted at the flight school is a diagram of the traffic pattern and the practice area. The existing rule requires that all flight school rules and regulations be prominently posted. The proposed rule simply requires that these other rules and safety procedures be made readily available to all students. It was felt by the Department that it was unnecessary to have rules posted on a bulletin board so long as they are made readily available.

The proposed §§1.3020 B. 5. a., b., and c., are identical to the existing §§1.3018 B. 4. a., b., and c. with the single exception that the word "aircraft" has been substituted for the word "accident" in the introductory language to the paragraph. This recognizes the fact that it is the aircraft that is actually insured not an accident.

The proposed §1.3020 B. 5. d. is a new addition to the proposed rule. That section provides that each flight school operator must advise students whether they are covered by the flight school's insurance policy. The operator must also disclose the type and extent of coverage, if any. The flight school must obtain a signed statement of acknowledgment of the disclosure from the student. The insurance required of a

flight school operator does not include liability coverages for student or renter pilots. Thus, in the case of an accident, the flight school operator's insurance policy may cover his losses, but the insurance company may then have subrogation rights against the student pilot or renter pilot who may not also be insured in their own right. The Department has found that many students and renter pilots are not aware of this lack of coverage. The intent of the proposed rule is simply to make them aware of this situation so that they can provide their own coverages if they feel that it is appropriate. The Department feels that this rule is necessary because there have been complaints and lawsuits in the past over these issues of insurance coverage. Such problems can be eliminated by a full disclosure of exactly what policies are in existence. In the case of student pilots, who are likely to be less well-informed on these matters, it is thought to be reasonable for the protection of the student as well as the protection of the flight school operator, and that a written acknowledgment be obtained from the student. This will be of benefit to the flight school operator in the event of any accident and resultant litigation.

The proposed §1.3020 B. 6. is derived from the existing §1.3018 B. 5. The section has been rewritten in that the five sentences of the existing paragraph 5. have been broken down and now appear in the proposed rule, §1.3020 B. 6. as the introductory paragraph, subdivision a., b., c. and d., respectively. The only other change appears in the first sentence of the existing rule, now contained in the first paragraph of the proposed rule, in which the word "agent" has been substituted for the word "salesman." Agent is a broader term than salesman and this reflects

the desire of the Department to have all persons dealing with students on behalf of the flight school operator covered under the bond, not merely someone whose job description says "salesman."

The proposed §1.3020 C. is the same as the existing §1.3018 C., except that there is a change in cross-reference to be consistent with the numbering in the proposed rules.

The proposed §1.3021 is derived from the existing §1.3019. Both sections deal with the requirements for a ground school and an aeronautical correspondence school.

The proposed §1.3021 A. is identical to the existing §1.3019 A., except that the word "compensation" has been substituted for the word "reward."

The proposed §1.3021 B., first paragraph, is identical to the existing §1.3019 B., first paragraph.

The proposed §1.3021 B. 1. is identical in substance to the existing §1.3019 B. 1. This section has been slightly rewritten for grammatical correctness.

The proposed §1.3021 B. 2. is identical to the existing §1.3019 B. 2.

The proposed §1.3021 B. 3. is derived from the existing §1.3019 B. 3. This section deals with the curriculum for a ground school or aeronautical correspondence school. There is a new substantive requirement in the proposed rule that each course outline include a section reviewing pertinent Minnesota Statutes and Rules relating to aeronautics. The rationale for this change was discussed above in connection with flight schools. This rationale equally applies here and the proposed rule is clearly reasonable and necessary for the reasons stated above.

The proposed §1.3021 B. 4. is derived from the existing §1.3019 B. 4. This section deals with the requirement of a faithful performance bond covering ground school students. This section has simply been rewritten and broken down into separate paragraphs in the same manner as was done with the corresponding §1.3020 B. 6. of the proposed rules discussed above as to flight schools. There is no change in substance in this proposed rule.

The proposed §§1.3021 B. 5., B. 6. and C. are identical to the existing §§1.3019 B. 5., B. 6 and C., respectively.

The proposed §1.3022 A. is identical to the existing §1.3021 A., with four minor exceptions. The words "endorsement for" have been deleted from the heading of the subsection of the rule. This is not substantive. The word "compensation" has been substituted for the word "reward", in the third line of the proposed rule. There has been a change in reference to another section of the proposed rules in order to preserve consistency. In the second to the last line of the proposed rule, the word "their" has been substituted for the word "his." None of these changes are substantive.

The proposed §1.3022 B. is identical to the existing §1.3021 B.

The proposed §1.3022 C. is identical to the existing §1.3021 C., except that the word "aircraft" has been substituted for the word "accident" because the insurance really covers the aircraft for accidents and not the accidents as such.

The proposed §1.3022 D. is identical to the existing §1.3021 D., except for a change in cross-reference to a new section of the proposed rules.

The proposed §1.3023 A. is derived from the existing §1.3022 A. and the existing §1.3017 Q. The proposed rule, as published, has three changes from the existing §1.3022 A. The words "endorsement for" have been deleted from the title. These words were unnecessary. The word "compensation" has been substituted for the word "reward." The word "their" has been substituted for the word "his" in two places. None of these changes is substantive. The proposed §1.3023 A., as published in the State Register, omits one clause which the Department proposes to adopt. That change is set forth here and will be proposed as a change at the hearing, subject to the approval of the Hearing Examiner. That change would be the addition of the following clause at the end of the proposed §1.3023 A., as published.

After the word "activity" at the end of the existing paragraph, the period would be eliminated and a comma substituted. The following words would then be added:

except that no commercial operations license shall be required of a person who owns his own aircraft and leases or rents his aircraft to a party who holds a commercial operations license.

This language is taken from the existing §1.3017 Q. 2. It is intended to preserve the exception from obtaining a commercial operations license for persons who merely purchase and own aircraft as an investment or for their own personal use. It is common practice in the industry for persons to purchase aircraft and then lease them to commercial operators. The lessor may or may not retain the right to use the aircraft for his own personal use. This practice is often useful for income taxation purposes. The intent of the commercial operations rules in general is to regulate those persons dealing with the

public, not persons who deal only with experienced commercial operators. The rule as proposed continues the intent and substance of the existing rule. The difference is that this exception is now contained in the section on aircraft rental and leasing rather than in the section on general commercial operations rules.

The proposed §1.3023 B. is identical to the existing §1.3022 B.

The proposed §1.3023 C. is identical to the existing §1.3022 C. with a few minor changes. The changes are the deletion of the word "thereof" in the second line of the proposed rule and the deletion of the word "that" in the second to the last line of the proposed rule. These words are unnecessary.

The proposed §§1.3023 D. 1., 2. and 3. are identical to the existing §§1.3022 D. 1., 2 and 3., except that the word "aircraft" is substituted for the word "accident" in the introductory paragraph to the subsection. This was done for the reasons stated above.

The proposed §1.3023 D. 4. is a new section which requires that a commercial operator engaged in the business of renting or leasing aircraft, advise the renter pilot or lessee as to whether or not they are covered under the operator's insurance policy and the type and extent of coverage, if any. The commercial operator must also obtain a signed statement of acknowledgment of this disclosure from the renter or lessee pilot. The reasons for and the necessity of this provision were discussed above in connection with the parallel requirement for flight school operators.

The proposed §1.3023 E. is identical to the existing §1.3022 E., except for a change in the cross-reference.

The proposed §1.3024, dealing with air ambulance service, is derived from the existing §1.3023.

The proposed § 1.3024 A. is identical to the existing § 1.3023 A. with the exceptions that the word "reward" has been changed to "compensation," and the word "their" has been substituted in two places for the word "his."

The proposed § 1.3024 B. is identical to the existing § 1.3023 B. with the exception that three words have been deleted from the last clause of the first sentence of this paragraph. Those words are "so" and "so as." These words are unnecessary. This does not represent a change in the substance of the rule.

The proposed § 1.3024 C. is identical to the existing §1.3023 C.

The proposed § 1.3024 D. is identical to the existing §1.3023 D. with the exception that the word "aircraft" has been substituted for the word "accident." This is to clarify the point that the insurance coverage applies to the aircraft itself.

The proposed § 1.3024 E. is derived from the existing §1.3023 E.. The proposed section has now been stated in two sentences rather than one. The only change in substance is that the proposed rule now provides that the dead bodies being transported "shall be enclosed in a suitable container as specified by the State Department of Health." This change was made simply to conform with the Department of Health regulations as to body bags and similar devices.

The proposed § 1.3024 F. is identical to the existing § 1.3023 F.

The proposed § 1.3024 G. is identical to the existing §1.3023 G., except that a change in the cross-reference has been made in order to be consistent with the numbering system of the proposed rules.

The proposed § 1.3025, dealing with aerial spraying or dusting, is derived from the existing § 1.3024.

The proposed § 1.3025 A. is identical to the existing § 1.3024 A.

The proposed § 1.3025 B. is derived from the existing § 1.3024 B. The existing rule states that if the Governor declares an emergency to exist as to crop conditions, the Commissioner may grant variances from the rule. The proposed rule deletes the reference to the Governor, and simply provides that if an emergency is declared, the Commissioner may grant variances. This change was made in recognition of the possibility that a crop condition emergency may be declared by federal authorities as well as by the Governor of the State.

Sections C. and F. of the existing § 1.3024 have been deleted from the proposed rule, without replacement. These sections now require that a pilot engaging in spraying or dusting have a special certificate issued by the Department which is to be carried with him at all times when engaged in spraying or dusting. As a precondition to granting this certificate, Section F. sets forth certain minimum qualifications which have to be met. These qualifications and certificates are no longer necessary because they are duplicative of FAA rules.

The proposed § 1.3025 C. is derived from the existing § 1.3024 D. This section has been rewritten for grammatical clarity. The substance of the section remains the same.

The proposed § 1.3025 D. is derived from the existing § 1.3024 E. This section deals with aircraft and pilot safety equipment. The first sentence of the proposed rule is identical to the

first sentence of the existing rule. The last two sentences of the existing rule have been combined into one sentence in the proposed rule. The existing rule provides that each aircraft shall be equipped with a safety belt and shoulder harness. The proposed rule requires that a pilot wear a safety belt and shoulder harness, as well as protective headgear as required in the existing rule. The existing rule does not require that the shoulder harness and safety belt be worn, but only that they be in the aircraft. There is a relatively high incidence of accidents in connection with aerial spraying and dusting. Experience has shown that the severity of personal injuries in these accidents is decreased when seat belts, shoulder harnesses and protective headgear are worn. This is a reasonable and necessary requirement for safety reasons.

The proposed § 1.3025 E. is derived from the existing § 1.3024 G. The existing rule requires that a nonresident applicant for an aerial spraying or dusting commercial operations license include in the application the address and name of the airport from which his operations are conducted. The proposed rule requires his permanent address for the business. Experience has shown that the business address is not necessarily the same as the address of the airport from which operations are conducted. The Department is more interested in having a permanent business address for purposes of correspondence and locating the licensee.

The proposed § 1.3025 F. is derived from the existing § 1.3024 H. The proposed rule is identical to the existing rule with the exception that the applicant must now inform the

Commissioner of the current Minnesota registration decal number for each aircraft to be used in addition to the factory make, model, year and "N" number of that aircraft as required in the existing rule. Minnesota Statutes provide that each aircraft used in the state must be registered. When an aircraft is registered, it receives a registration decal number. It would be helpful to the Department administratively if this number were disclosed on the application forms.

The proposed § 1.3025 G. is derived from the existing § 1.3024 I. The existing rule requires the applicant to be the holder of an FAA commercial agricultural aircraft operator's certificate, and that a copy of the certificate be attached to the application for a commercial operations license. The proposed rule requires a certification that such a certificate is held by the applicant. The proposed rule no longer requires that a copy be attached, since this can easily be ascertained by the Department, if necessary. An additional change is the addition of "FAA" to modify the term "commercial agricultural aircraft operator's certificate." This is not a substantive change.

The proposed § 1.3025 H. is derived from the existing § 1.3024 J. This section deals with minimum liability insurance coverages. The proposed rule is the same as the existing rule except that the word "aircraft" has been substituted for the word "accident" in order to clarify the intent of the rule that each aircraft be covered by insurance with the minimum stated limits. The other change in this proposed rule is the deletion of the words "excluding chemical drift" from the existing

§ 1.3024 J. 2. This is not a substantive change. Neither the existing rule nor the proposed rule requires that the commercial operations licensee carry chemical drift insurance. The words were deleted from the proposed rule because they are unnecessary and because the Department does not want to discourage persons from carrying chemical drift insurance coverage.

The proposed § 1.3025 I. is identical to the existing § 1.3024 K. with the exception that there is a change in cross-reference in order to be consistent with the proposed rules.

The proposed § 1.3026 is derived from the existing § 1.3025.

The proposed § 1.3026 A. is derived from the existing § 1.3025 A. This paragraph has been slightly rewritten for grammatical clarity. The words "for compensation or for hire" have been added. Thus, the proposed rule states that "any person who, for compensation or for hire, provides or offers to provide aircraft maintenance . . ." must have a commercial operations license. The existing rule states that any "person who provides or offers to provide aircraft maintenance" must have a commercial operations license. The compensation or hire qualification has been added in order to be consistent with all of the other existing subsections on specific types of commercial operations licenses. The Department never has intended to license aircraft mechanics who were not in business as such, but merely worked on their own or their friends' aircraft.

The proposed § 1.3026 B. is derived from the existing § 1.3025 B. The proposed section has been slightly rewritten for purposes of clarity. The substantive changes are as follows. The existing rule, in paragraph B. 1., requires that

the applicant have a building located on a public or private-commercial airport. The proposed rule, in paragraph B. 1., requires that the building be located on a public or private airport. This change was made in order to be consistent with the elimination of private-commercial airports as a licensing category. The existing rule requires that the building or portion of a building be of adequate size to completely enclose at least one fully assembled aircraft with sufficient space to work on the aircraft. The proposed rule simply requires that the building or facility be of adequate size and have sufficient space to work on the aircraft. This is a restatement of the existing rule which the Department believes to be of no substantive significance.

The proposed § 1.3026 B. 2. is a restatement of the existing § 1.3025 B. 2. dealing with required fire protection equipment. The only substantive change is the deletion of the requirement in the proposed rule that the facility comply with local fire marshal regulations. This provision was unnecessary since local rules must be complied with in any event.

The proposed § 1.3026 B. 3. is a restatement of the existing § 1.3025 B. 3. The existing rule requires that the applicant employ at least one "A & P" mechanic or one "A" and one "P" mechanic. The abbreviations "A" and "P" stand for airframe and powerplant, respectively, and are FAA terms. The proposed rule simply requires that persons be employed who are certificated by the FAA for the type of servicing, maintaining and repairing to be performed. There are two reasons for the proposed change. The first is that the new wording clarifies the

intent that the employees be qualified for the actual kind of work which is performed at the particular facility. The second reason for the change is that the FAA has classifications of certified aircraft repairmen for things other than airframes and powerplants. The Department does not feel it is necessary to require an airframe or powerplant mechanic to be employed if all that is worked on is, for example, avionics equipment.

The proposed §§ 1.3026 C. 1., 2. and 3. (are identical to the existing §§ 1.3025 C. 1., 2. and 3) except that the word "aircraft" has been substituted for the word "accident" in the introductory language to the paragraph.

The proposed § 1.3026 C. 4. is a new section. The proposed rule requires each commercial operator engaged in the business of aircraft servicing, maintaining and repairing to advise their customers as to whether or not hangarkeeper's insurance is in force and the extent of the coverage, if any. The proposed section does not require that the commercial operator actually have hangarkeeper's insurance. It simply requires a disclosure to the customer so that the customer can provide his or her own insurance, if necessary. There have been a couple of incidents in the recent past in which an aircraft owner experienced a property damage loss while the aircraft was in the possession of a service and maintenance commercial operator. In this connection, there has been some confusion as to whether our existing regulations required hangarkeeper's insurance. Thus, one purpose of the proposed change is to clarify the point that hangarkeeper's insurance is not required. The additional reason is, of course, to require that a disclosure be made to the customer. The proposed rule will, therefore, eliminate such disputes in

the future, and will allow aircraft owners to obtain their own insurance or patronize a commercial operator who provides such insurance coverage.

The proposed § 1.3025 D. is identical to the existing § 1.3025 D. except for a change in cross-reference.

The proposed § 1.3027, dealing with commuter air carriers, is derived from the existing § 1.3026.

The proposed §§ 1.3027 A., B., C., D., E. 1. and E. 2. are identical to the existing subsections under §§ 1.3026, with corresponding subsection headings.

The proposed §§ 1.3027 E. 3. a., b., c. and d. are identical to the existing § 1.3026 E. 3. a., except that the single paragraph under the existing rule has been broken down into four subparagraphs.

The proposed § 1.3027 E. 3. e. is identical to the existing § 1.3026 E. 3. b.

The proposed § 1.3027 E. 4. is identical to the existing § 1.3026 E. 4., except that the applicant must now disclose the current Minnesota registration decal number in addition to the factory make, model and "N" number. This requirement was discussed above in connection with identical requirements for other commercial operators. As stated there, all aircraft used by commercial operators must be registered in any event and it is administratively convenient for the Department to have the registration decal numbers set forth on the application.

The proposed §§ 1.3027 E. 5. and 6. are identical to the existing §§ 1.3026 E. 5. and 6.

The proposed § 1.3027 F. is the same as the existing

§ 1.3026 F., except that the word "aircraft" has been substituted for the word "accident" for the reasons discussed above.

The proposed § 1.3028, dealing with commercial parachuting is derived from the existing § 1.3037 dealing with the same topic. The proposed rule simply requires that any person engaged in parachuting for hire or compensation must be a licensed commercial operator and must comply with the general commercial operation requirements of proposed § 1.3019. The proposed rule is a simplification and consolidation of the existing rules contained in §§ 1.3037 A. and B. and § 1.3038 A. The existing § 1.3037 A. required a commercial operations license for any parachute organization making exhibition jumps, in addition to other requirements. The existing § 1.3037 B. had similar requirements for individuals making exhibition jumps. The existing § 1.3038 A., first paragraph, required that any person or organization engaging in parachuting also have a commercial operations license. The proposed § 1.3028 simplifies this situation by requiring that any person engaged in parachuting for hire or compensation have a commercial operations license. The term "person" includes natural persons as well as organizations of various kinds. Thus, the proposed rule says in one paragraph what the existing rule says in three.

There is a major difference between proposed § 1.3028 and the existing § 1.3037 and § 1.3038 A., first paragraph. That difference is that under the existing § 1.3038 A., all persons and organizations engaging in parachuting had to be licensed, whether or not they did so for compensation or hire. Under the proposed § 1.3028, only those persons engaging in parachuting

for compensation or hire will have to be licensed. This would eliminate the requirement of a license for parachute clubs which are purely recreational and do not in any way charge fees for their services or the services of their members. The other change is that, as to exhibition jumping, the proposed rule no longer requires that the parachutist hold any particular kind of USPA license. The USPA already requires that exhibition jumpers hold at least a Class C license. Most parachutists are members of the USPA, and the existing state regulation on this point is therefore considered to be unnecessary.

The existing § 1.3028, dealing with general operations rules, § 1.3029, dealing with pilot operating rules, § 1.3030, dealing with student pilots, and § 1.3031 dealing with private and commercial pilots, have all been deleted in their entirety. These topics are all regulated extensively by the FAA. The existing rules duplicate certain parts of Federal Aviation Regulation Part 61. Some of the existing rules duplicate Federal Aviation Regulations which are no longer in existence. In each of these cases, the subject matter is adequately regulated by the FAA and the state rule is unnecessary.

The proposed § 1.3029 deals with the topic of flying clubs. This topic was previously dealt with in the existing § 1.3027.

The proposed § 1.3029 A. 1. is derived from the existing § 1.3027 A. The existing rule is a direct quote from the Minnesota Statute which defines flying clubs. The proposed rule is a slight modification of the statutory definition and the statutory reference in quotation marks has therefore been deleted. The word "compensation" has been substituted for the

word "reward." This is not a substantive change. Additionally, the word "business" has been added to the end of the sentence which now states that the aircraft may be used for the purpose of "instruction, business or pleasure." The existing rule simply says "instruction or pleasure." The proposed § 1.3029 A. 2. is a new subdivision which states the Department's intent as to the meaning of the words "flying club." This is an amplification of the definition contained in the proposed § 1.3029 A. 1. Neither the addition of the new proposed subdivision A. 2. nor the inclusion of the word "business" in the proposed subdivision A. 1. is a substantive change between the existing rule and the proposed rule. The point of the change is to evidence the Department's acquiescence in the use of flying club aircraft for the personal business use of its members, provided that such personal business use is other than in an aviation-related business. That is, if an auto parts salesman who belongs to a flying club wants to use the flying club aircraft to go out on sales calls, this would not make the flying club a commercial operation. However, if a flying club member wanted to use the flying club aircraft in order to give flight instruction--his personal business--this would make the flying club into a commercial operation. This same general topic, that is, whether a flying club is or is not a commercial operation, is dealt with in the existing rule at § 1.3027 H. and in the proposed rule at § 1.3029 G.

The proposed § 1.3029 B., first paragraph, is derived from the existing § 1.3027 B., first paragraph. The proposed rule, as printed in the State Register, contains a typographical error.

The proposed rule as printed, in the first sentence of the paragraph, states "each flying club shall register annually with the Commissioner." The rule should have been printed in the same form as the existing rule and should read "each flying club, which at any time during a preceding calendar year, has five or more members shall register annually with the Commissioner." Thus the words "which at any time during the preceding calendar year has five or more members" were erroneously deleted. The Department wishes to include these words within the proposed rule as it is to be adopted. The Department's experience with the "five or more" rule has been satisfactory in that small groups of persons who own aircraft jointly are excluded from registration, and larger groups must be registered. The Department has not found this to be unduly burdensome or to create any problems either administratively or for the regulated flying clubs. Other than for the aforesaid typographical error, the substance of proposed § 1.3029 B., first paragraph, has not been changed. The following sentence "this registration report shall include the following:" has been added at the end of the paragraph for purposes of clarity.

The proposed § 1.3029 B. 1. is the same as the existing § 1.3027 B. 1. except that, in addition to the make, model and "N" number, the registration application must now include the current Minnesota registration decal number and the model year of the aircraft. This is consistent with the requirements for other organizations which must register with the state. As stated above, all aircraft in the state must be registered. It is reasonable to require the Minnesota registration decal number. The model year is useful to the state in identifying the aircraft in

question and in computing its value, upon which registration taxes are paid. This requirement is not burdensome to the flying clubs.

The proposed §§ 1.3029 B. 2. and 3. are identical to the existing §§ 1.3027 B. 2. and 3.

The proposed § 1.3029 B. 4. is a new section. This section requires that the registration application include the name of the club's insurance company, the policy number and its expiration date and the amounts and types of coverage. Minnesota Statutes require that all aircraft must have specified insurance coverages before they can be registered in the state. It is administratively convenient to the Department, and not burdensome to the flying club, to include this information on the registration application.

The proposed § 1.3029 B. 5. is a new section. This section requires that the registration application state the amount or share of club assets held by each member of the club. This information has always been required to be kept in the club records. (See existing § 1.3027 D. 4.) The Department does not have the capability of frequently inspecting all flying club records at their respective offices. It is administratively convenient for the Department, and not burdensome for the flying clubs, to disclose this information in the annual registration application. This information as an aid to the Department in determining whether or not the organization in question is a bona fide flying club.

The proposed § 1.3029 B. 6. is derived from the existing § 1.3027 B. 4. The proposed section, as published, deletes the

words "or preceding fiscal year, as the case may be," which, in the existing rule, follow the words "during the preceding calendar year." This, again, is a typographical error. The Department does not wish to require flying clubs to keep two sets of books, one on a calendar year basis and one on a fiscal year basis. The existing rule should therefore be retained. This is consistent with the existing §§ 1.3027 D. 7. and 8. and with the proposed §§ 1.3029 D. 7. and 8.

The proposed § 1.3029 C. is identical to the existing § 1.3027 C.

The proposed § 1.3029 D. is identical to the existing § 1.3027 D. with one exception. The existing § 1.3027 D. 5. requires that the flying club keep records as to the voting rights of each member, "stated by percentage or dollars." The proposed § 1.3029 D. 5. requires that a record be kept of the voting rights of each member, "stated by percentage or number of votes." The changes is a substitution of the phrase "number of votes" for the word "dollars." It is felt that voting rights are more commonly stated in number of votes than in dollars. This is simply a clarification.

The proposed § 1.3029 E. is identical to the existing § 1.3027 E.

The existing § 1.3027 F. has been deleted in its entirety. This section is simply a restatement of statutory definitions. Thus, it is not necessary for inclusion in the rules.

The proposed § 1.3029 F. is identical to the existing § 1.3027 G.

The proposed § 1.3029 G., first paragraph, is derived from

the existing § 1.3027 H., first paragraph. The statutory reference to the applicable Minnesota Statute has been added for purposes of aiding the reader. The first sentence after the title of this paragraph has been modified by substituting the word "considered" for the word "deemed." This is not intended to be a change in substance.

The proposed §§ 1.3029 G. 1., 2., 3., 4. and 5. are identical to the existing §§ 1.3027 H. 1., 2., 3., 4. and 5..

The proposed § 1.3029 G. 6. is derived from the existing § 1.3027 G. 6. The proposed rule is a modification of the existing rule. The proposed rule deletes the last clause of this paragraph of the existing rule. That clause presently reads "provided further that this rule does not prohibit a bona fide club member from paying compensation to an 'aeronautics instructor' for 'air instruction'." It is felt that this language is unnecessary since it is the flying club's activities not the club members' activities which is dealt with in this paragraph. Additionally, the words "directly or indirectly" were added after the word "hire" in the fifth line of the existing rule, now the sixth line of the proposed rule. This is to clarify the intent of the existing rule that flying clubs should not engage in the business of giving or offering to give air instruction for compensation or hire. It is recognized, by the proposed change, that this compensation may be either in the form of a direct payment, or some indirect payment such as by reduced lease payments from aircraft lessors or some sort of special benefit or revenue-sharing provision with an aeronautics instructor whose services are promoted by the club's management. The intent of the rule is that flying

clubs should not [redacted] flight schools and this [redacted] true whether the compensation to the flying club is paid directly or indirectly. This is really an amplification of the existing rule's intent and is not really a substantive change. The Department has, in the past, questioned such indirect compensation arrangements.

The proposed § 1.3029 G. 7. is a new section. This proposed paragraph would cause a flying club to be classified as a commercial operation if a member of a flying club leased an aircraft to the flying club. This section would preclude an individual from being both the owner of an aircraft which is leased to a flying club and a member of the same flying club. The purpose behind the rule is again to distinguish between bona fide flying clubs on the one hand and commercial operators on the other hand. The Department has had experience with a situation in which one or more individuals purchased an aircraft, formed a "flying club," leased the aircraft to the "flying club" and proceeded to, in effect, rent the aircraft to the flying club members. The situation was factually indistinguishable from a commercial operation with an endorsement for aircraft rental or leasing. The rules for commercial operators in the areas of aircraft rental or leasing have various safety and other regulatory requirements designed to protect the public. These rules should not be circumvented by the mere designation of an organization as a "flying club." This proposed section is designed to prevent that kind of abuse. This change is supported by public comment which is included in the record.

The proposed § 1.3029 G. 8. is a new section. It states that a flying club will be considered to be a commercial operation if a person who is a member of the flying club, also leases an

aircraft to the flying club, and furthermore gives air instruction to the flying club, whether or not for compensation. This proposed section is one example of the kind of situation which would be prohibited by the preceding paragraph, proposed § 1.3029 G. 7. It is therefore necessary for the same reasons and it contains no additional prohibition.

The existing § 1.3027 I. has been deleted in its entirety. This rule is unnecessary. Under the provisions of the proposed § 1.3019 G. 3., a flying club member would be allowed to maintain or repair the club's aircraft so long as he or she did not receive gain or benefits in excess of the reasonable value of the services rendered. The existing § 1.3027 I. also states that a flying club will not be deemed to be a commercial operation simply because an aeronautics instructor gives air instruction to club members. Nothing in the proposed rules would prohibit this event from occurring. The disclaimer in the existing rule is therefore not necessary.

The existing rules contained in § 1.3032, general air traffic rules, § 1.3033, general flight rules, and § 1.3034, visual flight rules and instrument flight rules have been deleted in their entirety. These topics are all covered in the Federal Aviation Regulations, Part 91. The duplicative state regulations are not necessary.

The proposed § 1.3030 is a new section dealing with parachuting and skydiving. The existing rules on this subject are contained in § 1.3035, definitions, § 1.3036, safety regulations for parachuting, § 1.3037, commercial parachute jumping--exhibitions, and § 1.3038, parachuting schools and clubs.

All the Department's existing rules on parachuting and sky-

diving have been deleted. The only remaining rules will be the proposed § 1.3030, to be discussed below, and the proposed § 1.3028, discussed above as to commercial parachuting. The remainder of the existing rules are considered to be unnecessary. Many of the rules are covered by the Federal Aviation Regulations, Part 105. Many of the other rules are standards of practice adopted by the United States Parachuting Association, of which most skydivers are members. The Department has been strongly encouraged through public input by skydivers within the state to eliminate these state rules. Because the subject matter of these rules is, to a large extent, covered elsewhere, the rules have been deleted. The remaining rules are those minimally necessary for safety.

The proposed § 1.3030 A. simply states that parachute jumps conducted in the state should be conducted in accordance with FAA rules. It is the state's position that these minimum requirements ments should be followed within the state in order for parachute jumping to be conducted safely. The additional requirements contained in this proposed rule, § 1.3030, are those things which the state requires and deems necessary in addition to the FAA minimum requirements.

The proposed § 1.3030 B. states that, for parachute jumps that occur at an airport, the airport manager/owner shall hold the control, authority and responsibility to close and open the airport. This is more a statement of existing fact that it is a substantive rule. It always is the responsibility or within the authority of the airport owner to open or close the airport. The purpose of including this statement in the proposed rule is to clarify that this authority is that of the airport owner or

manager and not that of the state.

The proposed § 1.3030 C. states that parachute jumps may not be made at publicly-owned airports except under certain conditions. Subsection C. then goes on to state those conditions. The first condition is that the jump must either have the permission of the Commissioner of Transportation or must be part of an air show or other event for which a waiver has been granted by the Federal Aviation Administration. The other two requirements of this section are that, if the permission of the Commissioner must be granted, the request must be made ten days in advance; and, that a publicly owned airport shall be closed during the parachute jump, but not for more than two hours in any twenty-four-hour period.

The proposed § 1.3030 C. severely limits the availability of publicly owned airports for parachuting activity. This activity may be carried out, however, under certain limited circumstances. This is in conformity with long-standing administrative practice by the Department. The proposed rule does not preclude the use of publicly-owned airports by aircraft carrying parachutists. It simply deals with the issue of under what conditions jumpers may actually land on public airport property.

It is the Department's position that the interests of safety for the air-traveling public requires the separation of skydiving activity and aviation activity at public airports which are open and in operation. The Department has received a number of complaints in the recent past from pilots who have had near collisions with parachutists while the pilots were making an approach to a public airport. The most recent of these occurred in Wells,

Minnesota. The problem is that parachutists descend in a vertical direction with little control over their horizontal movement. Clearly, it is difficult or impossible for them to make evasive maneuvers such as another aircraft is able to do. When an aircraft is approaching an airport, it is traveling in a horizontal plane and the pilot is concentrating on location of the runway, wind conditions and his landing procedures. Often, there are other aircraft in the traffic pattern and approach area and evasive maneuvers by a pilot could also cause the possibility of collision with these other aircraft.

Pulbicly-owned airports are primarily used by aircraft, not parachutists. The state is primarily responsible for funding of these airports in both the construction and maintenance phases. It is the responsibility of the state to protect the airports for the benefit of their primary users.

The Department has recently taken a survey of the activity of other states in connection with regulating parachuting. That survey disclosed that twelve of the forty-seven states answering the questionnaire regulate parachuting in some fashion. These states are Minnesota, New York, California, Tennessee, Pennsylvania, Vermont, New Hampshire, Rhode Island, Connecticut, Massachusetts and Virginia. Several of the states which we contacted related incidents or accidents in connection with parachutists and aircraft. These states included Vermont, Hawaii, Kentucky, New York and Pennsylvania. The Pennsylvania officials reported two incidents. In one of these, the parachutist walked into the rotating propeller of an aircraft on the ground and was killed. The other incident involved a parachutist who landed on top of a

taxiing aircraft [redacted] New York reported an inci[redacted]nt in which an aircraft which was landing hit the canopy of a parachutist who had landed just in front of him on the same runway. The pilot and jumper were injured and the aircraft was damaged.

Three states, Washington, Ohio and Maryland do not allow any parachuting at publicly-owned airports. Twenty other states do allow some parachuting at publicly-owned airports, but require that the airports be closed. This survey data have indicated that the experience of other states is similar to Minnesota's and that the opinion of the Department, that parachuting activities are inconsistent with aviation operations at an airport which is currently open for public use, is widely supported.

The proposed § 1.3030 D. deals with the topic of permanent drop zones. This is a new section. The proposed rule requires that drop zones which are used on a regular basis by parachutists be licensed as "permanent drop zones." This is an annual license for which no fee is required. There are two major purposes behind the proposed rule. The first is that the Department wants to inspect the area in order to ensure that the use of that area by parachutists will not impose undue hazards to persons or property or endanger the users or use of existing surface communication or transportation. This provision, § 1.3030 D. 1., is necessary in order to protect the non-skydiving public. The other major reason for the proposed rule is notification of the air-traveling public, through the NOTAM system and aeronautical charts, of the locations where skydiving activity can regularly be expected to be taking place. This will be of aid to pilots as well as parachutists in avoiding potentially hazardous situations. The reason

for the annual renewal of a permanent drop zone is so that charts may be kept up to date and so that the Department can inspect the drop zones to see if the surrounding conditions are such that use of the zones does not impose undue hazards to persons or property or endanger the use of surface communication and transportation facilities. This recognizes that local conditions surrounding a drop zone may change over time.

The provision set forth at § 1.3030 D. 3. simply states that the Department will allow permanent drop zones to be located on privately-owned airports. This provision recognizes the restrictive nature of private airports.

The proposed § 1.3030 D. 4. requires that the applicant for a permanent drop zone permit submit evidence that they have permission of the person who owns the property on which the drop zone will be located. This is reasonable and necessary because the state would not want to license an area as a drop zone without the permission of the landowner.

The existing § 1.3040, violations, and § 1.3041, suspension or revocation, have been deleted in their entirety. These sections were simply verbatum quotes of the Minnesota Statutes. It is therefore unnecessary to have them in the proposed rule.

The existing § 1.3042, firing of unmanned rockets, has been deleted in its entirety. This is a matter which is dealt with by and under the jurisdiction of the FAA in that it deals with the use of airspace.

The proposed § 1.3031 is derived from the existing § 1.3043. The proposed section is identical to the existing section with the exception that the reference to the Department of Aeronautics

for the annual renewal of a permanent drop zone is so that charts may be kept up to date and so that the Department can inspect the drop zones to see if the surrounding conditions are such that use of the zones does not impose undue hazards to persons or property or endanger the use of surface communication and transportation facilities. This recognizes that local conditions surrounding a drop zone may change over time.

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The proposed § 1.3031 is derived from the existing § 1.3043. The proposed section is identical to the existing section with the exception that the reference to the Department of Aeronautics

has been changed to read, Department of Transportation, Aeronautics Division.

Dated: November 1, 1979

R. J. McDonald
for Richard P. Braun
Commissioner of Transportation

/s/ R. J. McDonald
Deputy Commissioner
Minnesota Department of Transportation

Minnesota
Department of Transportation
Transportation Building
St. Paul, Minnesota 55155

348-7811

December 4, 1979

Phone 296-4746

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RECEIVED
DEC 4 1979
OFFICE OF HEARING EXAMINERS

Mr. Harry S. Crump
Office of Hearing Examiners
Room 300
1745 University Avenue
St. Paul, Minnesota 55104

Dear Mr. Crump:

Subject: Proposed adoption of rules, amendments and deletions, governing the Aeronautics Rules.

The purpose of this letter is to state a few of the Department's final comments for submission into the Hearing Record. The Department primarily stands on its Statement of Facts Establishing Need and Reasonableness of Rules and on the testimony by Department personnel at the hearing.

The Department's additional comments are as follows:

1. Parachuting. Mr. L. L. Schroeder testified to the effect that the proposed rules on parachuting activity, 14 MCAR §1.3030, duplicate and/or are in conflict with Federal Aviation Regulations, Part 105. This clearly is not the case. I know that Mr. Schroeder submitted a copy of FAR Part 105 to you, so I will not include one with this letter. An examination of that document will show you that the FAA does not deal with the question of permanent drop zones or the question of whether or not airports must be closed. The FAA's primary concern is airspace regulation, not control of activities on the ground. The designation of permanent drop zones and the requirement that airports be closed during parachute jumping onto airports are in addition to FAA requirements and have been added by the State for safety considerations.

   Mr. Schroeder also made some comments to the effect that the federal regulations contained in Part 105 preempt state regulation of parachuting activity, and in particular, the proposed 14 MCAR §1.3030. This assertion is legally incorrect. I have enclosed a copy of a three-page memo addressed to me from one of our firm's law clerks. This was prepared at my request a few months ago and deals, in general terms, with the preemption question. It is the conclusion of the memorandum that the FAA has not preempted state regulation in this area. This memo is in rather rough form

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as was intended for internal use, but I think you will find that the citations to authority are pertinent and that those authorities resolved the issue. In addition, I have attached copies of a couple of letters which the FAA sent to Mr. Larry Jones, Senate Counsel, at his request. These letters evidently are responses which the FAA had given in the past to inquiries regarding parachuting activity. It is clear from these letters that the FAA itself does not take the position that state regulation of parachuting has been preempted.

2. Flying Clubs. Mr. Allen Thiel questioned the need for the proposed rule, §1.3029 G. 7., which provides that a flying club will be considered to be a commercial operation if a member of flying club leases an aircraft to that club. The Department's experience, as stated in its Statement of Facts, is that there is indeed a need for this rule. A recent case involving the North Hennepin Flying Club caused a lot of controversy in the aviation community and the Department found it necessary to license not only the lessors of the aircraft, but also the flying club itself. In this instance the flying club was licensed as a flight school and the imposition of flight school requirements proved to be of benefit to the students involved. Although we have not worked with the Minnesota Soaring Club in the past, we intend to meet with them and we trust that there are ways in which that particular situation can be handled in a mutually satisfactory manner.

We have also enclosed the original copy of a letter which the Department received from Louie Sinko. This letter should be made part of the official record of the hearing as it was received by the Department prior to the hearing. Unfortunately, the letter sat on Mr. McCabe's desk for a while during his absence from the office. The Department does not favor the request contained in the letter.

Thank you for your cooperation during the hearing. Please let me know if you require any additional information or citation to legal authorities.

Sincerely,

Eric W. Ingvaldson

Eric W. Ingvaldson
Special Attorney
Aeronautics Division

EWI:CS

Enc.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION

FEB 27 1980
OFFICE OF HEARING EXAMINERS

STATEMENT OF FACTS ESTABLISHING NEED FOR AND REASONABLENESS OF RULES

In the Matter of the Proposed)
Deletion of Aeronautics Rules)
Pertaining to Flying Clubs)

- -

The Proposed Deletion of Aeronautics Rules is being made as a correction to the proposed rules published at 4 S.R. 631 on October 22, 1979. The proposed rules published at 4 S.R. 631 erroneously omitted the deletion of a part of the existing 14 MCAR § 1.3027 dealing with flying clubs. The sole purpose of this proceeding is to correct that error.

The Commissioner of Transportation has the authority to propose this deletion pursuant to Minn. Stat. § 360.015, Subd. 3 (1978).

It its Statement of Facts Establishing Need and Reasonableness of Rules dated November 1, 1979, the Department justified the proposed deletion. Hearing Examiner Crump in his Report of January 2, 1980, held that the Department's proposed changes as to flying clubs were needed and reasonable. The Hearing Examiner required that this re-hearing be held in order to comply with Minn. Stat. §§ 15.0411, Subd. 3, and 15.0412, Subd. 4.

The proposed deletion is needed and reasonable because:

1. Part of the material proposed to be deleted consisted of statutory definitions which should not be repeated in the rules.

2. All the rest of the material proposed to be deleted has been included, almost vertabim in the proposed 14 MCAR §§ 1.3029 F. and G.

3. The substance of the proposed deletion has previously been justified and approved by the Hearing Examiner and this hearing is now required in order to comply with Chapter 15 of the Minnesota Statutes.

Dated: February 26, 1980

Richard P. Braun
Commissioner of Transportation

...s Bo... the Secretary of ...

...tion Division

...ment Process: ...penings on State ... Application

...1978, ch. 592, the legislature has ... Appointment process by which the ...ings on state multi-member agen... councils) created by statute and ...ion.

... be obtained at the Office of the ... State Office Building, St. Paul, MN ... Contact the Secretary of State for ... Process information brochure and ...rmation. Application Deadline

...T-SAVING SCHOOL ADVIS... ...ancy.

...LECTRICITY: One vacancy.

...ORY COUNCIL ON VOCA... ...ATION: One vacancy.

Department of Transportation Aeronautics Division

Notice of Intent to Solicit Outside Opinion Regarding Revision of Aeronautics Rules

Notice is hereby given that the Commissioner of Transportation is seeking information or opinions from sources outside the agency in preparing the proposed amendment of rules governing "Aeronautics." The current governing directive is Minnesota Code of Agency Rules, Department of Transportation-Aeronautics, 14 MCAR §§ 1.3001-30043. Specifically, the Department is considering the promulgation of rule changes which would include amplifying the intent of and operations for a Flying Club; specify insurance disclosure for type of coverage under Commercial Operations Regulations and Flight School operations; require insurance coverage for damages caused by chemical drift from Aircraft Spraying or Dusting operations; require hangar keeper liability coverage for Aircraft Servicing, Maintaining and Repairing agencies; require disclosure of insurance coverage with some form of rental agreement for Aircraft Rental or Leasing; and make a distinction between school and club and also add insurance stipulation for Parachuting Schools and Clubs. Any interested persons may submit data or views on this subject in writing or orally to:

Aeronautics Operations Director
Department of Transportation
417 Transportation Building
St. Paul, Minnesota 55155
(612) 296-6823

Any written material received by the agency shall become a part of the hearing record in the event rules governing this subject are promulgated.

September 5, 1978

Jim Harrington
Commissioner of Transportation

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

For the Department of Transportation

In the Matter of the Proposed Adoption of Amendments and Deletions Governing Aeronautics Rules.	STATEMENT OF COMPLIANCE WITH MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Donald Mueting, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Donald J. Mueting

Special Assistant Attorney General

Dated this 10 day of September, 1980.

Minnesota Department of Transportation
Transportation Building, St. Paul, MN 55155

February 1, 1980

Phone 296-4746

Mr. Duane Harves
Office Of Hearing Examiners
Room 300
1745 University Avenue
St. Paul, Minnesota 55104

Dear Mr. Harves:

Re: Aeronautics Rules

We have enclosed a draft of the Notice Of Hearing and the proposed rule for republication as required by Examiner Crump's report. Please review the enclosed. I will call you early the week of February 4th to arrange for a hearing date.

Sincerely,

Eric W. Ingvaldson
Special Attorney
Aeronautics Division
Room 417

EWI:CS

Enc.

CC to Ms. Joanne Hinderaker
Mr. Ken Bjork

RECEIVED
FEB 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

AERONAUTICS DIVISION

NOTICE OF HEARING

In the Matter of the Proposed)
Deletion of Aeronautics Rules)
Pertaining to Flying Clubs)

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. §15.0412 in the _____ _____ on _____, 1980, commencing at _____, and continuing until all persons have had an opportunity to be heard.

The Commissioner of Transportation has been provided the statutory authority to promulgate rules governing aeronautics pursuant to Minn. Stat. §360.015 Subd. 3 (1978).

The proposed deletion of rules is being made as a correction to the proposed rules published at 4.S.R. 631 on October 22, 1979. A hearing was held on those proposed rules on November 27, 1979.

The proposed rules published at 4.S.R. 631 erroneously omitted the deletion of a part of the existing 14 MCAR S 1.3027 dealing with flying clubs. The sole purpose of this Notice and the aforementioned hearing is to delete that portion of §1.3027 which was not typed in and then crossed out in the October 22, 1979, publication.

This proposed deletion will have the following effect:

1. The existing 14 MCAR §1.3027 contains statutory definitions of the terms "commercial operations", "air instruction", "air school", "aeronautics instructor" and "person". All of these definitions will

be deleted. (A portion of the definition of "commercial operations" was previously deleted.)

2. The existing definitions of "assets" now found at §1.3027 G., appears verbatim at §1.3029 F. as published at 4.S.R. 661. The old reference at §1.3027 G. will therefore be deleted.

3. The existing §1.3027 H., dealing with the question of when flying clubs are deemed to be commercial operations, will now be found at §1.3029 G. as published at 4.S.R. 661. The existing section which is to be deleted and the proposed section as published are virtually identical. The existing §1.3027 H. will therefore be deleted. (A portion of this section was previously deleted at 4.S.R. 651.)

A copy of the proposed rules is attached. Copies of the proposed rules are available and one free copy may be obtained by writing to the Minnesota Department of Transportation, Attention Robert Bissonnette, St. Paul Downtown Airport, St. Paul, Minnesota 55107. The proposed rules will also be available at the door on the date of the hearing.

All interested or affected persons will have an opportunity to participate in the hearing. Statements may be made orally and written materials may be submitted. In addition, whether or not an appearance is made, written statements or materials may be submitted by mail to Mr. Harry Seymour Crump, Hearing Examiner, Office of Hearing Examiners, 1745 University Avenue, Saint Paul, Minnesota 55104 (Phone: 612-296-8111) either before the hearing, or within five (5) working days after the close of the hearing, or for a longer period not to exceed twenty (20) calendar days, if so ordered by the Hearing Examiner.

NOTICE IS HEREBY GIVEN that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the address of the Department of Transportation given above, and at the Office of Hearing Examiners. The Statement of Need and Reasonableness contains substance of the evidence and will be presented at the hearing justifying both the need for and reasonableness of the proposed rules. It is recommended that the public obtain and read the Statement of Need and Reasonableness prior to the hearing. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

PLEASE BE ADVISED that a lobbyist must register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined by Minn. Stat. §10A.01, subd. 11, as any individual who is:

A. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month, or more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

B. Spends more than $250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

A lobbyist does not include any:

A. Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

B. Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

C. Individual while engaged in selling goods or services to be paid for by public funds;

D. News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

E. Paid expert witness whose testimony is requested by the body before which he is appearing but only to the extent of preparing or delivering testimony; or

F. Stockholder of a family farm corporation as defined in §500.24, subd. 1, who does not spend over $250, excluding his own travel expenses in any year in communicating with public officials.

Questions should be addressed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, Saint Paul, Minnesota 55155 (Telephone: 612-296-5615).

NOTICE: Any person may request a notification of the date on which the Hearing Examiner's Report will be available, after which date the Department of Transportation may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Transportation. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in case of the Hearing Examiner's Report), or to the Department representative listed above (in case of the Department's submission or resubmission to the Attorney General).

_____
Richard P. Braun
Commissioner

Dated this _____ day of _____, 19__.

Subscribed and sworn to before me
this _____ day of _____, 19__.

_____
Norary Public

PROPOSED DELETION
OF PART OF 14 MCAR
§1.3027F.

Note: Material in brackets was previously deleted at 4.S.R.651, October 22, 1979.

~~[14-MCAR-§1.3027-Flying-Clubs]~~

. . .

~~[F.--Statutory-definitions.--Statutory-definitions,-where applicable,-shall-apply-to-these-rules.--As-a-matter-of-convenience,-the-following-statutory-definitions-are-set-forth-below.~~

~~1.--Commercial-Operations,-Minn.-State.-§-360.013,-subd.-11.-"'Commercial-Operations'-means-any-operations-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,-parachute jumping,-and]-the-operation-of-aircraft-for-fishing.-'Commercial Operations'-also-mean-brokering-or-selling-of-any-of-the-aforesaid services-but-do-not-include-any-operation-of-aircraft-as-common carriers-certificated-(certified)-by-the-federal-government-or-the services-incidental-thereto."~~

2.--Air-Instruction,-Minn.-Stat.-§-360.013,-subd.-16.
"'Air-Instruction'-means-the-imparting-of-aeronautical-information
by-any-aeronautics-instructor-or-in-or-by-any-air-school-or-flying
club."-

3.--Air-School,-Minn.-Stat.-§360.013,-sub.-17.--"'Air-
School'-means-any-person-engaged-in-giving-or-offering-to-give,
instruction-in-aeronautics,-either-in-flying-or-ground-subjects,-or
both,-for-or-without-hire-or-reward-and-advertising,-representing,
or-holding-himself-out-as-giving-or-offering-to-give-such-instruc-
tions.--It-does-not-include-any-public-school-of-this-state,-the-
University-of-Minnesota,-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."

4.--Aeronautics-Instructor,-Minn.-Stat.--§-360.013,-subd.
19-(1967).---"'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-reward,-
without-advertising-such-occupation,-without-calling-facilities-an
'Air-School,'-or-anything-equivalent-thereto,-and-without-employing-
or-using-other-instructors.--It-does-not-include-any-public-school-
of-this-state,-the-University-of-Minnesota,-or-any-institution-of
higher-learning-accredited-by-the-North-Central-Association-of
Colleges-and-Secondary-Schools-and-approved-by-it-for-carrying-on
such-collegiate-work,-while-engaged-in-his-duties-as-such-instructor."

5.--Person,-Minn.-Stat.-§360.013,-subd.-8-(1967).

"'Person'-means-any-individual,-firm,-partnership,-corporation,-company,-association,-joint-stock-association,-or-body-politic;-and-includes-any-trustee,-receiver,-assignee,-or-other-similar-representative-thereof."

-G.--Assets.--The-word-"assets"-when-used-herein,-shall-mean-property-which-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.

-H.--Flying-clubs-can-be-deemed-to-be-commercial-operations.-A-flying-club-shall-be-deemed-to-be-engaged-in-commercial-operations-and-therefore-a-commercial-operations-license-shall-be-required:

1.--If-any-of-the-club's-assets-are-used-by-members-of-the-club-who:

a.--Do-not-have-a-bona-fide-and-significant-percentage-of-the-property-interest-in-the-assets-of-the-club;--or

b.--Hold-property-interest-in-the-club's-assets,-which-property-interest-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-thereof-is-to-enforce-valid-club-rules;-or]

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