

## PRIVATE TO PUBLIC USE AIRPORT

The attached pages outline the requirements for becoming a public use airport; however, the following is a brief summary of the procedure:

1. Title 17, Chapter 1, Section 002.01A; Submit a Form 7480-1 "Notice of Landing Area Proposal" to the FAA. (Go to [www.faa.gov](http://www.faa.gov))
2. Written request for a license from the Division of Aeronautics. Include a copy of FAA Form 7480-1 with FAA response.
3. Provide a site drawing stamped by a licensed Nebraska Surveyor that shows the runway layout, buildings, fences, property lines, trees, roads, etc. All objects (buildings, fences, property lines, trees, roads, etc.) must be identified by location, ground elevation, object height and object clearance relative to the primary surface (Item 003.02E), approach surface (Item 003.02F), transitional surface (Item 003.02G). In addition, survey documents need to indicate contour lines, type of runway surface (paved or turf; if paved, asphalt or concrete), primary surface (Item 003.02E), approach surface (Item 003.02F), transitional surface (Item 003.02G).

Upon receipt of the above information the Division of Aeronautics will make an on-site visit.

All documentation will be reviewed and the site will be approved/disapproved by the Aeronautics Commission.

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CHAPTER 1 – PUBLIC USE AIRPORT/HELIPORT LICENSING

001 Definitions

001.01A Airport means any area that is used, or intended for use, for landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way.

001.01B Displaced Threshold means a threshold that is located at a point on the runway other than at the beginning of the runway surface. The area behind the displaced threshold is available for rollout or takeoff of aircraft.

001.01C Effective Runway Length means the longest takeoff length available.

001.01D Heliport means any area that is used, or intended for use, for landing and takeoff of rotorcraft, and any appurtenant areas that are used, or intended for use, for heliport buildings or other heliport facilities or rights of way.

001.01E Public-Use means available for use by the general flying public.

001.01F Private-Use means available for use by the owner and only for use by others upon specific invitation of the owner.

001.01G Primary Runway means the runway designated by the Nebraska Department of Aeronautics as the primary runway, considering length, wind coverage, surface and other factors deemed appropriate.

001.01H Runway means a paved or unpaved area of prescribed dimension available for aircraft takeoffs and landings

001.01I Threshold means the beginning of the runway that is available for landing.

002 Site Application and Approval

002.01 The sponsor of a proposed public-use airport or heliport shall:

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002.01A Submit a Federal Aviation Administration (FAA) Form 7480-1 "Notice of Landing Area Proposal" to the FAA;

002.01B Request a license from the Department. Include a copy of FAA Form 7480-1 and any FAA response or conditions with the request;

002.01C Request and assure an on-site inspection by a representative of the Department;

002.01D Receive approval of the site from the Nebraska Aeronautics Commission;

002.01E Meet or exceed the conditions described in the FAA Form 7480-1 response.

002.01F Obtain a license from the Department. Airports shall meet or exceed minimum standards pursuant to section 17 NAC 1-003.02 and any other safety conditions established by the Department. Heliports shall meet or exceed minimum standards pursuant to 17 NAC 1-004.01B. The license does not relieve the airport owner of responsibility for complying with local zoning regulations.

003.01 Licensing - Public Use Airports

003.01A A public-use airport shall be licensed by the Department for a period not to exceed 3 years and shall maintain or exceed the minimum standards as outlined in section 17 NDA 1-003.02 or possess a waiver pursuant to 17 NAC 1-003.02H.

003.01B Public-use airports, currently licensed and maintained in accordance with Department of Aeronautics regulations in effect December 31, 2000, may continue to be licensed by the Department until December 31, 2008, provided there are no new uncorrected violations.

003.01C A public-use airport certificated in accordance with Federal Aviation Regulation Part 139 shall be considered to meet these standards and shall be licensed indefinitely until such time as the airport ceases to be certificated in accordance with FAR Part 139. When the airport ceases to be certificated, the airport shall notify the Department in writing.

003.01D When a public use airport's license expires or is surrendered or revoked the airport owner must (1) file the appropriate notice with the Federal Aviation Administration changing the status of the airport from public-use, and (2) cease operation as a public-use airport.

003.02 Minimum Standards for Public Use Airports

003.02A The effective runway length of a paved primary runway shall be at least 1400

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feet plus 25% of the MSL (Mean Sea Level) elevation of the site. The effective runway length of an unpaved primary runway shall be at least 1800 feet plus 25% of the MSL elevation of the site.

003.02B A paved runway shall be at least 50 feet wide. An unpaved runway shall be at least 100 feet wide.

003.02C No object shall penetrate above the primary surfaces, approach surfaces, and transitional surfaces.

003.02D Objects shall include anything fixed or mobile except aeronautical facilities whose location is fixed and necessary because of their function.

Except as otherwise noted in 003.02G below, all crops except hay shall be considered objects and their height shall be measured as the height of the crops when fully grown, despite the actual crop height at any specific time.

Roads and railroads are considered to be objects and the following heights shall be added to the height of the road or railroad to accommodate the height of vehicles:

- 1) Interstate Highway – 17 feet.
- 2) Public highway or road – 15 feet.
- 3) Private road – 10 feet.
- 4) Railroad – 23 feet.

Parked aircraft and vehicles are considered objects. Parking areas shall be placed so that the tallest aircraft or vehicle does not penetrate the approach, primary, and transitional surfaces.

003.02E The primary surface shall be the same elevation as the nearest point on the runway centerline and is 250 feet wide centered on the runway centerline. The primary surface includes the full length of the runway and extends 200 feet beyond each runway threshold for paved runways.

003.02F The approach surface extends outward from the primary surface and upward along a 20 to 1 slope (20 feet horizontal to 1 foot vertical) for a horizontal distance of 1,000 feet. The width of the approach slope is 250 feet at the beginning and widens out to 450 feet at the farthest point. The approach surface begins at the end of the primary surface and is longitudinally centered on the runway centerline.

003.02G Except in the case of terrain, the transitional surface extends upwards from all approach and primary surfaces at a slope of 7 to 1 (7 feet horizontal to 1 foot vertical) perpendicular to the runway centerline. In the case of terrain, the transitional surface extends upward from all approach and primary surfaces at a slope of 4 to 1 (4 feet horizontal to 1 foot vertical) perpendicular to the runway centerline. The transitional

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surface includes all areas that are not in the approach or primary surface. The transitional surface ends at a height of 50 feet above the elevation of the nearest runway centerline. Crops are not considered objects in the transitional surface.

003.02H The Department may waive the minimum standards, pursuant to 17 NAC 1-003.02A-G, when such waiver, in the opinion of the Department, does not endanger public health, safety or welfare. The airport/heliport license shall state the conditions of the waiver by reference or in full.

004 Licensing - Public Use Heliport

004.01A A public use heliport shall be licensed by the Nebraska Department of Aeronautics for a period not to exceed 3 years and shall maintain or exceed the minimum standards set forth in 17 NAC 1-004.01B.

004.01B A public use heliport shall comply with the technical information and guidelines of the Federal Aviation Administration Advisory Circular No. 150/5390-2C, "Heliport Design" dated April 2012.

005 Private-Use Airport/Heliport

005.01A A private-use airport/heliport may be registered as prescribed by the Department.

005.01B Such registration is for informational purposes only, allowing the airport or heliport to be depicted on the current Nebraska State Aeronautical chart, at the request of the owner. Registration constitutes no endorsement from the Department regarding the configuration or safety of the registered airport/heliport.

005.01C A private use airport/heliport may be registered for commercial agricultural use if it is the permanent base of operation for an aerial pesticide applicator.

005.01D Registration may be terminated if operations from the registered site conflict with the operations of any existing or proposed Public Use Airport/Heliport. Periodic re-registration is required.

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CHAPTER 2 – AIRPORT HAZARD AREA ZONING

001 Airport Hazard Area Description.

In accordance with Neb. Rev. Stat. §3-303 of the Airport Zoning Act, every political subdivision having an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce, **at a minimum**, the following regulations for such airport hazard area as herein defined:

The Airport Hazard Area, as defined in Neb. Rev. Stat. §3-301 of the Airport Zoning Act, consists of Operation Zones, Approach Zones, Transition Zones, and Turning Zones. The outer boundary of the Hazard Area is constituted by the outer boundary of the Approach Zones and the Turning Zones. To assist in identifying the Hazard Area and the four zones, see 17 NAC 2.005.01 through 2.005.04.

002 Height Restriction. No building, transmission line, communication line, pole, tower, smoke-stack, chimney, wires, or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired, or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in 2.001 above.

003 Permit: Required and Exceptions.

003.01 Permit Required. It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, pole, tower, chimney, wires, or any other structure or appurtenance within the Hazard Area without first obtaining a permit from (insert name of the appropriate municipal office here). It shall also be unlawful to plant or replant any tree or other object of natural growth without the necessary permit.

003.02 Permit Exceptions.

003.02A Within the outer area of the Approach Zones, as shown on illustrations 005.01 through 005.04, and within the Turning Zones, no permit shall

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be required for any construction or planting that is not higher than seventy-five (75) feet above the nearest existing or proposed runway end.

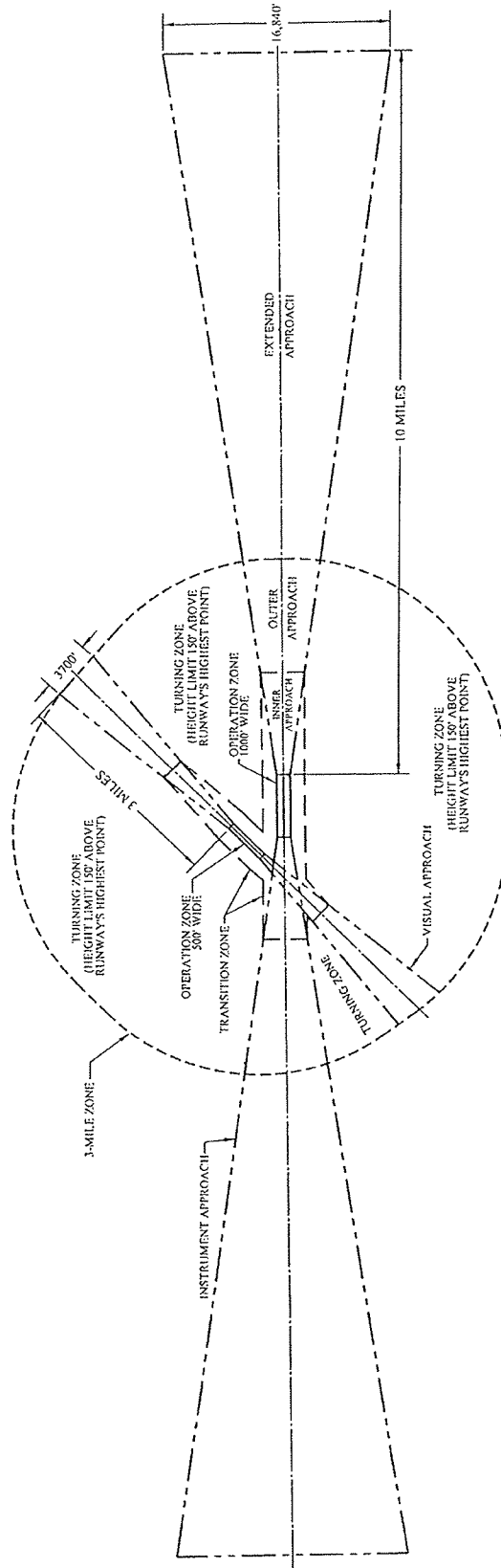
003.02B The repair, reconstruction, or replacement of nonconforming electric facilities will be permitted in compliance with Neb. Rev. Stat. §3-311(3)

004 Location Sketch and Zoning Map The boundaries, Approach Zones, Operations Zone, Transition Zones, and Turning Zones of the airport are indicated on the Zoning Map that accompanies and is hereby made a part hereof by reference. A copy of the airport hazard area zoning regulations shall at all times be on file in the office of \_\_\_\_\_ (*insert name of the appropriate municipal office here*) \_\_\_\_\_, Nebraska.

005 Zoning Map Illustrations. The following are illustrations of Airport Zoning Maps depicting the configuration of the Airport Hazard Area, Approach Zones, Operation Zones, Transition Zones, and Turning Zones:

005.01 Illustration of Hazard Zones: Airport with an Instrument and a Visual Runway

(NOT TO SCALE)



LEGEND

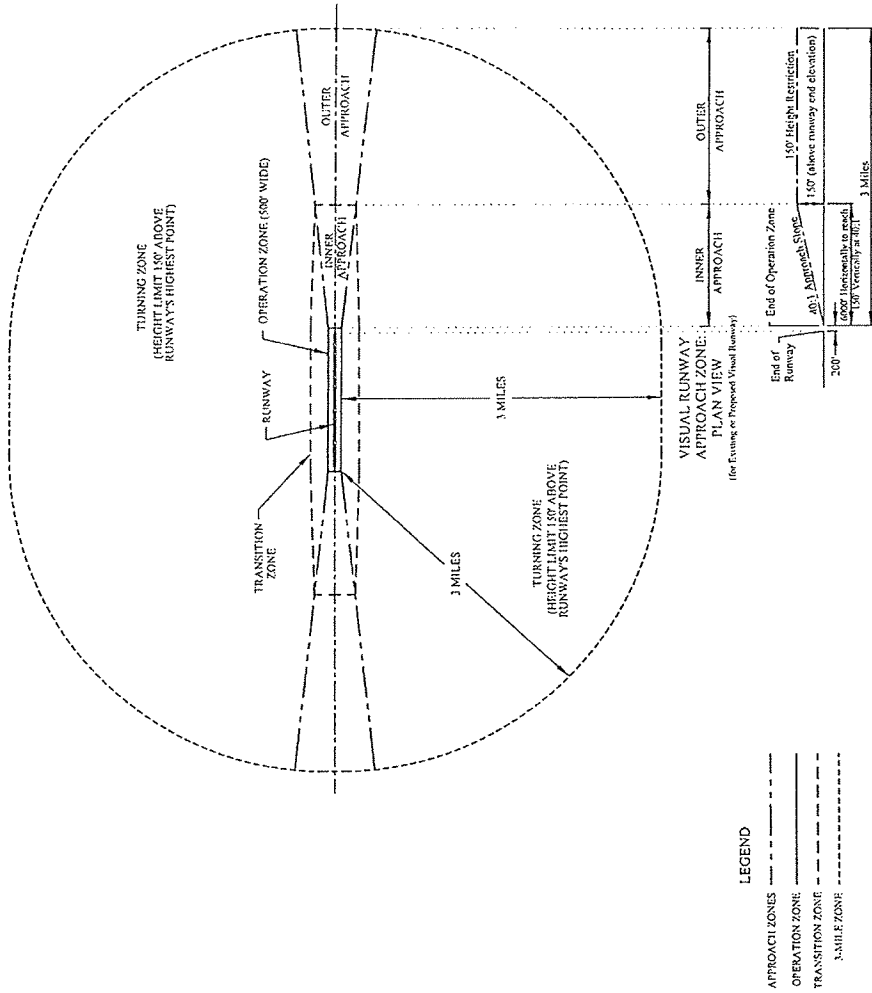
- APPROACH ZONES ————
- OPERATION ZONE ————
- TRANSITION ZONE - - - - -
- 3-MILE ZONE - - - - -





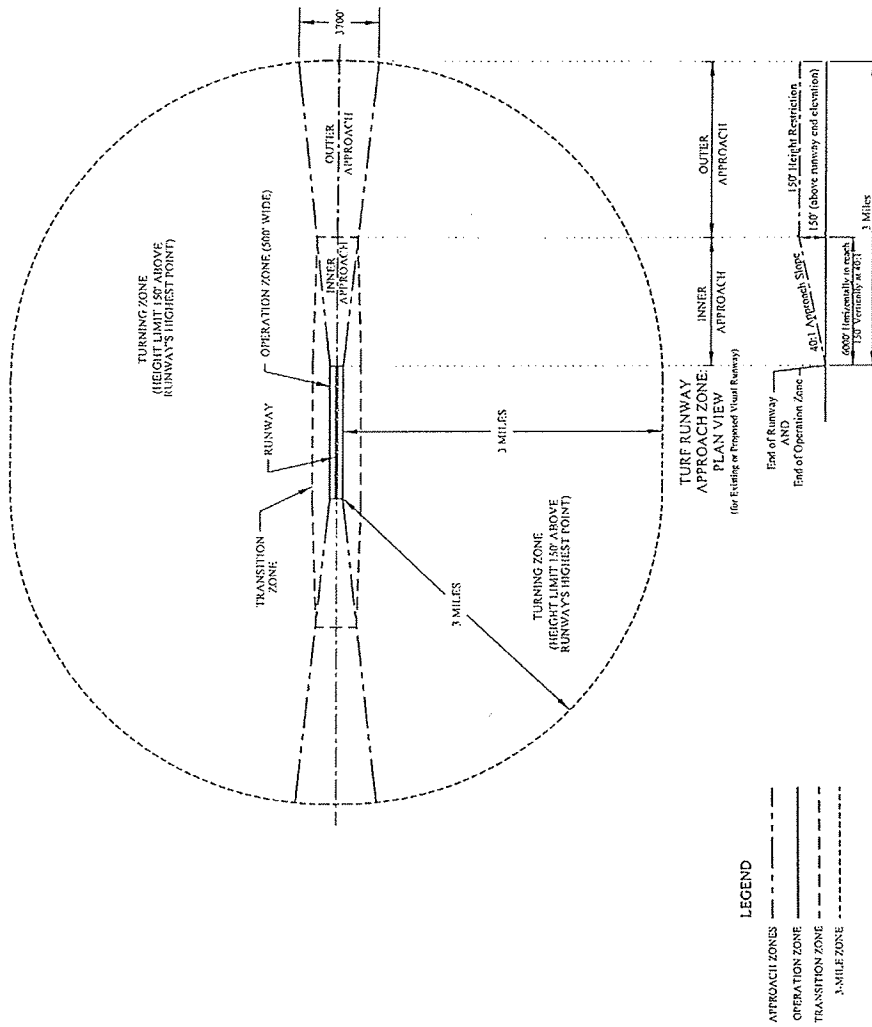
005.03 Illustration of a Visual Runway: Airport Hazard Zones / Approach Zone Plan and Profile

(NOT TO SCALE)



005.04 Illustration of a Turf Runway: Airport Hazard Zones / Approach Zone Plan and Profile

(NOT TO SCALE)



TURF RUNWAY APPROACH ZONE: PROFILE VIEW  
(for Existing or Proposed Turf Runway)

**3-104. Nebraska Aeronautics Commission; created; members, appointment; term; qualification; chairperson; quorum; meetings; compensation; duties.**

(1) There is hereby created the Nebraska Aeronautics Commission which shall consist of five members, who shall be appointed by the Governor. The terms of office of the members of the commission initially appointed shall expire on March 1 of the years 1946, 1947, 1948, 1949, and 1950, as designated by the Governor in making the respective appointments. As the terms of members expire, the Governor shall, on or before March 1 of each year, appoint a member of the commission for a term of five years to succeed the member whose term expires. Each member shall serve until the appointment and qualification of his or her successor. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment shall be made only for the remainder of the term. All members of the commission shall be citizens and bona fide residents of the state and, in making such an appointment, the Governor shall take into consideration the interest or training of the appointee in some one or all branches of aviation. The commission shall, in December of each year, select a chairperson for the ensuing year. The Director of Aeronautics shall serve as secretary as set forth in section 3-127. Three members shall constitute a quorum, and no action shall be taken by less than a majority of the commission.

(2) The commission shall meet upon the written call of the chairperson, the director, or any two members of the commission. Regular meetings shall be held at the office of the division but, whenever the convenience of the public or of the parties may be promoted or delay or expense may be prevented, the commission may hold meetings or proceedings at any other place designated by it. All meetings of the commission shall be open to the public. No member shall receive any salary for his or her service, but each shall be reimbursed for actual and necessary expenses incurred by him or her in the performance of his or her duties as provided in sections 81-1174 to 81-1177.

(3)(a) Until December 31, 2017, it shall be the duty of the commission to advise the Governor relative to the appointment of the Director of Aeronautics, and the commission shall report to the Governor whenever it feels that the Director of Aeronautics is not properly fulfilling his or her duties.

(b) Beginning January 1, 2018, the commission shall advise the Director-State Engineer relative to the appointment of the Director of Aeronautics, and the commission shall report to the Director-State Engineer whenever the commission feels that the Director of Aeronautics is not properly fulfilling his or her duties. The commission shall also advise the Governor on the general status and state of aviation in Nebraska.

(c) The commission shall further act in an advisory capacity to the Director of Aeronautics and Director-State Engineer.

(4) The commission shall have, in addition, the following specific duties: (a) To allocate state funds and approve the use of federal funds to be spent for the construction or maintenance of airports; (b) to designate the locations and approve sites of airports; (c) to arrange and authorize the purchase of aircraft upon behalf of the state; (d) to select and approve pilots to be employed by the state, if any; and (e) to assist the Director of Aeronautics in formulating the regulations and policies to be carried out by the division under the terms of the State Aeronautics Act. The commission may allocate state funds for the promotion of aviation as defined for the purpose of this section by the division by rule and regulation. The director may designate one or more members of the commission to represent the division in conferences with officials of the federal government, of other states, of other agencies or municipalities of this state, or of persons owning privately owned public use airports.

**Source:** Laws 1945, c. 5, § 3(2), p. 80; Laws 1976, LB 460, § 2; Laws 1981, LB 204, § 12; Laws 1995, LB 609, § 2; Laws 2004, LB 824, § 1; Laws 2017, LB339, § 4.

**Operative Date: July 1, 2017**

#### **Annotations**

A county should not be able to thwart the strong interest of the state in the promotion of aviation through the medium of its zoning authority. *Seward County Board of Commissioners v. City of Seward*, 196 Neb. 266, 242 N.W.2d 849 (1976).

It is the duty of the Nebraska Aeronautics Commission to designate the locations and sites of airports in this state. *Stones v. Plattsmouth Airport Authority*, 193 Neb. 552, 228 N.W.2d 129 (1975).

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### Chapter 3 Section 134

#### 3-134.


Air navigation facility; certificate of approval; hearing; notice; order; license.


Whenever the division makes an order granting or denying a certificate of approval of an airport or a restricted landing area, or an original license to use or operate an airport, restricted landing area, or other air navigation facility, and the applicant or any interested municipality, within fifteen days after notice of such order has been sent the applicant by registered or certified mail, demands a public hearing, or whenever the division desires to hold a public hearing, before making an order, such a public hearing in relation thereto shall be held in the municipality applying for the certificate of approval or license or, in case the application was made by anyone other than a municipality, at the county seat of the county in which the proposed airport, restricted landing area, or other air navigation facility is proposed to be situated, or the major portion thereof, if located in more than one county, at which hearing all parties in interest and other persons shall have an opportunity to be heard. Notice of the hearing shall be published by the division in a legal newspaper in or of general circulation in the county in which the hearing is to be held, at least twice, the first publication to be at least fifteen days prior to the date of hearing. After a proper and timely demand has been made, the order shall be stayed until after the hearing, when the division may affirm, modify, or reverse it, or make a new order. If no hearing is demanded, the order shall become effective upon the expiration of the time permitted for making a demand. Where a certificate of approval of an airport or restricted landing area has been issued by the division, it may grant a license for its operation and use, and no hearing may be demanded thereon.


#### Source



Laws 1945, c. 5, § 9(7), p. 94;

 Laws 1957, c. 242, § 1, p. 816;







 Laws 2017, LB339, § 29.


 **Operative Date: July 1, 2017**

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### Chapter 3 Section 133

#### 3-133.

Airports; license; requirement; approval of site; operation without license unlawful.

Any proposed airport or restricted landing area shall be first licensed by the division before such airport or area shall be used or operated. Any municipality or person acquiring property for the purpose of constructing or establishing an airport or restricted landing area shall, prior to such acquisition, make application to the division for a certificate of approval of the site selected and the general purpose or purposes for which the property is to be acquired, to insure that the property and its use shall conform to minimum standards of safety and shall serve the public interest. It shall be unlawful for any municipality or officer or employee thereof, or for any person, to operate an airport or restricted landing area for which a license has not been issued by the division.

#### Source

-  Laws 1945, c. 5, § 9(6), p. 93;
-  Laws 2002, LB 446, § 2;
-  Laws 2017, LB339, § 28.
-  **Operative Date: July 1, 2017**

#### Annotations

A county should not be able to thwart the strong interest of the state in the promotion of aviation through the medium of its zoning authority. *Seward County Board of Commissioners v. City of Seward*, 196 Neb. 266, 242 N.W.2d 849 (1976).










The Revised Airports Act required the licensing of airports and restricted landing areas except restricted landing areas designed for personal use. *Bruns v. City of Seward*, 186 Neb. 658, 185 N.W.2d 853 (1971).

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