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now proposed form*

WEST VIRGINIA AERONAUTICS COMMISSION

BLDG. 6 ROOM 553
STATE CAPITOL COMPLEX
CHARLESTON, WV 25305

JOHN D. ROCKEFELLER, IV
Governor

December 21, 1982

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Honorable A. James Manchin
Secretary of State
Building 1, Room W-157
Charleston, West Virginia 25003

Dear Mr. Secretary:

Attached please find a copy of the West Virginia Laws and Regulations governing Aeronautics issued by the West Virginia State Aeronautics Commission.

Please consider this my request per 29A-2-5, to renew the above referenced regulations for 1983.

Thank you for your assistance in this matter.

Sincerely,

Charles L. Miller
Chairman

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-28-82
Administrative Law Division

CLM:mk

*For Information call
Bob Cutlip
Econ. & Comm. Dev.
staff For This Board*

Title 171
Legislative Rules

*M.F.
CW

~~WEST VIRGINIA ADMINISTRATIVE~~
~~REGULATIONS~~
STATE AERONAUTICS COMMISSION

~~Chapter 29-2A~~

Series He 1.

1964^e

Subject: Matters pertaining to aeronautics in the State of West Virginia.

Section ~~A~~² **Adoption of Federal Air Commerce Act.**
In all matters pertaining to aeronautics in the State of West Virginia, the federal air commerce act and all rules and regulations made pursuant thereto, now in effect or as hereafter amended, are accepted, adopted and promulgated as rules and regulations of The West Virginia State Aeronautics Commission, insofar as such rules and regulations are not in conflict with or superseded by any statute of this state or any duly adopted rule or regulation of the Commission, and all aeronautical activities within this state shall be governed by and conducted in accordance with the said federal rules and regulations.

Section ~~B~~³ **Licensing of Airports, Air Schools, and Airport Managers.**

- 3.1 (a)^e All airports operated for commercial purposes in the State of West Virginia shall obtain from the Commission an airport license.
- 3.2 (b)^e All air schools operating in this state shall obtain from the Commission an air school license.
- 3.3 (c)^e Every licensed airport in this state shall employ an airport manager who shall obtain from the Commission an airport manager's license.
- 3.4 (d)^e It shall be unlawful to operate any airport commercially, or to operate any air school, or for any per-

son to engage in the occupation of airport manager, without first obtaining an appropriate license as provided for above; and it shall further be unlawful for any person to operate any aircraft for commercial purposes from any unlicensed airport.

3.5 (e) All licenses issued by the Commission shall be issued on the following conditions:

(1) That the holder thereof shall comply with all of the requirements of the laws of West Virginia and the United States governing aeronautics, and all of the requirements of the rules and regulations of the commission and the federal civil air regulations.

(2) That the holder thereof shall neither perform or engage in nor permit anyone in his employ or under his control to perform or engage in any act or practice connected with or related to aeronautics that endangers life or limb or the public safety.

(3) That all material statements made by the applicant on his application for a license are true.

These conditions shall apply to any license issued, whether the conditions are expressly set forth on the face of such license or not. The Commission may attach other conditions to any license by setting forth the conditions on the face of the license.

Section 3.4 **Application Forms, Duration and Renewal, and Fees for Licenses.**

4.1 (a) Application for any original license, or renewal of any license, required by regulation of the Commission shall be made on forms provided by the Commission and shall be accompanied by a fee of \$5.00.

4.2 (b) All licenses heretofore issued by the Commission or by the West Virginia Board of Aeronautics and now outstanding shall expire at midnight on December 31, 1948. All licenses issued hereafter shall be effective for the calendar year in which issued, subject to any limitation stated thereon and subject to earlier suspen-

sion or revocation. Applications for renewal shall be made not less than 30 days prior to the expiration date thereof.

Section ~~4~~⁵ **Revocation, Suspension or Refusal of Licenses.** Any license issued by the Commission pursuant to the provisions of Secs. 2 and 3 of these regulations may be revoked, suspended or denied by the Commission for any of the reasons set forth by statute, or for failure to comply with the conditions of the license. Such revocation, suspension, or denial shall be performed by the Commission in the manner provided by statute.

Section ~~5~~⁶ **Airport Ratings and Requirements.** Licensed airports shall be classified and issued licenses as Subclass 1, Class 1, 2, 3, 4, 5, and 6, and Seaplane Bases, depending on the size and type of runways available and the availability of other facilities pursuant to the requirements hereinafter set forth:

6.1 (a) **Minimum requirements for Sub-class 1 airports.** A Sub-class 1 airport may be licensed as such if it has a landing area of such size and nature as in the judgment of the Commission, will permit, with safety, the landing or taking off of aircraft of types that it might reasonably be expected to accommodate. The skill of the operator and the type of equipment used shall determine, in the sound discretion of the Commission, the minimum requirements for Sub-class 1 airports.

In general, the landing strips must approximate the following dimensions:

Length 1,500 feet — width 250 feet.

At such airports at least one landing strip shall be in the direction of the generally prevailing wind and shall have clear approaches at both ends. The surface of landing strips shall be reasonably smooth and free from ditches or excessive irregularities.

6.2 (b) **Minimum requirements for Class 1 airports.**

(a) Purpose.

To accommodate small private owner types. Includes planes with gross weights up to 4,000 pounds.

(b) Landing strips.

1,800 to 2,700 feet in length (sea level conditions); 300 feet usable width.

(c) Paved runways.

Not required.

(d) Number and alignment of landing strips.

Sufficient in number to permit take-offs and landings within two points ($22\frac{1}{2}^\circ$) of the true wind direction for 70 percent of winds 4 miles per hour and over.

(e) Facilities.

Drainage, fencing.

(f) Landing strip grades.

Two percent maximum transverse. Two percent maximum uniform longitudinal.

6.3 (e) Minimum requirements for Class 2 airports.

(a) Purpose.

To accommodate larger sizes private owner types and some small size transports. Roughly gross weights from 4,000 to 15,000 pounds.

(b) Landing strips.

2,700 to 3,700 feet in length (sea level conditions); 500 feet usable width.

(c) Paved runways.

One surfaced runway for the effective length of each landing strip and having a paved width of 100 feet

for day operations only, or 150 feet for night operations.

(d) **Number and alignment of landing strips.**

Sufficient in number to permit take-offs and landings within two points ($22\frac{1}{2}^\circ$) of the true wind direction for 75 percent of winds 4 miles per hour and over.

(e) **Facilities.**

Drainage, fencing, lighting, hangar and shop. Weather information. Office space.

(f) **Landing strip grades.**

Two percent maximum transverse; $1\frac{1}{2}$ percent maximum uniform longitudinal.

(g) **Distance between center line of runway and airport building.**

750 foot minimum for instrument runway; 350 foot minimum for other runways.

6.4 (a) **Minimum requirements for Class 3 airports.**

(1) **Purpose.**

To accommodate present day transports. Represents, approximately, gross weights 10,000 to 50,000 pounds.

(2) **Landing strips.**

3,700 to 4,700 feet in length (sea level conditions); 500 feet usable width. For parallel runways, allow 700 feet minimum between center lines.

(3) **Paved runways.**

At least one surfaced runway for the effective length of each landing strip and having a paved width of 100 feet for day operations only, 150 feet for night operations, and 200 feet for instrument operations. Parallel runways to be at least 700 feet apart, center line to center line.

(d) **Number and alignment of landing strips.**

Sufficient in number to permit take-offs and landings within two points ($22\frac{1}{2}^\circ$) of the true wind direction for 80 percent of winds 4 miles per hour and over. Estimates should be based on a 10-year Weather Bureau record. The number of parallel landing strips should be determined by the ultimate capacity of the airport.

(e) **Facilities.**

Drainage, fencing. Lighting. Hangar and shop. Weather Bureau. Two-way radio. Visual traffic control. Instrument approach system (when required).

(f) **Landing strip grades.**

$1\frac{1}{2}$ percent maximum transverse; $1\frac{1}{2}$ percent maximum uniform longitudinal.

(g) **Distance between center line of runway and airport building.**

750 feet minimum for instrument runway; 350 feet minimum for other runways.

6.5 (e) **Minimum requirements for Class 4 and 5 airports.**

(s) **Purpose.**

To accommodate the largest planes in use and those planned for the immediate future. Represents, approximately, gross weights in excess of 50,000 pounds.

(b) **Landing strips.**

4,700 to 5,700 feet in length (sea level conditions); 500 feet usable width. For parallel runways, allow 700 feet minimum between center lines.

(c) **Paved runways.**

At least one surfaced runway for effective length of each landing strip and having a paved width of 100 feet for day operations only, 150 feet for night

operations, and 200 feet for instrument operations. Parallel runways to be at least 700 feet apart, center line to center line.

(d) **Number and alignment of landing strips.**

Sufficient in number to permit take-offs and landings within two points ($22\frac{1}{2}^\circ$) of the true wind direction for 90 percent of winds 4 miles per hour and over. Estimates should be based on a 10-year Weather Bureau record. The number of parallel landings strips should be determined by the ultimate capacity of the airport.

(e) **Facilities.**

Drainage, fencing. Lighting. Hangar and shop. Weather Bureau. Two-way radio. Visual traffic control. Instrument approach system. Administration building.

(f) **Landing strip grades.**

$1\frac{1}{2}$ percent maximum transverse; 1 percent maximum uniform longitudinal.

(g) **Distance between center line of runway and airport building.**

750 feet minimum for instrument runway; 350 feet minimum for other runways.

6.6 (e) **Minimum requirements for Class 6 airports.**
The requirements shall be the same as for Class 4 and 5 except runway length will be greater than 5,700 feet.

6.7 (g) **Minimum requirements for Seaplane Bases.**
The minimum requirements for seaplane bases are as follows: Situated on or directly connected with a body of water having a minimum depth of not less than six feet at any time, calm enough for operations in all ordinary weather, and sufficiently large to permit landing and taking-off of seaplanes and flying boats

without hazard. By direct connection is meant a canal or other stream of water wide enough to allow taxiing of planes without difficulty and a distance of not more than one quarter of a mile from the actual airport to the open water.

(c) **Facilities.**

Suitable docking facilities for safe loading and discharging of passengers must be made available.

(b) **Office space.**

Located on a good road leading to the nearest city or town.

6.8 (d) **Facilities required at all airports.**

(c) (1) **Field Markings.** All licensed airports, with a right hand traffic pattern will be marked with a segmented circle located off the traffic area with a conventional wind cone located at its center. Basic element of the marker will be a circle 100 or more feet in diameter made of panels 6 to 12 feet in length and 4 feet wide, separated by about one-fourth of the length of each panel. The landing direction T, tetrahedron, or arrow will be in the middle of the circle, with the wind cone on top. Radiating panels outside the circle will show the location of the runways. Any color may be used for the segmented circle, provided it gives efficient contrast with the surrounding area.

All other licensed airports are urged to install the segmented circle markers as an aid to visiting pilots.

Suitable border markers shall be located around the usable landing area in such a manner as to adequately frame the landing area from the air. These markers may be of the cone or "bench" type, painted either Chrome Yellow or International Orange.

The name of the town or city shall be placed near the field circle or on the roof of at least one airport building in such a manner as to be visible in clear weather from an altitude of two thousand feet, the letter in no case to be less than six feet in length. Where there are no suitable surface at the airport on which to display such name, this marking shall not be required.

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(b) (2) **Wind Indicators.** All licensed airports shall be equipped with one or more wind-direction indicators, equivalent in effect to a wind cone not less than twelve feet long, thirty-six inches in diameter at throat, twelve inches in diameter at tail. Such indicator shall be so located that it will show a true indication of the wind direction on the landing area and to be readily visible, to aircraft approaching the airport in any direction, and be so suspended as not to foul its standard.

(c) (3) **Marking of Hazards.** All telephone and transmission poles, radio towers, flag poles and similar obstructions in the immediate vicinity of all licensed airports shall be marked by painting with alternate bands of either Chrome Yellow and Dead Black, or White and International Orange. Water towers in the vicinity need not be marked unless in the opinion of the Commission such painting is necessary from the standpoint of safety. In the event of night operation all such surrounding hazards shall be marked with suitable obstruction lights. if

Any part of the landing area temporarily unsafe for landing or which is not available for any cause shall be clearly marked by day with International Orange or Red flags, so placed as to show the boundaries of the dangerous areas; by night, if the field is equipped with other lighting, it shall be clearly marked with either red electric lights, or with red lanterns.

(d) ~~(4)~~⁽⁴⁾ All airports shall have appointed by the owner or operator thereof, an airport manager to perform the duties hereinafter set forth in Section ~~2.8~~^{2.8} Any such Airport Manager so appointed shall first obtain from the Commission a license as provided by Section ~~2.3~~^{2.3}

(e) ~~(5)~~⁽⁵⁾ All airports shall make the following available to the users thereof:

i. Facilities for supplying aircraft with fuel, oil and water.

ii. Drinking water and adequate and separate restroom facilities for men and women.

iii. Dependable transportation facilities to the nearest town or city.

iv. A sufficient number of chocks with ropes attached, rope, and stakes to tie down the number of planes normally requiring this service at the airport or seaplane base.

v. Personnel in attendance by day or available on call by telephone. Telephone facilities within a reasonable distance. Instructions for reaching airport personnel should be clearly posted.

vi. An airport registry book.

vii. Copies of the West Virginia statutes, rules and regulations of the Commission governing aeronautics and the rules and regulations of the Civil Aeronautics Authority.

viii. A sufficient number of approved fire extinguishers and first aid supplies to provide adequate protection against accident.

ix. A bulletin board on which shall be posted Local Field Rules and any pertinent and current State or Federal Bulletins or other information.

(f) (6) The commission may, for good cause shown, waive, either permanently or temporarily, any of the requirements set forth in this sections as a prerequisite to the issuance of an airport license, but such waiver shall be permitted only when the public safety will not be endangered thereby. Such waiver shall be specifically set forth on the face of the license.

(g) (7) After an airport has been licensed, any changes in its landing strips, facilities or equipment shall be reported to the Commission immediately.

Section ~~8~~⁷ Requirements for Licensed Air School.

7.1 (a) Any air school applying for a license pursuant to the provisions of Sec. ~~2~~₃ of these regulations shall meet the following requirements.

(a) (1) Provide suitable space of a permanent nature, properly heated, lighted and ventilated, adequate to house equipment necessary to the proper conduct of business matters and the preparation of records appropriate to the flight operation.

(b) (2) Provide a suitable space of a permanent nature, properly heated and lighted, to accommodate flight students receiving instruction. In addition, adequate toilet and washroom facilities must be provided.

(c) (3) Provide a hangar or hangars of substantial construction, adequate to house aircraft.

(d) (4) Provide suitable space, properly heated and lighted, in which to conduct all necessary periodic inspection, repairs, and other maintenance functions. Sufficient tools and mechanical devices must be provided adequate to perform all maintenance function. If these facilities are not provided, a contractual agreement with a reputable maintenance and repair agency may be effected, provided such services and facilities are immediately available.

(e) (5) Provide a sufficient number of properly certi-

ficated aircraft to accommodate the number of students enrolled.

(f) ~~(6)~~ Employ to give flight and ground instruction only such persons as hold a flight and ground instructor rating.

(g) ~~(7)~~ Provide sufficient certificated personnel, either regularly employed, or under contract, to maintain aircraft used for flight instruction in full airworthy condition at all times.

(h) ~~(8)~~ Provide a satisfactory flight and ground curriculum.

(i) ~~(9)~~ Maintain all rest rooms, office, lounge rooms, hangars and shops in a clean and sanitary condition at all times.

7.2 ~~(b)~~ Upon revocation of the license of any air school by the Commission, re-application by such air school for a license shall not be made within ninety (90) days from the date of revocation.

Section 7. ~~8~~ Duties of Airport Manager.

8.1 ~~(a)~~ Report to the Commission all accidents to aircraft, pilots or passengers of which he has knowledge and which have occurred within a radius of five miles of his airport, or have occurred to any aircraft normally housed, stored or operated from his field.

8.2 ~~(b)~~ Report to the Commission all violations of air traffic rules, of which he has knowledge.

8.3 ~~(c)~~ Be responsible that all airport equipment specified under his license is available and in operating condition.

8.4 ~~(d)~~ Keep a Registry Book, showing arrival and departure of aircraft at his airport, the names of airmen and number of passengers therein, owner of aircraft, license number of aircraft and pilot, time of arrival and departure.

- 8.5 (e) Report to the Commission any work in progress on his airport or any changes or conditions which make the field unsafe for use.
- 8.4 (f) Advise the Commission of any areas in the vicinity of his airport that are restricted.
- 8.4 (g) Enforce the Regulations of the West Virginia State Aeronautics Commission on, and in the vicinity of, the airport.
- 8.7 (h) If airport is lighted, advise the Commission of any changes in lighting system, or when lighting facilities are, for any reason, to be discontinued, even temporarily.
- 8.8 (i) Advise the Commission sufficiently in advance of the occurrence of any air show, race, or carnival, in order that a representative of the Commission may be present, if deemed advisable.
- 8.9 (j) Advise the Commission of any change in status.
- 8.10 (k) Advise the Commission of any aircraft or airman that has been "grounded" for the sake of public safety.
- 8.11 (l) Be responsible that all mechanics, instructors, schools and clubs operating from his airport have appropriate and effective licences or certificates as required by the United States Civil Aeronautics Authority, the laws of the State of West Virginia, or the rules and regulations of the Commission.
- 8.12 (m) Notify the Commission of any unlicensed aircraft or pilot operating in the vicinity of his airport.
- 8.13 (n) Notify the Commission of any aircraft that is deemed unairworthy or unsafe, operating in the vicinity of his airport.
- 8.14 (o) At all times be authorized to take such measures in the handling, conduct, and management of the public in attendance at the airport as may be necessary to se-

secure the public safety and the efficient operation of the airport.

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8.15 (p) Except in case of a scheduled operation, have authority to suspend flying operations on, or from, the airport, when in his opinion, the condition of the landing area or meteorological conditions might make such operations unsafe. The airport manager shall have authority to "ground" any aircraft or airman for the sake of public safety and the Commission shall be advised at once of his action.

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8.16 (q) Make such local rules as may be considered necessary in the efficient conduct of his airport and to provide maximum safety to persons and property. Such rules shall be subject to the approval of the Commission or its representative and shall be posted on the bulletin board of the airport, and a copy filed with the Commission.

¹⁸
8.17 (r) Make such other reports and provide such other information as the Commission or the Director may request.

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Section 8. **Certificates of Approval of Airport Sites.** Certificates of approval of airport sites will be issued by the Commission pursuant to the provisions of Section 16, Article 2A, Chapter 29, of the Code, upon application therefor. Forms for such application shall be furnished by the Commission, on request, and no application for such certificate will be received by the Commission unless it is presented on such form.

Upon receipt of such application, the Commission will investigate the proposed site and either grant a certificate upon conditions, or deny a certificate, pursuant to the provisions of the above mentioned section of the Code.

¹⁰
Section 9. **Distribution of Leaflets and Advertising Matter from Aircraft.** No person shall drop, throw, or

in any manner distribute any papers, advertisements, leaflets, or similar matter from any aircraft while in flight, nor shall any airman or other person participate in any way in the operation of aircraft for the aforesaid purpose, unless the Commission shall have first issued authority in writing for such flight for such purpose.

Application for the above mentioned authority shall be submitted to the Commission in writing, not less than five days preceding the date on which the flight is to be made. The application shall set forth: (1) Date of the proposed flight; (2) pilot's name; (3) number and classification of any pilots licenses held by the pilot; (4) type and license number of plane to be used; (5) points of origin and destination of the flight; (6) area or areas over which the matter to be distributed will be dropped; (7) a statement that the flight is to be conducted in conformance with the applicable CAA rules and regulations. There shall be submitted with each such application a permission in writing, signed by the proper municipal authority of each municipality over which the matter to be distributed will be dropped, showing the assent of each such municipality to the proposed activity.

Upon receipt of a timely and proper application, the Commission will issue authority for a flight for the purpose aforesaid if, in the Commission's opinion, the pilot is competent and duly qualified, proper permission has been obtained from the municipalities concerned, the proposed flight will not violate any law, rule, or regulation of the United States or its agencies, or of the State of West Virginia or its agencies, and the proposed flight will not endanger public safety.

Section 10.¹¹ **Air Shows.**—Any air show or exhibition held or conducted within this state shall be conducted in conformance with the following rules:

(a) Positive control over participants and spectators will be established and maintained.

(b) Aircraft will not be flown over, toward, or less than 500 feet horizontally from, the grandstand or spectators.

(c) Adequate provision will be made for safe operation of aircraft on the ground.

(d) Adequate first aid and fire fighting equipment will be immediately available.

(e) Adequate means will be provided to inform all aircraft operating in the area in which activities of the show are to be carried on, that an air show is in progress.

(f) Adequate provision will be made for the arrival and departure, at the field at which the air show is being conducted, of both participating and nonparticipating aircraft.

(g) The skill and experience requirements for all contestants entered in the published events shall be satisfactory to the approving agent.

(h) Flight operations conducted at the air show shall be limited to the events listed on the original CAA air show application form.

(i) Permission must be obtained from the Commission for any activity at the air show involving a departure from or conflict with any applicable state aviation regulation.

(j) On any exhibition flight only such persons as are essential to the flight shall be carried.

(k) CAA approved type certificated parachutes shall be used on all exhibition jumps.

(l) Acrobatics on the airways may be conducted only after thorough coordination with, and prior

permission from the local air traffic control. No flight shall be conducted at any altitude that will conflict with or create a hazard to other aircraft using the airway.

(m) All or any part of any air show may, for just cause, be cancelled at any time by the CAA supervising agent or the West Virginia State Director of Aeronautics.

(n) All flight activity shall be conducted under VFR weather conditions.

NOTE: CAA Policy. It is the policy of the CAA in carrying out the Federal-aid Airport Program to participate in the construction or improvement of only one runway or strip on new or existing Class I (Personal) airports.

On all other classes of airports, the construction of an additional runway or runways, will be approved only where required to handle the volume of traffic and must be non-intersecting with other runways by being placed either parallel or diverging. More than one existing runway on airports larger than Class I may be improved if desirable from operating requirements other than wind coverage.

Section ¹²11. Landing Fees.

Landing fees for aircraft weighing less than 6,500 pounds at any Airport in West Virginia is prohibited.

NOTE: This regulation does not preclude charges to visiting general aviation aircraft, or locally based aircraft for handling, chocking, tying down, storage, etc; provided these services are rendered.

Section ¹³12. Traffic Patterns.

Aircraft grossing 12,500 pounds or more shall conform to a circling pattern prior to landing at uncontrolled airports in West Virginia. This pattern shall be to the left, or counterclockwise, unless otherwise indicated by standard visual markings on the ground.

NOTE: This regulation is not intended to supplement, affect, or in any way change the normal rectangular pattern prescribed for light aircraft.

Section ¹³ ~~13~~ ¹⁴ **Registration of Pilots.** All pilots residing in West Virginia or employed by business firms, corporations, or private individuals in this State, shall register with the West Virginia State Aeronautics Commission.

Registration will be conducted on an annual basis effective 1 July, 1964, and the Aeronautics Commission shall furnish each pilot an appropriate registration form.

Current records shall be maintained in the West Virginia State Aeronautics Commission office and it shall be the responsibility of each pilot to notify the Commission of changes to his license, change of address, revocation by the Federal Aviation Agency, expiration of medical certificate or changes for any other reason.

Section ¹⁴ ~~14~~ ¹⁵ **Registration of Aircraft.** All aircraft based in West Virginia, owned or leased by private citizens, flying clubs, business firms, corporations, flight schools, aircraft dealers, political divisions or subdivisions, shall register each aircraft with the West Virginia State Aeronautics Commission.

Aircraft owned or operated by any of the aforementioned individuals, clubs, firms, corporations, schools, dealers, or divisions, hangaring their aircraft in other states shall also register.

Registration will be conducted on an annual basis effective January 1, 1965, on forms provided by the Aeronautics Commission.

It shall be the responsibility of each owner, co-owner, or leasee to request appropriate registration forms from the Aeronautics Commission and to promptly advise the Aeronautics Commission, of any change in ownership, transfer, destruction or retirement of aircraft. Records shall be maintained in the West Virginia Aeronautics Commission's Office reflecting any changes.