Oregon Department of Aviation

Chapter 738

Division 20
MINIMUM STANDARDS FOR AIRPORTS

738-020-0010
Purpose and Statutory Authority

To prescribe minimum dimensional and layout standards for airports, including heliports; to prescribe procedures for site approval, licensing, or registering pursuant to the following:

(1) ORS 835.035 pertaining to the general public interest, safety, and the development and promotion of aeronautics.

(2) ORS 836.025(1) pertaining to the regulations, protection, and policing of airports by the Oregon Department of Aviation (the Department).

(3) ORS 836.080 to 836.120 pertaining to site approval and licensing of airports.

Statutory/Other Authority: ORS 835 & 836
Statutes/Other Implemented: ORS 836.080 - 836.120
History:
AERO 2-1989, f. & cert. ef. 9-20-89
1OTC 81, f. & ef. 5-3-77
1OTC 46, f. 11-29-74, ef. 12-25-74

738-020-0020
Designation of Minimum Standards

(1) Airports other than heliports:

(a) An airport that is open to the public shall conform as a minimum to the design and dimensions of General Aviation Airports shown on the drawing "Minimum Standards for General Aviation Airports," attached as Exhibit 1 hereto. Airports for personal, recreational or emergency use, if not so conforming, may be approved if runway and approaches are adequate for the published operating characteristics and limitations of the aircraft to be accommodated;

(b) Sponsors of public-use airports shall have control of approach-departure zones with dimensions appropriate to the purpose and usage of the airport, but in no case extending less than 1,100 feet from end of the runway. Public-use airports which are exempted under ORS 836.080, or which held a license prior to December 25, 1974, are exempt from this requirement;

(c) If an airport having dimensions which meet state minimum standards but is deemed by the Director to be inadequate based on the amount and nature of air traffic, the type of aircraft to be accommodated, and the size and operational category of the airport, the design and dimensions of such airport shall conform as nearly as practicable to the applicable standards prescribed by the Federal Aviation Administration (FAA).

(2) Heliports:

(a) The landing and take-off area of a rectangular heliport at elevations not over 1,000 feet above sea level shall be not less in length and width than 1-1/2 times the overall length of the helicopter to be accommodated;

(b) A circular heliport shall have a minimum diameter equal to 1-1/2 times the overall length of the largest helicopter to be accommodated;

(c) For elevations over 1,000 feet above sea level, the above dimensions shall be increased by 15 percent for each 1,000 feet of elevation above the first 1,000 feet;

(d) The obstruction-free approach surface shall extend upward and outward from the edge of the landing and take-off area to the enroute altitude at the ratio of eight feet horizontally to one foot vertically (8:1) for a horizontal distance of 4,000 feet where the approach surface is 500 feet wide. The obstruction-free transitional surface or side slope shall extend upward and outward from the edge of the landing and take-off area at the ratio of two feet horizontally to one foot vertically (2:1) for a distance of 250' measured horizontally from the centerline of the landing and take-off area.

(3) The Department may waive any requirements contained in this rule as to any particular airport or heliport if it finds, following a documented review, such action to be consistent with safety and public interest.

[ED. NOTE: Exhibits referenced are available from the agency.]

Statutory/Other Authority: ORS 835 & 836
Statutes/Other Implemented: ORS 836.090
History:
AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02
AERO 2-1989, f. & cert. ef. 9-20-89
1OTC 81, f. & ef. 5-3-77
1OTC 46, f. 11-29-74, ef. 12-25-74

738-020-0025
Application for Site Approval

(1) Except as provided in ORS 836.080, OAR 738-020-0030 or as approved by the FAA after a site selection study, no municipality or officer or employee thereof, nor any person, shall construct or establish an airport or heliport without first having obtained an approval from the Department for the proposed site.

(2) The provisions of this rule apply equally to establishment of new airports or heliports or substantial modification of existing facilities. Substantial modification is construed to mean any significant change of physical dimensions, as determined by the Director, or any change of physical conditions which causes the airport or heliport to become either unsafe or unusable for the aeronautical purposes for which the original license was issued. Substantial modification of existing facilities may be exempt from the provisions of this section if those modifications are constructed as a result of an FAA airport improvement project. To keep the Department informed as to the modifications made to an airport, a copy of the FAA approved Airport Layout Plan and the final "as constructed" plans shall be furnished to the Department.

(3) Written application for site approval shall set forth, on a form provided by the Department, the proposed use of the airport or heliport, a map, plan, or sketch depicting location, layout, dimensions, topographic features, obstructions, and relationship to all other aeronautical facilities within five miles. Payment of a nonrefundable fee of $75, together with $300 for the cost of inspecting an airport site for potential approval, as established by ORS 836.085(1), shall accompany the application.

(4) Within a reasonable time after receiving such application, the Director will render a finding as to whether the proposed airport is compatible with the State Aviation System Plan. If found to be compatible, an the Department inspector will then make a physical site investigation to evaluate certain aspects of the proposed site, including, but not limited to:

(a) All real property devoted to or to be used in connection with any aeronautical activity at the proposed airport;

(b) The location of the airport in relation to any surrounding topography, trees or structures that could affect the safety of the airport;

(c) The location and configuration of the proposed airport's runways and operation areas in relation to those of existing and approved airports or airport sites in the vicinity that could affect the safety of aircraft operating from the proposed airport, or from other airports.

(5) If satisfied that the site will meet aeronautical safety standards for the proposed use of the airport or heliport, as well as safety of adjoining property, the Department will issue a provisional site approval. If not satisfied, the Department will deny site approval or may make suggestions as to how the site can meet the standards.

(6) The Department shall forward provisional site approval to the proponent of the airport or heliport and also provide a copy of the approval to the appropriate local planning/zoning bodies for review and comment. If no significant adverse comment is received within thirty days, and upon receipt of evidence that the proponent has notified the FAA, on the appropriate form, of this intent to establish an airport or heliport, the Department shall issue final site approval.

(7) If the proposed airport site is found not to be compatible with the State Aviation System Plan as provided in section (4) of this rule, or is for any other reason not inspected, the refundable inspection fee shall be returned to the applicant.

Statutory/Other Authority: ORS 184.616, 184.619, 835.035 & 836.085
Statutes/Other Implemented: ORS 836.085 & 836.095
History:
AVIA 1-2005, f. & cert. ef. 5-23-05
AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02
AERO 1-1998, f. & cert. ef. 2-25-98
AERO 2-1989, f. & cert. ef. 9-20-89
1AD 3-1984, f. & ef. 7-31-84
1OTC 81, f. & ef. 5-3-77
1OTC 46, f. 11-29-74, ef. 12-25-74

738-020-0030

Application for License

(1) Except as provided in ORS 836.080, a person, municipality, or officer or employee thereof may not operate a public-use airport without a license issued by the Oregon Department of Aviation. The license fee is determined by statute and shall be paid in full for the initial calendar year or portion thereof, and for each annual renewal. Application for license and renewal shall be in writing on a form provided by the Department and shall be accompanied by the prescribed fee. Application for initial license shall be accompanied by a drawing or sketch depicting the airport "as built." Sketches depicting any changes to the "as built" sketch submitted when the airport was first licensed, or as subsequently revised, shall accompany any application for renewal of license.

(2) Personal-use airports are exempt from licensing, but sponsors are required to register the airport prior to February 1 of each year on a form furnished by the Department. There is no fee for registration. New airports must be registered within thirty days of completion of the airport in accordance with plans submitted for site approval, and be approved by the Department. These airports may be approved for use by aircraft whose published manufacturer specifications state they can be operated from an airport of a size less than the state minimum standards.

(3) Agstrips need not be licensed, registered, or have site approval if the use of that strip is to be of an occasional nature only. However, the use of an agstrip shall be the sole responsibility of the person operating it. The operator is responsible not only for his or her own safety, but for the safety of persons and property on the ground. Conflict with traffic patterns of an existing airport must be avoided or coordinated and resolved. Such strip shall not be used by aircraft not under the agstrip operator's control.

Statutory/Other Authority: ORS 825 & 826
Statutes/Other Implemented: ORS 836.105
History:
AVIA 3-2016, f. & cert. ef. 10-31-16
AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02
AERO 2-1989, f. & cert. ef. 9-20-89
1AD 3-1984, f. & ef. 7-31-84
1OTC 81, f. & ef. 5-3-77
1OTC 46, f. 11-29-74, ef. 12-25-74

738-020-0035

Approval of Site: Issuance of License

(1) Within a reasonable time after receipt of application, the Department shall grant approval of the site under the provisions of OAR 738-020-0025 or shall issue a license, as the case may be, if it is satisfied that:

(a) The airport meets, or will meet, the minimum standards prescribed by OAR 738-020-0020;

(b) Safe air traffic patterns can be worked out for such airport and all existing or approved airports in its vicinity;

(c) Due notice has been given the FAA, by the applicant on an appropriate FAA form and an FAA determination has been made in any case where such notice is required, regarding any proposed construction;

(d) The airport has been constructed in accordance with plans as submitted to the Department with either the application for site approval or for a license; and

(e) The airport substantially meets land use and zoning requirements of the local governmental entity having jurisdiction.

(2) The Department, in approving a site or in issuing a license, may impose such conditions as it may deem reasonably necessary or appropriate to accomplish the intent of ORS 836.085 to 836.120.

(3) In certain cases, the Department may issue a temporary airport license for a specific reason and for a specific date or limited period of time, not to exceed thirty days.

(4) The Department at its discretion may hold a hearing prior to approving a site or issuing a license. Due notice shall be given and opportunity for hearing shall be provided prior to the denial of any such site approval or license.

Statutory/Other Authority: ORS 184.616, 184.619, 835.035, 836.095 & 836.105
Statutes/Other Implemented: ORS 836.095 & 836.105
History:
AERO 1-1998, f. & cert. ef. 2-25-98
AERO 2-1989, f. & cert. ef. 9-20-89
1AD 3-1984, f. & ef. 7-31-84
1OTC 81, f. & ef. 5-3-77
1OTC 46, f. 11-29-74, ef. 12-25-74

738-020-0040
Revocation of Site Approval or License

(1) The Department may, after notice and opportunity for hearing, revoke a site approval upon determining (ORS 836.100):

(a) That there has been an abandonment of the site as an airport site; or

(b) That there has been a failure within the time prescribed, or if no time was prescribed, within two years' time, to develop the site as an airport or to comply with the conditions of the approval; or

(c) That control of necessary approach and departure zones has not been obtained within a specified time or obstructions exist at the end of the runway so as to create a hazard to aircraft.

(2) The Department may, after notice and opportunity for hearing, revoke a license or refuse renewal thereof upon determining (ORS 836.110):

(a) That there has been an abandonment of the airport as such; or

(b) That there has been a failure to comply with the conditions of the license or renewal thereof; or

(c) That because of change of physical or legal conditions or circumstances the airport has become either unsafe or unusable for the aeronautical purposes for which the license or renewal was issued;

(d) When an airport is no longer used as an airport, it shall be appropriately marked as a closed airport for a period of at least six months following closure.

Statutory/Other Authority: ORS 835 & 836
Statutes/Other Implemented: ORS 836.100 & 836.110
History:
AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02
AERO 2-1989, f. & cert. ef. 9-20-89
1OTC 81, f. & ef. 5-3-77
1OTC 46, f. 11-29-74, ef. 12-25-74

738-020-0045
Hearings

The procedure for hearings and appeals in connection with the grant, denial, or revocation of a site approval or license shall be as provided in The Attorney General's Model Rules of Practice and Procedure under the Administrative Procedure Act, and ORS Chapter 183.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the Office of the Attorney general or the Department of Aviation.]

Statutory/Other Authority: ORS 184.616, 184.619, 835.035, 836.100, 836.110 & 836.115
Statutes/Other Implemented: ORS 183.430, 183.435, 836.100, 836.110 & 836.115
History:
AVIA 4-2002, f. 11-27-02, cert. ef. 12-1-02
AERO 1-1998, f. & cert. ef. 2-25-98
AERO 1-1992, f. & cert. ef. 5-12-92
AERO 4-1990, f. & cert. ef. 8-14-90
AERO 2-1989, f. & cert. ef. 9-20-89

AERO 1-1988, f. & cert. ef. 8-22-88
1AD 1-1986, f. & ef. 4-28-86
1AD 1-1984, f. & ef. 1-5-84
1OTC 81, f. & ef. 5-3-77
1OTC 46, f. 11-29-74, ef. 12-25-74

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