

19A NCAC 02E .0423 REGULATION OF AIRPORT CONSTRUCTION

(a) Except as otherwise provided by this Rule, all construction or alteration of airports or aircraft landing areas on any part of land adjoining any public highway or in close proximity, shall be in conformity with the Federal Air Regulations, Title 14, Chapter I, Part 77, Subpart C, Code of Federal Regulations, which is incorporated by reference including any subsequent editions or amendments. Copies of these regulations are available at no cost to the public by visiting <https://www.govinfo.gov>. Close proximity, as referenced in this Paragraph, shall be assessed on a case-by-case basis according to the orientation of the landing area, and its respective alignment to the public highway.

(b) No construction or alteration as referenced in Paragraph (a) of this Rule shall be undertaken without having first obtained an Aircraft Landing Area Permit from the Department. An Aircraft Landing Area Permit shall be approved upon confirmation of satisfaction, by written documentation, of the clearance requirements detailed in Paragraph (a), all applicable requirements by the county or municipality, and Federal regulations. All construction or alteration shall be in accordance with the Aircraft Landing Area Permit. Except for highways on the Federal-aid highway system, the Board of Transportation shall authorize a permit at variance with the foregoing Federal Aviation Administration standards if it determines that the construction or alteration of the aircraft landing area will not result in a public road being a hazard to air navigation. The Department's determination of whether a public road is a hazard to air navigation shall be dependent on the type of aircraft, orientation of the landing area, and its respective alignment to the public highway, traffic, and utilities.

(c) Applicants seeking an Aircraft Landing Area Permit shall provide the Department with all plans, designs, estimates, and supporting data at the time the application is made. The estimates and data required may include, topographical surveys of the airport or aircraft landing area site and surrounding areas, including the proposed construction or alteration, with particular references to highways in the vicinity; hydrographic surveys, with particular reference to the effect that the proposed construction or alteration will have upon drainage patterns; and area maps, airport traffic patterns, and approach surfaces.

(d) This Rule shall not apply to publicly owned and operated airports and aircraft landing areas receiving Federal funds and subject to regulation by the Federal Aviation Administration, nor shall this Rule be construed to prohibit necessary repairs from being made to or on any airport facilities regardless of their present location.

*History Note: Authority G.S. 136-18(22);
Eff. November 1, 1985;
Amended Eff. November 1, 1993;
Readopted Eff. July 1, 2019.*