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DIGEST OF NEW YORK STATE LAWS
AFFECTING AVIATION

PART I
POWERS OF THE DEPARTMENT OF TRANSPORTATION IN RELATION TO AVIATION

The Department of Transportation is empowered to act and has responsibilities in the field of aviation by statute as follows:

GENERAL POWERS

● To advise and cooperate with municipal, county, regional and other local agencies and officials within the State to plan and otherwise coordinate the development of a system of air routes, airports and landing fields within the State and to protect their approaches. (Transportation Law, Art. 2, Sec. 14, Subd. 91.);

● To cooperate with other State departments, and with boards, commissions and other State agencies and with appropriate Federal agencies and with interested private individuals and groups in the coordination of plans and policies for the development of air commerce and air facilities. (Transportation Law, Art. 2, Sec. 14, Subd. 10.);

● To act as the official agency of the State in all matters affecting aviation under any Federal Laws now or hereafter to be enacted, and as the official agency of a county, town, city, village or authority in connection with the grant or advance of any Federal or other funds or credits to the State or through the State to its local governing bodies for airports and other facilities complying with the provisions of such grant or advances. (Transportation Law, Art. 2, Sec. 14, Subd. 11.).

SPECIFIC POWERS

Airport Location. The Commissioner of Transportation has the power to regulate private airport location pursuant to Section 249 of the General Business Law (See Appendix A).

Annual Inventory of Air Transportation Facilities. Commissioner of transportation is required to conduct an annual inventory of the state's general aviation facilities, both publicly and privately owned, and to submit the inventory by February 1, 1996, and annually thereafter to the Governor and to legislative leaders and relevant committee chairs. The legislation was intended to respond to the need for public policymakers to have available to them an up-to-date inventory of the holdings and assets of the general aviation industry so as to properly and effectively provide oversight and action. (Transportation Law, Art. 2, Sec. 14-a.) The Report has been expanded to include a map, information for all airports (not just general aviation facilities) and current airport data statistics. Current copies of this report are available by contacting the Department’s Aviation Services Bureau by telephone: 518-457-2821 or by Fax: 518-457-9779.
Airport Preservation. In order to preserve and enhance the air transportation system of the state, the commissioner of transportation is authorized to:

- Enter into agreements with privately-owned airports to pay a share of the costs of any project funded by a federal airport improvement funding program;

- Use available funds for the acquisition, construction, reconstruction or improvement of airports or aviation capital facilities;

- Enter into agreements to accomplish projects and insuring that the project is available to the public for the projects useful life as defined in the State Finance Law Section 61;

- Receive and establish standards for applications by privately owned airport sponsors to include the requirement for endorsing resolution from the local governing body of the municipality in which the airport is located;

- The State Share of any such improvement project undertaken with federal assistance from the federal aviation administration shall be limited to seventy-five percent (75%) of the non-federal share of such approved project. (Transportation Law, Art. 2, Sec. 14-h.) Since 1992, annual appropriations have been limited to 50% of the non-federal share which is consistent with other matching programs.

Statewide Master Plan for Transportation. The Department of Transportation is directed to formulate and from time to time revise a long-range comprehensive statewide master plan for transportation for the balanced development and coordination of adequate, safe and efficient commuter and general transportation facilities and services in the state at reasonable cost to the people which includes aviation and airport facilities and services whether publicly or privately owned, developed, operated or maintained. (Transportation Law, Art. 2, Sec. 15.)

Airport Closure. Whenever a property owner intends to dispose of, sell, lease or otherwise transfer any or all of its interest in an air transportation facility and such disposal, sale, lease or transfer results in that facility no longer having its principal function aviation operation or support, the owner is required to notify the department in writing of its intention to transfer such interest ninety days prior to such transfer. (Transportation Law, Art. 2, Sec. 14-h.) (See Appendix B for Department Procedures).

Airport Funding Programs. State Funds have been provided for airport improvement projects by the following laws:

Provided matching funds for the acquisition, construction, reconstruction or improvement of an airport or aviation capital facility or capital equipment. (Transportation Law, App. 4.);

Rebuild New York Through Transportation Infrastructure Renewal Bond Act of 1983. Provided matching funds for the construction, reconstruction, improvement, reconditioning and preservation of airport and aviation capital facilities. (Transportation Law, Art. 17.);

Special Rail and Aviation Transportation Program. Provided funding for the cost of construction, reconstruction, improvement, reconditioning and preservation of municipal airports, privately owned airports and aviation capital facilities excluding airports owned by the state or operated by bi-state public benefit corporation for which federal funding is not available. (Transportation Law, Art. 2, Sec. 14-j.), (As of February 2000, There are no funds available under the above program);

* Note: Funds from the three sources listed above have been fully committed and/or expended.

Multi-Modal Program. Provided funding for project costs of construction, reconstruction, improvement, reconditioning and preservation of municipal airports, privately owned airports and aviation capital facilities, excluding airports owned by the state or operated by a bi-state municipal corporate instrumentality for which federal funding is not available. Projects must be consistent with an approved airport layout plan, have a ten year service life, and may include navigational aids using GPS technology. Projects are selected based upon a Memorandum of Understanding entered into by the Governor, president Pro-Tem of the Senate and the Assembly Speaker. Funds may be added to this program by the legislature. (Transportation Law, Art. 2, Sec. 14-K. Passed in 1996);

Airport Improvement and Revitalization Act of 1999 (AIR-1999) Established a grant and loan program for capital improvements and technical assistance for the revitalization of public use airports through funding of projects for which federal funds are not available. Airports operated by a bi-state authority are excluded. Capital projects must have a useful life of 10 years (pavement management 5 years). Projects may also include equipment purchase, navigational aids, acquisition of land and easements as well providing technical assistance such as air service studies, airport business plans, and activities to inform the public of economic impacts and air service. (Transportation Law, Art. 2, Sec. 14-i);
Concurrent legislation created the Airport Improvement and Revitalization Fund. (Finance Law, Sec. 88-d).

To obtain more information about this program, contact Aviation Services Bureau at 518-457-2821.

**Other Funds Provided through Legislation Initiative.**
FFY 1999-2000 budget provided $4.5 million to fund airport projects to be set forth in a Memorandum of Understanding between the Governor, Majority Leader of the Senate and Speaker of the Assembly.
PART II
AIRCRAFT AND THEIR OPERATION

DEFINITIONS

Definitions pertaining to aviation are contained in Section 240 of the General Business Law. These definitions generally follow those of the Federal Aviation Regulations promulgated by the Federal Aviation Administration.

LICENSED OPERATORS

Operators of aircraft in New York State must obtain Federal licenses if they operate within the State under circumstances which would require a Federal license if the operation were interstate. (Gen. Bus. Law, Sec. 241.) The operator must have his license in his personal possession while operating, and it must be presented upon demand of any passenger, peace officer or person in charge of any airport upon which he lands in the State. (Gen. Bus. Law, Sec. 242.)

LICENSED AIRCRAFT

No plane can be operated within the State unless it is licensed and registered by the Department of Transportation of the United States. The plane's license must be conspicuously posted while in flight and be presented on demand to any peace officer or any person in charge of the airport where the aircraft lands. This licensing provision does not apply to aircraft used exclusively by any Federal or State agency. (Gen. Bus. Law, Sect. 243.)

AIR TRAFFIC RULES

The following air traffic rules (Gen. Bus. Law, Sect. 245.) shall govern the operations and use of aircraft in New York State, except that they shall not apply to aircraft used exclusively in the governmental service of the United States, or exclusively in the service of the National Guard of this State:

1. Careless or reckless operation. No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others.

2. Minimum safe altitudes. Except when necessary for a takeoff or landing, no person shall operate aircraft below the following altitudes:

   (a) General. 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;

   (b) Over congested areas. Over congested areas of cities, towns, villages or settlements, or over an open air
assembly of persons, an altitude of one thousand feet above the highest obstacle within a horizontal radius of two thousand 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 at an altitude which will permit an emergency landing without undue hazard to persons or property on the surface;

(c) Over other than congested areas. An altitude of five hundred feet above the surface, except over open water or sparsely populated areas, and in no event closer than five hundred feet to any person, vessel, vehicle, or structure. 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 at an altitude which will permit an emergency landing without undue hazard to persons or property on the surface;

(d) Industrial operations. Where essential to industrial operations and except over congested areas and over an open air assembly of persons, aircraft may fly at an altitude lower than five hundred feet if such operations are conducted with extreme care and caution and with regard to the safety of persons or property on the surface.

3. Acrobatic flying.
   (a) No person shall engage in acrobatic flying over congested areas of cities, towns, settlements, or over an open air assembly of persons;

   (b) Unless authorized by the Federal Aviation Administration, no person shall engage in acrobatic flying:

   1. Within any Federal airway or control zone, or;
   2. When the flight visibility is less than three miles, or;
   3. Below an altitude of one thousand five hundred feet above the surface.

4. Dropping objects. No person piloting an aircraft shall permit anything to be dropped from an aircraft in flight which might create any hazard to persons or property.

5. Water operations. An aircraft operating on the water shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation:
a. **Crossing.** The aircraft or vessel which has the other on its right shall give way so as to keep well clear;

b. **Approaching head on.** When aircraft, or an aircraft and vessel, approach head on, or approximately so, each shall alter its course to the right to keep well clear;

c. **Overtaking.** The aircraft or vessel which is being overtaken has the right-of-way, and the one overtaking shall alter its course to keep well clear;

d. **Special circumstances.** When two aircraft, or an aircraft and vessel, approach so as to involve risk of collision, each shall proceed with regard to existing circumstances and conditions including the limitations of the respective craft.

4. **Transportation of explosives and other dangerous articles.** The transporting of any explosives and dangerous devices other than small arms ammunition in moderate quantity for personal use, necessary aircraft signaling devices, fuel and equipment necessary to the safe operation of the aircraft and materials for industrial spraying, is prohibited. Dangerous devices shall include, but not exclusively, inflammable and non-inflammable compressed gas, poison gas and liquid, poisonous liquid and solid, and tear gas. Exceptions are permitted where transportation is performed in accordance with Federal rules.

5. **Liquor and drugs.** No person shall pilot an aircraft or serve as a member of the crew while under the influence of intoxicating liquor, or drugs, nor shall any person be permitted to be carried in the aircraft who is obviously under the influence of intoxicating liquor, or drugs except a medical patient under proper care or in case of emergency.

6. **Parachutes.** No pilot in command of a civil aircraft shall allow a parachute that is available for emergency use to be carried in that aircraft unless it is e type approved under regulations of the Federal Aviation Administration.

7. **Public streets or highways.** No takeoff or landing shall be made from or on a public street or highway without the prior consent of the local governing authority and the prior approval of the administrator of the Federal Aviation Administration, except as provided for in subdivision (b) of section three hundred sixty-one of the Public Authorities Law.

8. **Lights.** Aircraft shall display lights in accordance with the following rules:
(a) Between sunset and sunrise all aircraft in flight or operated or underway on the water shall display position lights;

(b) Between sunset and sunrise all aircraft parked or moved within or in dangerous proximity to that part of any airport used for, or available to, night flight operations shall be clearly illuminated or lighted unless the aircraft is parked or moved in an area marked with obstruction lights;

(c) Between the hours of sunset and sunrise all aircraft at anchor shall display an anchor light, or anchor lights, unless in an area within which lights are not required for vessels at anchor;

(d) Position lights shall be installed on all aircraft in accordance with rules and regulations affecting aircraft subject to the Federal Civil Air Regulations.

11. Deviation from air traffic rules. Air traffic rules may be deviated from when special circumstances render a departure necessary to avoid immediate danger and when such departure is required because of the stress of weather conditions or other unavoidable causes; provided, however, that aircraft carrying passengers for hire shall not deviate from the air traffic rules pertaining to minimum altitude of flight because of stress of weather conditions. (Gen. Bus Law, Sec.245.)

WRECKED AIRCRAFT

Wrecked aircraft may not be removed or destroyed within 24 hours after an accident without permission of an inspector of the Federal Aviation Administration, or Investigator of Civil Aeronautics Board or a member of the New York State Police or a sheriff or regular deputy sheriff (except when blocking a highway or impeding navigation in a waterway, or where immediate destruction of an aircraft is necessary to prevent injury to persons after it has landed or fallen upon a building or structure). (Gen. Bus. Law, Sec. 247.)

NEW YORK STATE THRUWAY SYSTEM

The landing and takeoff of planes on the Thruway system are governed by rules and regulations promulgated by the Thruway Authority. (Pub. Authorities Law, Sec. 361(1)(b)). These rules and regulations prohibit airplanes from taking off in flight from any portion of the Thruway system, except under special permit issued in advance by the director of operations on payment of a fee of $300. The permit will be issued only after a careful review of field conditions indicates such takeoffs can be made safely. The applicant must furnish evidence of adequate insurance to fully protect the Thruway Authority. Where the plane is to be removed by means other than takeoff in flight, the operation will be permitted only after investigation and subject to compliance with any special equipment or operating requirements and subject to any other conditions established by the Authority. Such permission will be subject to
the payment of a $100 charge.

Notwithstanding the foregoing, the executive director of the Thruway Authority is authorized, at his discretion, to waive any or all of these provisions as they may pertain to the removal of helicopters from portions of the Thruway other than traffic lanes, deceleration and acceleration lanes, access ramps, malls, shoulders, structures and bridges. (21 NYCCR, Sec. 102.1(s).)

AIRCRAFT ON LAKES

The taking off from or landing upon the surface of Lake Mahopac in the Town of Carmel and County of Putnam, or upon the surface of Lake Moraine, also known as Madison Reservoir, in the Town of Madison and County of Madison, or upon the surface of Lakes Waccabuc, Oscaleta, Truesdale and Rippowam, in the town of Lewisboro and Lake Kitchawan, in the Towns of Lewisboro and Pound Ridge, and County of Westchester, except when a landing and subsequent takeoff is necessary under actual distress conditions and the operation of aircraft on or over the waters of Lake George, and on or over the waters of Lake Oscawana in the Town of Putnam Valley, County of Putnam, or of Owasco Lake in the County of Cayuga or of Greenwood Lake in the Town of Warwick, County of Orange, for the carriage of passengers for hire, from and to points on such lakes or on the shores thereof, is a misdemeanor. (Gen. Bus. Law, Sec. 248 and 248a.)

Local ordinances may also be in effect prohibiting or restricting seaplane operations on bodies of water in the State, a county, or if no action is taken by that body, a city or incorporated village is authorized to establish a vessel (any floating craft), regulation zone within 1,000 feet of the shore of a lake or other body of water within or adjacent to the municipality. Any regulation adopted must be filed with the county clerk and the conservation commissioner (Navigation Law, Sec. 46.). Villages have power to regulate operation of vessels within 1,500 feet of the shore. (Navigation Law, Sec. 46a.)
PART III
PART III

MUNICIPALITIES AND AVIATION

ESTABLISHMENT OF PUBLIC AIRPORTS.

The legislative body of a city, county, village or town may establish an airport or landing field, and for that purpose may acquire or lease real property within the municipality or within 10 miles of the boundaries thereof. If such real property is located in another state adjacent to such boundaries, these municipalities may acquire it by purchase or lease. It may also use for such purpose real property already acquired, whether by purchase or condemnation or by grant from the State. (Gen. Mun. Law, Sec. 350, 1.) Town boards must operate in accordance with Article 14 of the Town Law.

The exercise of the power to establish and maintain airports conferred upon villages of this section, in relation to expenditures to be made during a fiscal year for which taxes are to be levied, are subject to a referendum. A resolution adopted by the Board of Trustees of such villages to establish and maintain an airport cannot take effect until 30 days after its adoption, and during that 30-day period the resolution must be submitted to popular vote if a number of petitioners equal to 30 percent of the number of votes cast for mayor at the last village election (but not less than 50) file a petition with the village clerk protesting the resolution and requesting that it be submitted to vote. The petition and procedure governing the referendum are controlled by Article Nine of the Village Law which deals with permissive referenda. (Gen. Mun. Law, Sect. 350, 2.) Such real property for airport development can be acquired by purchase if possible, condemnation if necessary, and financed by appropriation or, in whole or in part, pursuant to the Local Finance Law. (Gen. Mun. Law, Sec. 351.)

ESTABLISHMENT OF OR IMPROVEMENTS TO PRIVATELY OWNED AIRPORTS.

The legislative body of a city, village or town having jurisdiction is authorized to approve establishment of or runway improvements to a privately owned airport but must first obtain a determination from the commissioner of transportation that the establishment or improvement meets his standards. (General Business Law, Art. 14, sec. 249.) Rules and regulations established pursuant to this legislation are contained in Appendix A. A brochure describing the requirements is available by calling 518-457-2821, by fax: 518-457-9779; or by e-mail; rchimera@gw.dot.state.ny.us.

AIRPORT EQUIPMENT, MAINTENANCE AND OPERATION

The governing bodies of counties, cities, villages or towns which have established or hereafter establish airports, or acquire property therefor, or have entered into an agreement to operate an airport as a public airport, and, in the case of a joint airport established pursuant to law by two or more municipalities, the local legislative bodies of such municipalities in joint session are given the following powers:
1. To construct, develop, improve, equip, maintain and operate the airport;

2. To adopt regulations and establish fees and charges for its use and to fix civil penalties for violation of such regulations;

3. To provide for all incidental services, concessions and facilities and charge for them;

4. To buy and sell aircraft fuel, parts and all services reasonably necessary or incidental to the operation of the airport.

The same governmental bodies are also authorized to lease or contract for the entire operation of the airport or any part thereof or for the rendering of services or the conduct of business activities on or at the airport on an exclusive or nonexclusive basis as they see fit. However, public hearings must be held and the leases or contracts must be for periods not to exceed 40 years and must provide that the airport shall be used only for aviation purposes and other purposes required for or necessary to the efficient and successful operation of a public airport. (Gen. Mun. Law, Sec. 352.) Special provisions are set forth for leasing airport property in towns in Suffolk County and for leasing property acquired for airport purposes by the County of Oneida.

AIRPORT DEVELOPMENT PLANS

To insure that no building is permitted which obstructs the use of the airport as a public airport, the municipality must adopt a plan showing those portions of the airport set apart for public use (e.g., landing strips and taxiways) and those held for selective uses (e.g., hangars, hangar sites, administration building and refueling and repair stations). This plan cannot be finally adopted until it has been on file with the clerk of the operating municipality for ten days, and for a like period with the clerk of any municipality within which the airport is located. No lease, contract or other agreement for the conduct of business activities involving the construction or use of a building on or at a public airport can be made unless and until this plan has been so adopted. (Gen. Mun. Law. Sec. 352a.)

AIRPORT MANAGEMENT

A municipality owning an airport may vest any or all of the above powers in any officer, board or other agency of such municipality. The law thus gives rise to a flexibility in choosing the best form of management of the public airport. Subject to constitutional limitations on the powers of municipalities with respect to public property, and considering the power to enter into an agreement to operate an airport as a public airport, several methods of operation are permitted. These include private operation of a public airport as a public airport, operation under an existing municipal official or agency or the appointment of an airport manager. (Gen. Mun. Law, Sec. 352.)
JOINT AIRPORTS

Two or more adjoining counties or two cities in the same or adjoining counties; or a city and one or more villages or two or more villages (in same or adjoining counties), or two or more towns or a city and one or more towns (in same or adjoining counties), or a town and one or more villages (in same or adjoining counties) may jointly acquire real property and jointly build and operate airports or landing fields; Such procedure must be by the local legislative bodies which must create a committee to act as their agent to acquire and build the field. The joint ordinance or resolution may specify matters on which committee action requires legislative approval, apportions the cost and determines the method of financing. The joint airport so established must be within one or more of the participating counties or within the county in which the cities or one of them is located, or the county within which the villages or towns are located. The limitation contained in Sec. 350 of the General Municipal Law as to distance from boundaries (i.e., 10 miles) does not apply to such joint airports or landing places. Local authorities are authorized to appropriate, and to raise by taxation within their jurisdictions, sufficient sums to carry out their projects. Joint airports are subject to provisions of the law regulating maintenance and operation of public airports and jurisdiction over them is vested in a joint body or board agreed upon in joint session by the legislative bodies of the municipalities. (Gen. Mun. Law, Sec. 352, Sec. 353a, Sec. 354.)

PROTECTION OF AIRPORT APPROACHES

The General Municipal Law also deals with the protection of approaches to public seaplane harbors and airports from present or possible future obstacles to safe avigation. In the case of existing structures, trees or other obstacles deemed by the governing body of the owning municipality to be a menace to aircraft using its airport or to persons and property in the area, such localities are authorized to acquire by purchase, gift or condemnation the right to abate or remove any flight hazard located "within 3,000 feet of such airport, landing field or seaplane harbor or within such greater distance as the Federal Aviation Agency, or its successor may declare to be necessary..." Localities are also authorized to acquire the right to unobstructed use of such portion of the necessary airspace in this same area so that nothing will interfere with ascent or descent at a gliding angle of one foot in height to every 30 feet of horizontal distance from the nearest point of such airport, "or at such other angles as may be declared by the Federal Aviation Agency or its successor, as necessary for the approach and turning zones..." Localities can also acquire the right to place and maintain obstruction markers, lights, etc., on any structure or thing within 3,000 feet of an airport, including the right to lay and maintain wire or conduits thereto. (Gen. Mun. Law, Sec. 355.)

AIRPORT ZONING

The law carries this protection into the future by permitting public airport owners, and municipalities in which public airports lie, to prevent the creation or establishment of any obstacles to safe avigation after the airport is built and its approaches cleared as provided above. The statute
declares it to be public policy to accomplish such protection against the growth or erection of future obstacles, to the extent legally possible, by the exercise, of the police power of the municipalities affected. The legislation also contemplates that such protection against future obstructions in the "flight hazard area" (the area lying within 3,000 feet of the airport or such further distances as is declared necessary by the FAA or its successor) be accomplished where possible under authority granted by this statute.

The situation may arise where a municipality may not wish to zone the whole municipality under its zoning powers, but may want to zone that area which falls within the "flight hazard area" at least to the extent of limiting the heights of structures and natural objects such as trees. Such zoning of a particular area for a particular purpose is authorized.

There may be circumstances where the municipality in which part or all of the "flight hazard area" lies, while willing to take the necessary action to zone such area against obstructions, may not want to pay the costs of planning, mapping and so forth. In this case provision is made for the creation of a joint airport zoning board, at the request of the owning municipality, consisting of representatives of the owning municipality and of the municipality or municipalities within which the airport or the "flight hazard area" lies, to recommend appropriate regulations. If this is done, the cost of preparing, enacting, publishing and amending such regulations as may be adopted may be a charge on the owning municipality which requested the other to join with it, or may be shared by the participating municipalities as recommended by the joint board and mutually agreed to by each municipality. The appropriation of funds for the cost involved is authorized. (Gen. Mun. Law. Sec. 356.)

AIRPORT DEVELOPMENT FUND

That section of the General Municipal Law which deals with funded debt provides for the setting up for each airport acquired by a municipal corporation an "airport development fund." All receipts for leases, permits or other privileges prior to the construction or development of the airport are paid into this fund. All such moneys must be used solely for the acquisition, construction or physical development of the airport. (Gen. Mun. Law, Sec. 6-i, a.)

AIRPORT AMORTIZATION FUND

In addition, an "airport amortization fund" must be set up, to receive all revenues from airport operation except parking fees, sightseeing fees "and rentals derived from leases of real property at such airport not used exclusively for air transportation operations." This fund is to be used to pay interest and retire debt incurred for acquisition and construction; any balance shall be paid into the general fund and used for general municipal purposes. (Gen. Mun. Law, Sec. 6-i, b.)

PERIODS OF PROBABLE USEFULNESS

The local Finance Law fixes the periods of probable usefulness of
objects for which local debt may be contracted. These include:

1. Airport construction and airport improvement whether or not including buildings other than hangars: 10 years;

2. Construction and equipment of any permanent fireproof airport structure, at an airport having an area greater than 1,000 acres, in excess of $1,000,000 and the construction and equipment of runways, taxi strips or paved areas, at airports having greater areas than 1,000 acres: 30 years;

3. The dredging, filling, drainage and grading of real property acquired for or used as an airport having an area greater than 1,000 acres: 30 years;

4. Construction or purchase of airport hangars to cost $1,000,000 or less, and not Class "A" (Fireproof see subd 15 of Sec. 11): 15 years, Class "A", $1,000,000 or less: 20 years; over $1,000,000: 25 years;

5. The acquisition of lands in connection with the establishment, maintenance or operation of an airport having an area greater than 1,000 acres: 40 years. (Local Finance Law, Sec. 11.00.)

AVIATION POWERS OF TOWN BOARDS

Town boards may, on their own motion (and must upon petition) cause to be submitted at a special or biennial town election of a proposition to establish airports or landing fields, acquire necessary land and equip them. (Town Law, Sec. 81, 1d.) Town boards, after a public hearing, may enact ordinances, etc., for the regulation of airports and flying fields and property or spaces adjacent thereto used for parking automobiles, and can require adequate sanitary facilities and can also require the owner adequately to police such properties against crime or injuries to persons and property while thereon. (Town Law Sec. 130, 22.)

Finally, upon the adoption of a resolution therefor, subject to a permissive referendum, the town board may establish airports and landing fields, acquire necessary lands and equip same with suitable buildings, structures and apparatus. (Town Law Sec. 220, 4.)

COUNTY PLANNING COMMISSION POWERS

In counties which have adopted one of the optional forms of county government and where a county planning commission has been established, the commission has control of land subdivisions in towns outside cities and villages. No maps subdividing land into lots for residential or business purposes may be accepted for filing by the County Clerk unless it has been approved by the commission. It is the duty of such commission to make and recommend to the Board of Supervisors a master plan for the physical development of the county, which plan shall set forth recommendations of the commission for the development of the county, including
the general location, character and extent of aviation fields. If a master plan and any local zoning ordinance conflict, the master plan supersedes the zoning ordinance if it is reaffirmed by a two-thirds vote of the whole number of the members of the county planning commission after proper hearing.

(Alternative County Government Law, Sec. 552.)

PRIVATE AIRPORT ESTABLISHMENT/SPACING

No privately owned airport shall be established, or improvements to an existing privately owned airport made after December 31, 1969 without authorization of the governing body having jurisdiction over the area in which the airport is located. Before authorization, the governing body shall request the Commissioner of Transportation to determine if the improvement complies with his standards. (Gen. Bus. Law, Sec. 249.) (See appendix for standards that have been promulgated).

Note: This includes airports for personal use, seaplane bases and heliports.

AUTHORITIES

Port Authority of New York and New Jersey -- Chapter 802 of the Laws of 1947, as amended, constitutes enabling legislation for the financing, construction and operation of airports of the Port Authority of New York and New Jersey.

Niagara Frontier Transportation Authority -- Chapter 717 of the Laws of 1967 as amended, creates the Niagara Frontier Transportation Authority whose powers include the right to acquire, construct, finance, and operate airport projects.

The Rochester-Genesee Regional Transportation Authority, Chapter 1124 of the Laws of 1967, and the Metropolitan Transportation Authority, Chapter 717 of the Laws of 1967, provided for the continuance, further development and improvement of transportation and other services within their districts, including transportation by air.

Ogdensburg Bridge and Port Authority -- Chapter 773 of the Laws of 1950, as amended, and Chapter 1071 of the Laws of 1960 authorizes the Ogdensburg Bridge and Port Authority to acquire the Ogdensburg Municipal Airport.

Albany County Airport Authority - Chapter 686 of the Laws of 1993, the Albany County Airport Authority Act authorizes the Albany County Airport Authority to acquire, construct, reconstruct, continue, develop, equip, expand, improve, maintain, finance, and operate aviation and other related facilities and services within Albany County.
PART IV
MISCELLANEOUS LEGISLATION

ABSENTEE VOTING

An employee engaged in the flight of a commercial airplane who will be absent from his residence on a general election is entitled to vote by absentee ballot upon proper application therefor. (Election Law, Sec. 117. subd. 3(c).)

ALCOHOLIC BEVERAGES

The Liquor Authority can issue a special permit to a company operating aircraft, or its agent, to purchase from a manufacturer or wholesaler in this State alcoholic beverages for ships store for consumption outside the territorial jurisdiction of the State and not for resale here. (Alc. Bev. Control Law Sec.99-b.)

A license to sell liquor at retail for consumption on the premises may be granted to an aircraft being operated on regularly scheduled flights by a United States certificated airline. (Alcoholic Beverage Control Law Sec. 64(5).) The annual fee for a license to sell liquor on such an airline shall be $1,500 per annum for an airline company operating up to and including 20 such aircraft and $2,000 for such an airline operating more than 20 such aircraft. (Alcoholic Beverage Control Law Sec. 66(5).) Such an airline licensed to sell liquors and/or wines for on premises consumption shall be permitted to sell liquors and/or wines only to passengers and while in actual transit. (Alcoholic Beverage Control Law Sec. 106 (11).)

APPROPRIATIONS

The State Comptroller cannot audit any claim or account or draw a warrant for payment of moneys for the purchase or rent of aircraft, adapted and intended primarily for the carrying of passengers, for a period longer than ten days, unless moneys are specifically appropriated therefor. (State Fin. Law. Sec. 43.)

AVIATION INSURANCE EXCLUSION

No life insurance or noncancellable disability insurance or industrial life insurance policy issued or delivered in this State can contain any provision excluding liability for death in a certain specified manner except (among others) from aviation. (Ins. Law, Sec. 155.2; Sec. 158,3; Sec. 163,4.)

CIVIL RIGHTS

All persons have a right to full and equal privileges in places of public accommodation, resort or amusement, including "airdromes." (Civil Rights Law, Sec. 40.)
CRIMES

All persons are advised that navigating an airplane while intoxicated may constitute a misdemeanor or a felony. (Penal Law, Sec. 120.2, 120.25.) Apart from general provisions relating to larceny, the taking, using or operating of an aircraft without the owners consent is unauthorized use of a vehicle. (Penal Law, Sec. 165.05.) Hydroplanes (except commercial planes on waters of Lake George) are specifically exempt from the provisions of the Navigation Law, Sec. 44-a, 44-b making it a misdemeanor to operate boats and other floating structures without muffling the exhaust on any of the lakes, rivers, streams, canals or other waters of the State. Unlawful acts with relation to passage tickets (scalping, etc.) apply to airline tickets. (Gen. Bus. Law, Sec. 127.) It is a felony to willfully discharge a loaded firearm at an aircraft in the air or on the ground. (Penal Law, Sec. 265.35(3).)

CRIMINAL JURISDICTION

When a crime is committed on an airplane or other common carrier, jurisdiction lies in any county through which, or any part of which, the airplane passes or has passed in the course of the same trip, or in any county where such trip terminated or would have terminated if completed. (Criminal Procedure Law, Sec. 20.40 (4-f).)

DRUGS

Licensed manufacturers or wholesalers may sell narcotic drugs to a person in charge of any aircraft, upon which no physician is regularly employed, for the actual medical needs of persons on board, but only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the U.S. Public Health Service. (Public Health Law; Sec. 3320, 3330.) Such drugs can be used within the State by such person only within the scope of his employment or official duty, and then only for actual medical needs of persons onboard such aircraft.

Aircraft unlawfully used to conceal, convey or transport narcotics shall be seized and forfeited. (Public Health Law, Sec. 3388.)

GAMBLING RECORDS

Aircraft unlawfully used to transport or conceal gambling records will be seized and forfeited. (Penal Law, Art. 415, Sec. 415.)

FIREFARMS

The possession of any firearm of a size which may be concealed upon the person without a duly issued license, therefore, is a misdemeanor. (Penal Law, Sec. 265.05.) If ammunition is in the weapon or carried upon the person it is a felony. (Penal Law, Sec. 265.05 (2).) Licenses may only be issued to residents of the State of New York, or those principally employed in the State or having their place of business within the State. (Penal Law, Sec. 400.00.) This restriction makes it unlawful in New York State to carry this type of weapon, assembled or disassembled, in an aircraft as part of a so called
survival kit without a license.

LIENS ON AIRCRAFT

A person keeping a hangar or place for the storage, maintenance, keeping or repair of aircraft and who in connection therewith stores, maintains, keeps or repairs any aircraft or furnishes gasoline or other supplies at the owners request, has a lien on the aircraft for the sum due unless he loses actual possession subsequent to 30 days after accrual of the lien. (Lien Law, Sec 184.)

The filing requirements under the Uniform Commercial Code governing transactions do not apply to security interests in property registered or filed under the Federal Aviation Act of 1958, as amended. (Uniform Commercial Code, Sec. 9-302, subd.3.)

SERVICE OF SUMMONS ON NONRESIDENTS

The use or operation by a nonresident of an aircraft within or above this State, or the use or operation of an aircraft within or above this State in the business of a nonresident, or the use or operation within or above this State of an aircraft owned by a nonresident, if so used or operated with his permission, expressed or implied, shall be deemed equivalent of an appointment of such nonresident of the Secretary of State as his attorney upon whom a summons may be served in any action against him growing out of any accident or collision in which such nonresident may be involved while using or operating an aircraft or in which such aircraft may be involved while being used or operated in this State in the business of such nonresident or with his permission, expressed or implied, of such nonresident owner and in which death is occasioned or injuries of person or property are sustained in this State. Such service upon the Secretary of State shall be deemed to be of the same legal force and validity as if served upon such nonresident personally within the State. These provisions are applicable to a resident who departs from the State and remains absent for 30 days continuously. They also provide for service in cases of death of such nonresident or resident owner. (Gen Bus. Law, Sec. 250.)

AIRCRAFT OWNERSHIP LIABILITY

The owner of an aircraft is liable for death or injuries to persons or property within the State as a result of the use or operation in the business of the owner or otherwise by a person operating with permission of the owner if such person would be liable therefore and it is required that liability insurance policies contain such coverage. (Gen. Bus. Law. Sec. 251.)

TAXATION OF AVIATION COMPANIES

For the privilege of exercising its corporate franchise or of holding property in this State, every domestic corporation, joint stock company or association formed for or principally engaged in the conduct of aviation must pay in advance an annual tax computed on the basis of the amount of capital stock "within the State" the preceding year: i.e., such a portion of the
issued capital stock determined by applying the arithmetical average of the following ratios: (a) the ratio which the aircraft arrivals and departures within the State during the preceding year bear to the total arrivals and departures within and without this State; (b) the ratio which the revenue tons handled at airports within the State during the preceding year bear to the total revenue tons handled at airports within and without this State; (c) the ratio which the originating revenue within the State for the preceding year bear to the total originating revenue within and without this State. Similarly taxed are foreign corporations, etc., for the privilege of doing business in New York. (Tax Law, Sec. 183.) In addition, such corporation domestic or foreign, must pay an excise tax or license fee equal to sixty-five one hundredths of one per cent on their gross earnings from all sources within the State except "earnings derived from business of an interstate character." (Tax Law, Sec. 184.) New York State corporations exclusively engaged in the operation of aircraft in foreign commerce are exempted from all taxes in this State, for State and local purposes, upon capital stock, franchises and earnings. (Tax Law, Sec. 3.)

TAXATION OF MUNICIPAL AIRPORTS

An important provision of the Real Property Tax Law states that real property of a municipal corporation, not situated within the corporate limits, used for a public aviation field, is exempt from taxation while so used, if agreed to in writing by the governing board of the taxing agency. (Real Property Tax Law, Sec. 406(2).)

Real property owned by a municipal corporation on January 1, 1968 outside the boundaries of the municipal corporation shall be exempt from taxation where such property is used for public aviation purposes, is served by three or more major passenger air carriers, and payments in lieu of real property taxes are made to county, town, school districts and villages in which the property is located in an amount not less than the amount of taxes finally determined to be payable. (Real Property Tax Law, Sec. 406 (7).)

TAX ON AVIATION FUEL BUSINESS

For the privilege of engaging in aviation fuel business in this state, every aviation fuel business is imposed a monthly tax equal to the sum of: aviation gasoline, pursuant to subdivision (b), imported or caused to be imported into this state by an aviation fuel business for use, distribution, storage, or sale in the state or produced, refined, manufactured or compounded in the state by an aviation fuel business; and kero-jet fuel, as defined by subdivision (c), imported or caused to be imported into this state by an aviation fuel business and consumed in this state by such business in operation of its aircraft as well as kero-fuel which is sold in this state by an aviation fuel business to persons other than those registered under this article as fuel business or which is consumed in this state by an aviation fuel business in the operation of its aircraft.

An aviation fuel business shall be entitled to reimbursement of the tax imposed if aviation gasoline/kero-jet fuel purchased in this state but not consumed in this state provided the amount of such tax, less any credit or
refund, has been absorbed by such aviation fuel business.

Any purchaser of aviation gasoline in this state who consumes such aviation gasoline exclusively as aviation fuel in the operation of its aircraft is entitled to a partial reimbursement of the tax imposed. (Tax Law, Art. 13-A, Sec. 301-E.)

In addition to the abovementioned taxes a supplemental tax of $.04.5 per gallon is imposed. A credit, refund or reimbursement is also available for this supplemental tax. (Tax Law, Art. 13-A, Sec. 301-j.)

REFUNDS

Any person registered as a distributor of motor fuel selling aviation gasoline to a fixed base operator registered under this article as a "retail seller of aviation gasoline" may exclude the amount of the tax or taxes imposed by this article from the selling price thereof where such aviation gasoline is delivered to the fixed base operator’s premises and placed in a storage facility used exclusively for the purpose of fueling airplanes. In no event shall the registration as a "retail seller of aviation gasoline" be deemed to be authorized to import, or cause to be imported, motor fuel including aviation gasoline, into this state.

Any airline registered as a distributor of motor fuel who imports aviation gasoline into this state for use in its airplanes and a distributor shall be allowed a refund or credit of the tax or taxes imposed by this article in the amount of such tax or taxes paid by such person on such aviation gasoline so imported and used exclusively in the operation of its airplanes. (Tax Law, Art. 12-a, Sec. 289-c.)

UNLAWFUL SOLICITATION OF GROUND TRANSPORTATION AT AN AIRPORT.

1. No person shall unlawfully solicit ground transportation services at an airport. A person unlawfully solicits ground transportation services without being authorized to do so by the airport operator, or without having made a prior agreement to provide ground transportation services with a specific patron.

2. The term "ground transportation service" shall mean a service offering transportation by any vehicle, including taxi cab, limousine, van or bus.

3. The term "airport" shall mean all of the real property forming part of any facility used for the landing and taking off of airplanes engaged in transportation of passengers. This includes all roadways, parking areas, pedestrian walkways and terminal buildings of such facility.

4. Fines for the unlawful solicitation of ground transportation services shall be $100.00 - $250.00 for the first conviction and/or imprisonment of not more than 15 days. The second conviction (both committed with 12 months), the fine will be $250.00 to $1,000.00 and/or imprisonment of not more than 30 days. Upon a third conviction, all of which were committed within 18 months,
the person will be guilty of a misdemeanor punishable by a fine of not less than $750.00 to $1,500.00 and/or imprisonment of not more than 45 days. (Vehicle & Traffic Law, Art. 33, Sec. 1220-b.)

WORKER'S COMPENSATION

Employments covered for compensation by the Worker's Compensation Law include manufacturing and operation of "aircraft" and "aeroplanes." (Worker's Comp. Law, Sec. 3, subd. 1, Groups 6 and 7.)

AMBULANCE SERVICE

No person shall own or operate an ambulance service for profit unless he has obtained a valid ambulance permit. (Public Health Law, Art.30.)
PART V
PART V

SEAPLANE BASES

Except for provisions of the General Business Law relating to air traffic rules, airport spacing and protection of approaches to seaplane harbors by municipalities as provided in the General Municipal Law, the laws of the State of New York make no specific reference to seaplanes and seaplane bases. However, the Title 21 of the New York Code of Rules and Regulations (NYCRR Part 21, Chapter III New York State Thruway Authority Subchapter D, Part 150, Sec. 150.13 & Part 156, Sec. 156.3) governing navigation and use of the New York State Canal System prohibits the use of that system for seaplane operation except under conditions specified in a revocable permit or when a landing and subsequent take-off is necessary under actual distress conditions. Parts of the Mohawk River are included in the State Barge Canal System which consists of 524 miles of canals linking the Hudson River, Lake Champlain, Lake Ontario, Lake Erie and Seneca and Cayuga Lake. Because of the interest of the Department of Transportation in "State waters", docks, safety of navigation, etc., anyone proposing to establish and operate a seaplane base should check his plans with that Department. In the case of plans involving seaplanes and seaplane bases to be established or operated in the New York City area, such activities are of interest to the Department of Marine and Aviation of the City of New York.

While there are no Federal statutes or regulations dealing with seaplane bases as such, USCA Title 33, Sections 1061-1094 relate to rules for navigation at sea to be observed by seaplanes. The Corps of Engineers, Department of the Army, publishes a "Permits for Work in Navigable Waters" pamphlet to assist parties applying for authority to execute work or erect structures on navigable waters of the United States in pursuance of the Federal Laws enacted for the protection and preservation of such waters.

Aircraft operations on lakes in New York State are in some cases prohibited or restricted. See Part II "Aircraft on Lakes" (page 16) for further information.
CHAPTER III
Airports

PART 75 Approval of Privately-Owned Airports

PART 75
APPROVAL OF PRIVATELY OWNED AIRPORTS
(Statutory authority: General Business Law, § 249)

Sec.
75.1 Definitions
75.2 Standards prescribed by Commissioner of Transportation for approval of privately owned airports
75.3 Documents required by Commissioner of Transportation for investigation of airport sites

Historical Note
Part (§ 75.1) filed March 1, 1971; repealed, new (§§ 75.1-75.3) filed: March 29, 1974; June 15, 1982 eff. June 15, 1982.

§ 75.1 Definitions.
For the purposes of this Part, the terms hereinafter listed shall mean as follows:
(a) Landing area. Any locality, either of land or water, including airports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for shelter, servicing or repair of aircraft or for receiving or discharging passengers or cargo.

(b) Airport. Any landing area used regularly by aircraft for receiving or discharging passengers or cargo; or for the landing and takeoff of aircraft being used for personal or training purposes.

(c) Airport improvement. The extension, alteration, addition to or realignment of the runway(s) of an existing airport, or the modification in any way of the landing or takeoff directions at such an airport.

(d) Approach surface. (1) For airports used by fixed-wing aircraft. An imaginary plane sloping upward from a point at the same elevation as, and 200 feet from, the appropriate runway end to provide the required clearances above roads, waterways and railroads. (See Exhibit A [Appendix A-6, infra] for applicable approach surface dimensions.)

(2) For heliports. An imaginary plane sloping upward from the helipad primary surface to provide the required clearances above roads, waterways and railroads. (See Exhibit B [Appendix A-6, infra] for applicable approach surface dimensions.)

(e) Approach zone. A trapezoidal area formed by the projection of the approach surface onto the ground directly below the approach surface. Approach zone dimensions are the same as those of the associated approach surface and vary according to runway category, as shown in Exhibit C for airports and Exhibit D for heliports (Appendix A-6, infra) (see “approach surface”, subdivision [d] of this section).

(f) Primary surface. That surface which is longitudinally centered on a runway or landing area centerline extending the full length of either side of, and 200 feet beyond the ends of, a runway. It is the same elevation as the nearest point of the runway centerline. The primary surface width will vary according to the runway category (see dimension A on Exhibit A). The primary
surface of a helipad is the overall size of the landing area (see dimensions R & S on Exhibit B) (Appendix A-6, infra).

(g) **Lateral transition surface.** An area on each side of the primary surface of the runway or landing area and approach surface. The lateral transition surface slopes upward and outward on a seven-to-one plane for airports and a two-to-one plane for heliports (see Exhibits C and D [Appendix A-6, infra] for applicable lateral transition surface dimensions for airports and heliports, respectively). The same clearances apply for lateral transition surfaces as apply for approach surfaces (see Exhibits A and B [Appendix A-6, infra]).

(h) **Lateral transition zone.** An area on the ground formed by the projection of the lateral transition surface onto the ground directly below the lateral transition surface. Lateral transition zone dimensions are the same as those of the associated lateral transition surface and vary according to runway category, as shown in Exhibit C for airports and Exhibit D for heliports (Appendix A-6, infra) (see “lateral transition surface”, subdivision [g] of this section).

(i) **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 designations. There are two types of visual runways:

1. **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.

2. **Larger than utility runway.** A runway that is constructed for, and intended to be used by, propeller-driven aircraft of more than 12,500 pounds maximum gross weight, and turbofan and turbojet aircraft.

(j) **Non-precision instrument runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an approved FAA planning document.

(k) **Precision instrument runway.** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS). It also means a runway for which a precision approach system is planned and is also indicated on an FAA-approved airport layout plan or any other FAA planning document.

(l) **Instrument Landing System (ILS).** An Instrument Landing System (ILS) is a system which provides aircraft the lateral, longitudinal and vertical guidance necessary for a landing.

(m) **Aircraft operation.** Either a landing or takeoff by an aircraft.

(n) **Aircraft.** Any contrivance, now or hereafter invented, for avigation or flight in the air, except a parachute or other contrivance designed for use as, and carried primarily for, safety equipment.

1. **Fixed-wing aircraft.** An aircraft, the support of which in the air is normally derived from airfoils that are stationary.

2. **Helicopter/rotary-wing aircraft.** An aircraft, the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

3. **Balloon.** An aircraft, the support of which in the air is normally derived from its own buoyancy.

(o) **Heliporthelipad.** An airport used exclusively by helicopters (see “airport”, subdivision [b] of this section).

(p) **Seaplane operational area.** That part of a body of water on which seaplane operations take place.

(q) **Approach/departure paths.** The centerline of approach surfaces (see “approach surface”, subdivision [d] of this section).

**Historical Note**

§ 75.2 Standards prescribed by Commissioner of Transportation for approval of privately owned airports.

(a) Primary surfaces, approach zones and lateral transition zones shall be clear of all public-owned buildings (see Exhibit C for fixed-wing aircraft and Exhibit D for rotary-wing aircraft and balloons [Appendix A-6, infra]).

(b) For airports used by fixed-wing aircraft, the primary, approach and lateral transition surfaces for each runway shall be established in accordance with the dimensions shown on Exhibits A and C, respectively (Appendix A-6, infra).

(c) For airports used solely by helicopters or balloons, the primary, approach and lateral transition surfaces shall be established in accordance with the dimensions shown on Exhibits B and D, respectively (Appendix A-6, infra).

(d) Primary, approach and lateral transitional surfaces shall maintain the following clearances: 17 feet above interstate highways; 15 feet above all other highways; 23 feet above railroads, and above the highest object which normally traverses waterways.

(e) Favorable airspace determination from the Federal Aviation Administration must be issued and a copy submitted to the commissioner.

(f) The commissioner may waive any or all of these requirements if his investigation of all factors discloses that the establishment or alteration of a particular airport does not conflict with or affect the safety of public buildings or facilities, or operations on public highways or waterways, and that the volume, character and direction of traffic at such airport will not constitute a menace to the safety of operations at other airports in the vicinity.

Historical Note

§ 75.3 Documents required by Commissioner of Transportation for investigation of airport sites.

(a) A certified copy of a resolution (or official meeting minutes) duly adopted by the local governing body of the city, village or town in which the airport or any part thereof is proposed to be established or improved, requesting the Commissioner of Transportation to make a determination as to whether or not the establishment or improvement of such a privately owned airport complies with his standards adopted pursuant to section 249 of the General Business Law.

(b) One USGS topographical map (scale 1:24,000) and one plan view map (scale 1:1,000) with the position of the airport indicated thereon. The airport runway(s), helipad or seaplane operational area must be plotted thereon accurately. The direction and length of runways and seaplane operational areas must be included on the map. Helipads must be precisely located with the approach/departure paths clearly indicated. The map must be sufficiently large so as to include all approach and lateral transition zones to the airport.

(c) One copy of the favorable airspace determination issued by the Federal Aviation Administration for the proposed airport establishment or improvement.

(d) One copy of the letter from the proponent to the local governing body requesting approval to establish or improve the airport with the following information included:

(1) name and address of proponent;
(2) the type of aviation activities proposed (aircraft sales and service, flight instruction, crop-dusting, air taxi, etc.);
(3) number of aircraft expected to be based at the airport;
(4) type of aircraft expected to be based at the airport;
(5) whether an instrument approach procedure will be requested for this airport; and
(6) maximum number of daily operations and the anticipated total annual operations.

(e) A statement from the local governing body making the request for such determination that the airport proposed to be established or improved is privately owned, and that all of the owners of
the real property upon which the establishment or improvement is to take place have consented to such establishment or improvement.

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**APPENDIX C**

**EXHIBIT C**

**APPROACH AND LATERAL TRANSITION ZONES**

**AIRPORTS SERVING FIXED WING AIRCRAFT**

1. For runways having different approach slopes, the value of dimension A is always the same at both runway ends, and is governed by the runway category requiring the greater A value.

2. Refer to Note (3), Exhibit A for definitions of runway categories.
FOR APPROACH AND LATERAL TRANSITION ZONES, AIRPORTS SERVING FIXED WING AIRCRAFT
SEE EXHIBIT C

LEGEND:

[Diagram showing Approach and Lateral Transition Zones]

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<td>PUBLIC USE</td>
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R, E EXPRESSED AS MULTIPLES OF OVERALL HELICOPTER LENGTH

EXHIBIT D
APPROACH AND LATERAL TRANSITION ZONES
HELIPORTS

SEE FAA PUBLICATIONS AC 150/5350-15 DATED (6/22/77) AND PART 77 FARS AS AMENDED (JAN 1978)

NYS DEPARTMENT OF TRANSPORTATION 1981
Appendix B

New York State Department of Transportation
Proposed Procedures in Response to
A.8128/S.4717/Chapter 478 Laws of 1995

Airport Notification to NYSDOT of Transfer of Interest

1. Send letter to all public use airports (heliports, etc.) Informing them of the legislation and its requirements. The letter would state the actions required of the owner and Department policy. The owner would be required to demonstrate that they have notified all airport tenants of this intended closure.

2. Upon notification of a possible closure:
   a. Notify local governments requesting their views and assessments of the impacts closure would have on the community.
   b. Notify the FAA of impending closure requesting their assessment of system impacts.

3. Upon determination that airport should be maintained for aviation use:
   a. Define the property involved to identify portions that are needed for aviation purposes and those that could be used for non-aviation development.
   b. Act as a facilitator by contacting the owner, local municipalities and the FAA. Regional Planning Boards and New York Airport Management Association (NYAMA) may be additional contact. The purpose of these contacts is to secure a municipal sponsor or to provide for continued airport use under private ownership.
   c. Work with FAA and municipality(ies) to advance municipal sponsorship or establish private owner as sponsor through reliever designation (reliever designations are presently undergoing scrutiny at the federal level).

4. Maintain database for all such actions under this law and report any actions to the legislative offices.