

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 157

[Docket No. 25708; Amendment No. 157-4]

RIN 2120-AB74

## Notice of Construction, Alteration, Activation, and Deactivation of Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action revises Federal Aviation Regulations (FAR), Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports, in response to recommendations of a National Airspace Review (NAR) task group and an FAA-initiated review of this regulation. Specifically, this rule: (1) Establishes a requirement for airport operators, proponents, or sponsors to notify the FAA of any proposed traffic pattern and any proposed changes to any existing traffic pattern; (2) clarifies the prior notice requirements for certain changes in the status of airport use; (3) defines the term "private use of public lands or waters;" (4) eliminates the term "personal use" as an airport use category; (5) establishes a reporting requirement for certain temporary airports; (6) provides for an expiration date in an FAA determination; (7) reduces the time period within which an airport proponent must notify the FAA of completing an airport project; (8) clarifies that the scope of this regulation includes consideration of the safety of persons and property on the surface and that an FAA determination is not based on any environmental or land-use compatibility issue; and (9) incorporates editorial changes that would simplify and clarify the regulations. The FAA believes that these changes to the regulations will enhance the safety and efficiency of the use of airspace and the safety of persons and property on the surface.

EFFECTIVE DATE: February 27, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mr. A. Wayne Pierce, Air Traffic Rules Branch, ATO-230, Airspace-Rules and Aeronautical Information Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9251.

## SUPPLEMENTARY INFORMATION:

## Background

The National Airspace Review (NAR) (47 FR 17448, April 22, 1982) was a comprehensive review of airspace use and the procedural aspects of the air traffic control (ATC) system. The NAR included participation by representatives from the aviation industry, Department of Defense, FAA, Department of Labor, and state government aviation agencies. The review was intended to facilitate implementation of valid recommendations for changes to airspace use and procedures within the ATC system. In part, it was an effort to improve ATC system efficiency and effectiveness.

Task Group 1-2.5B of the NAR was convened in Washington, DC, June 6, 1983, to conduct a review of uncontrolled airports. Specific subjects discussed by the task group included the establishment, review, application, and improvements of airport traffic patterns, noise abatement responsibilities, and other related considerations. Two of the discussion items resulted in recommendations concerning part 157 and related advisory information published by the FAA concerning airspace use considerations in proposed construction, alteration, activation, and deactivation of airports. Both recommendations have been accepted by the FAA. Specifically, these recommendations are:

*NAR 1-2.5B.1—Traffic Pattern Notice.* That the FAA initiate rulemaking to modify part 157 of the Federal Aviation Regulations (FAR), to require notice of proposed traffic patterns and of changes thereto.

*NAR 1-2.5B.2—Advisory Circular (AC) 70-2 Changes.* That the FAA revise AC 70-2, Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation, and Deactivation of Airports. Other documents, including paragraph 223 of the Airman's Information Manual (AIM), will also be revised to explain the background of new landing area airspace studies and the necessity for requiring notice of changes to traffic patterns.

Independent of the NAR consideration of part 157, the FAA conducted its own review of part 157 and AC 70-2. Participating in this review were representatives from various FAA regional and national offices. This review resulted in recommendations to propose amendments to part 157; to revise related guidance material in the AIM, and to amend corresponding elements of AC 70-2. The group conducting the review sought to clarify certain purported ambiguities in the regulations as well as to make the regulations consistent with the Federal Aviation (FA) Act. The

recommendations to change AC 70-2 and the AIM will be adopted under separate actions.

The recommendations to amend part 157 were presented in notice of proposed rulemaking Notice No. 88-15 (53 FR 39062, October 4, 1988). The comment period for Notice No. 88-15 closed on January 3, 1989. The specific proposed changes were: (1) A requirement for airport operators, proponents, or sponsors to notify the FAA of any proposed traffic pattern and any proposed traffic pattern changes; (2) a requirement for prior notice of certain changes in the status of airport use and flight rules status; (3) the incorporation of definitions of certain types of airports; (4) clarification of weather minimums in which airport operations could be conducted at temporary airports without prior notice to the FAA; (5) the elimination of exceptions to reporting requirements for certain "remote" airports and heliports; (6) a provision in any FAA determination for a date on which it will expire; (7) a reduction in the time period within which an airport proponent would have to notify the FAA of completing an airport project; (8) a clarification that the scope of part 157 includes consideration of the safety of persons and property on the surface and that an FAA determination on a notice filed under part 157 is not based on any environmental or land-use compatibility issue; and (9) incorporation of editorial changes to simplify and clarify part 157.

## Analysis of Comments

A total of 7 comments were submitted to the docket. The commenters included: Helicopter Association International, Airline Pilots Association, National Air Traffic Controllers Association, American Association of Airport Executives, National Association of State Aviation Officials, and the Departments of Transportation for the States of Maine and Wisconsin.

## Traffic Patterns

An organization representing state government aviation officials noted that there is presently no provision on either FAA Form 7480-1, Notice of Landing Area Proposal, or FAA Form 5010.5, Airport Master Record for inclusion of traffic pattern information. This commenter suggested that these forms be revised to provide for such information and that efforts be undertaken to obtain the same information relevant to existing airports. The organization further commented that traffic pattern information would be a valuable tool for airspace analysis, but

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such information, when provided for private use airports, might not be reliable because only public use airports are inspected.

It is the FAA's intention to revise the appropriate forms as necessary to provide space for traffic pattern information and to subsequently request such information concerning existing airports from airport proponents during the next survey. While the FAA does not inspect private airports, it does analyze each reported airport's traffic pattern including the traffic pattern altitude and direction. A competent airport airspace analysis will determine if such a traffic pattern would conflict with a traffic pattern at a nearby airport, affect an instrument approach procedure, or require establishment of a traffic pattern altitude to provide for aircraft spacing. Accordingly, the FAA is adopting this aspect of the proposal.

#### *Changes in Airport Status*

An organization of aviation officials commented that the FAA procedure for obtaining and publishing information regarding the status of airports as public use did not adequately recognize the states' role in this area. The commenter advised that many states require that airports be licensed for public use and that others have established design criteria for public-use airports. The organization stated that the FAA's publication of an airport as a public-use airport based solely on the request of the proponent and regardless of state rules was not in keeping with the advisory nature of the FAA's airport determinations. The commenter urged more intercourse between the FAA and the states on this issue.

While the FAA is sensitive to the needs of the states, it notes that publication of the information obtained from Form 7480-1 or 5010.5 does not indicate FAA approval of an airport as a public-use airport. Such publication is merely a means of forwarding to the flying public that information provided by airport proponents. However, the FAA may, at a future date, further consider the states' desire to have aviation publications reflect licensing or approval status. Further, it is not within the scope of Notice No. 88-15 to change the regulation to require such state approval prior to publication of the status of an airport as a public-use airport. The FAA notes that there already exists an inquiry on Form 7480-1 as to whether airport licensing has been applied for, or is not required, thereby making this information part of the airport record.

#### *Definitions*

All of the comments received regarding the addition of a definitions section to part 157 were favorable. Some of those commenting suggested the addition of other terms used by some operators to describe landing or takeoff areas.

The FAA has amended the proposed definition of the term "airport" to include the specific terms heliport, helistop, vertiport, and gliderport, and included the general term "other aircraft landing or takeoff areas" to encompass any other terms used by operators to describe landing or takeoff areas.

Additionally, the FAA, as a result of its own analyses has modified other proposed definitions. These changes are discussed under the caption "Additional FAA Analysis."

#### *Temporary Airports*

An organization representing state aviation officials commented that the proposed revision to the exclusion from reporting requirements for temporary airports did not adequately consider the proximity of one airport to another. The commenter stated that temporary landing areas in remote locations, well removed from other existing airports, should not be subject to the reporting requirements. This organization further suggested that a temporary landing area located more than 5 miles from an existing public-use airport should continue to be exempt from filing FAA Form 7480-1 when the temporary site is proposed for use under visual flight rules (VFR). This organization also stated that no documentation of mid-air accidents exists to support the requirement for the filing of notice when the temporary VFR airport would be located more than 5 nautical miles from a public-use airport. The commenter also stated that there was a lack of evidence suggesting the need for reporting when a temporary landing area is established in proximity to a private-use airport. The commenter concluded that the proposed increased reporting requirements would adversely affect the flexible nature of helicopter operations which make much use of temporary landing areas. Another commenter, a state department of transportation, objected to the increased reporting requirements for temporary airports which are not in proximity to public-use airports. This agency stated that traffic flows at locations with more than 5 miles separation would have a negligible effect on one another. The commenter also stated that such a change in requirements could have an adverse effect on the unrestricted access

to navigable waterways. The commenter noted that by legislative intent, public to navigable waterways has remained unrestricted.

An organization representing thousands of helicopter operators stated that helicopters routinely operate under VFR with visibility conditions less than 3 miles. The commenter expressed the concern that helicopter operators conducting agricultural, pipeline and powerline patrols, and exploratory or energy resource related activities cannot always anticipate where they will have to land. This organization concluded that the increased formal notice requirements of the proposal would have a broad and severe economic impact on small businesses relying on such temporary landing areas. The commenter noted that since most of these operations are also single helicopter operations in remote regions of uncontrolled airspace, increasing safety through such reporting appears to have low probability. The commenter also believes that elimination of the current language of § 157.5, which essentially waives prior notice when an unreasonable hardship would result, would indeed create an unreasonable hardship on many small business operators.

In consideration of the comments, the FAA is modifying the proposal to exclude the notice requirement for operators of certain temporary airports and heliports that are aeronautically remote from other airports. Further, the FAA is not adopting its proposal to eliminate the "unreasonable hardship" provision of the existing regulation. The FAA has determined that it should retain the exception to the general prior-notice requirement for situations in which an unreasonable hardship would result from that requirement. The FAA believes that the exception language is necessary to accommodate certain operations that cannot always be conducted with advance knowledge of landing sites and requirements.

#### *Aeronautically Remote Airports*

A commenter representing a state aviation department stated that the large number of private landing strips within that state would make increased reporting requirements for aeronautically remote airports unenforceable.

The FAA has not proposed to make the notice requirement on Form 7480-1 retroactive for a proponent of an airport who has already given notice under the current regulation. As stated in the notice, the purpose of requiring full notice for aeronautically remote airports

is to respond to growth and changes in the airspace system. That is, such an airport establishment may well affect aircraft operations in restricted areas, military operating areas, military low-altitude training routes, etc. Accordingly, the FAA is adopting the aspect of the proposal dealing with full notice requirements for aeronautically remote airports.

#### *FAA Determinations*

One commenter stated that in addition to establishing dates upon which FAA determinations will expire, the FAA should commit itself to issuing a determination within 30 days of receipt of such a request. The commenter also stated that the number and length of extensions that could be granted should be limited in the rule.

The FAA does not agree with these suggestions. A 30-day response time would severely limit the FAA's ability to perform quality analyses. While in the future the FAA may consider some limits on extensions of determinations, there is not an existing base of information to suggest that such limits are useful or to suggest what those limits should be.

#### *Notice of Completion of Project*

An organization representing airport executives commented that it would be impossible to comply with the proposed reduction of time, from 30 days to 5 days, within which completion of an airport project must be reported. This commenter suggested that the requirement remain at 30 days after completion. As an alternative, the commenter recommended that if a reduction was necessary, the time frame be changed to no fewer than 15 days.

Another commenter, representing state aviation officials, also stated that requiring reporting within 5 days after completion of an airport project was unrealistic, suggesting that 15 working days after completion would be attainable.

The FAA is sensitive to the needs of those who must comply with these regulations and desires to balance those needs with the need for adequate and timely reporting. Therefore, the FAA is modifying the proposal in this regard to require a 15-day rather than a 30-day completion notice.

#### *Other General Comments*

An organization representing approximately 40,000 professional pilots stated that while the proposed changes to part 157 would not significantly affect its members, the organization believed that the increased notification

requirements would result in safer operations at the affected airports.

#### **Additional FAA Analysis**

In reviewing its proposal, the FAA has determined that some minor changes in the proposal are necessary. These changes are discussed below.

In order to describe that a particular provision of the adopted regulation applies to a landing or takeoff area used by rotary-wing aircraft, the FAA has found it convenient to use the term "heliport." Accordingly, the FAA has included the term "heliport" as a separate definition even though it is inclusive in the definition of the term "airport."

In its review, the FAA also determined that there is little or no difference, for reporting purposes, between the categories of "personal-use airport" and "private-use airport". Additionally, information regarding the change of status of an airport from private to personal use, or vice versa, provided no useful information as the FAA makes no differentiation between these statuses on charts and in other publications. Therefore the term "personal-use airport" is deleted.

The FAA's review of its proposal and related issues revealed a problem in the reporting of airport projects located on land, or water, which are not owned or controlled by the airport proponent. To clarify the handling of FAA determinations on such projects, a new airport use category is defined. "Private use of public lands" is added to include private persons, individual or corporate, property which is publicly owned to land and takeoff aircraft. Typical operations would be seaplane bases on publicly owned lakes or other waterways. However, other types of operations could also be included in this airport use category. Determinations under this airport use category will be issued to the proponent. Such determinations do not establish or address the proponent's right to use the surface. These determinations will consider and address the same aeronautical issues as determinations under other airport use categories. A copy of the determination will be sent to the government entity having jurisdiction over the subject surface area. A proponent reporting under this airport use category is being asked to include information regarding the availability or non-availability of ramp, dock, or other parking or service facilities under his control.

#### **The Rule**

For the reasons stated above, the FAA is adopting the amendments to part 157

proposed in Notice No. 88-15 (53 FR 39062, October 4, 1988), with certain exclusions and modifications. The following is a discussion of the regulatory changes contained in this final rule.

#### *Definition of Terms*

A new section is added to include definition of terms that are unique to part 157. The FAA is defining the term "airport," for the purposes of part 157, to include all of the various airport categories. The term "heliport" is defined to include any takeoff and landing area where any rotary wing aircraft capable of vertical takeoff and landing profiles are intended to operate. The term "personal-use airport" is deleted and incorporated as an integral part of the definition for "private-use airport." An airport previously reported as a "personal-use airport" must now be reported as a "private-use airport." The phrase, "an airport that is open to the public," is changed to the term "public-use airport" and means an airport at which permission from the operator, sponsor, or owner is not necessary to conduct operations.

A new airport use category, "private use of public lands," is added to accommodate those instances when private persons, individual or corporate, propose to use property which is publicly owned to land and takeoff aircraft. Any determination resulting from such a report will be issued to the proponent. Such a determination does not establish or address the proponent's right to use the surface, but does consider and address the same aeronautical issues as determinations under the other airport use categories. A copy of the determination will be sent to the government entity having jurisdiction over the subject surface area.

#### *Projects Requiring Notice*

The FAA is adding to the rule a requirement that proponents or operators of airports previously reported as open to the public provide notice to the FAA when those airports are proposed to be changed to private-use. Also, a private-use airport proponent will no longer have to give notice for taxiway projects. Except for certain excluded temporary airports, all airport proponents will have to report the establishment of a traffic pattern and any modification to an existing traffic pattern.

#### *Notice of Intent*

The regulations are amended in regard to the prior notice requirements

on an action concerning the deactivation, discontinued use, or abandonment of an airport, runway, helicopter landing or takeoff area, or associated taxiway. When the airport affected by such an action is bound by an agreement between the airport sponsor and the U.S. specifying that that airport be operated as a public-use airport, a 30-day prior notice is required.

#### FAA Determination

The regulation now specifies that an airport determination is of an advisory nature only, and that it does not relieve an airport sponsor from compliance with state, other Federal, or local statutes which might be related to the airport action. Determinations may now reflect consideration of the safety of persons and property on the surface. The 3 types of determinations are now: (1) No objection; (2) conditional; and (3) objectionable. The rule clarifies that an FAA determination is not based on any environmental or land-use compatibility issue.

#### Notice of Completion

An airport proponent must now give notice of completion of a project via letter or Form 5010-5, and must give such notice within 15 working days after the completion of the project.

#### Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in an annual effect on the economy of \$100 million or more, a major increase in consumer costs, a significant adverse effect on competition, or is highly controversial.

The FAA has determined that this rule is not "major" as defined in the executive order, therefore a full regulatory analysis, that includes the identification and evaluation of cost reducing alternatives to this rule, has

not been prepared. Instead, the agency has prepared a more concise document, termed a regulatory evaluation, that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains a regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (Pub. L. 96-354) and an international trade impact assessment. If more detailed economic information is desired than is contained in this summary, the reader is referred to the full regulatory evaluation contained in the docket.

This rule amends part 157 of the Federal Aviation Regulations (FAR), Notice of Construction, Alteration, Activation, and Deactivation of Airports. The purpose of the rule is to improve the consistency and effectiveness of part 157 by incorporating certain recommendations by a National Airspace Review panel. Furthermore, editorial changes to the rule clarify the reporting requirements and achieve more consistency with procedures required by other FAA directives. A brief description of significant elements of the rule follow:

*Section 157.1* adds a reporting requirement for temporary airports and heliports within certain boundaries.

*Section 157.2* is a new section that defines terms used in the part.

*Section 157.3* deletes the reporting requirement for taxiway projects at private airports and mandates reporting of traffic pattern changes and changes in VFR or IFR status.

*Section 157.5* eliminates the requirement to file the required form in triplicate.

*Section 157.7* clarifies the extent and effect of an FAA determination under part 157 and contains editorial changes.

*Section 157.9* shortens the period for filing notice on the completion of airport projects.

Major costs of this rule involve additional filing under part 157 and changes to administrative procedures. Changes in the rule are expected to result in a maximum of 341 new filings per year costing approximately \$26,718. Most costs result from the inclusion under part 157 of temporary airport and heliport proponents and ultralight flightpark owners. Furthermore, airport owners must report traffic pattern changes and changes in IFR or VFR status. The rule also makes necessary a revision to Form 7480-1, which is used for filing regarding changes under part 157. Finally, the amendment changes the time allowed for the reporting process.

The primary benefit from this rule is the reduced risk of mid-air collisions due to more efficient and extensive reporting of air traffic pattern changes and temporary airports by airport

proponents. If this rule prevents just one General Aviation (GA) accident over a ten-year period (and there are over 400 fatal accidents each year) the discounted stream of benefits over the period would be \$1.8 million. Also, the rule deletes the requirement for private-use airport proponents to file when altering taxiways and shortens the reporting form, resulting in reduced costs. Moreover, a requirement for setting mandatory void dates on airport determinations provides assurance that projects will be completed in a timely manner.

A comparison of potential costs and potential benefits of the rule shows a net beneficial effect on the aviation community and on the public. The table below summarizes the benefits and costs associated with the rule. The FAA concludes that the potential benefits resulting from the rule outweigh the expected minimal costs associated with it.

#### SUMMARY OF COSTS AND BENEFITS

Section	Amendment	Effect
<b>Costs</b>		
157.1	Remoteness criteria for temporary airports and heliports.	\$5,475.
157.2	Definitions, to include ultralight flightpark.	\$4,818.
157.3	Added reporting requirement on airport status, traffic pattern, VFR, IFR status.	\$16,425.
157.5	Changes in FAA form	Admin. impact
157.7	Mandatory void dates	Admin. impact
157.9	Notice of completion date reduced to 15 working days.	Admin. impact
<b>Benefits</b>		
157.1	Remoteness criteria for temporary airports and heliports.	Safety.
157.3	Change in status reporting from public to other status and traffic patterns must be reported.	Efficiency and safety.
	Elimination of filings for taxiway projects on personal airports.	\$5,475.
157.5	Reporting form reduced to one page.	\$1,200.
157.7	Establishes a mandatory void date on all airport determinations.	Safety and efficiency.
157.9	Shortens time allowed for notice of completion.	Efficiency

#### International Trade Impact Assessment

The amendments in this rule will have little or no impact on trade for both U.S.

firms doing business overseas and foreign firms doing business in the U.S.

#### Federalism Determination

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Paperwork Reduction Act

The reporting burden associated with this final rule is cleared by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub L. 96-511) and has been assigned OMB Control Number 2120-0036.

#### Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation, if adopted, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is considered non-significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation of the regulation, including a Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

#### List of Subjects in 14 CFR Part 157

Airports, Aviation safety.

#### The Amendment

In consideration of the above, the Federal Aviation Administration revises part 157 of the Federal Aviation Regulations (14 CFR part 157) as follows:

### PART 157—NOTICE OF CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

Sec.

157.1 Applicability.

157.2 Definition of terms.

Sec.

157.3 Projects requiring notice.

157.5 Notice of intent.

157.7 FAA determinations.

157.9 Notice of completion.

Authority: Secs. 309, 313(a), 314, 72 Stat. 751; 49 U.S.C. 1350, 1354(a), 1355.

#### § 157.1 Applicability.

This part applies to persons proposing to construct, alter, activate, or deactivate a civil or joint-use (civil/military) airport or to alter the status or use of such an airport. Requirements for persons to notify the Administrator concerning certain airport activities are prescribed in this part. This part does not apply to:

(a) An airport subject to conditions of a Federal agreement that requires an approved current airport layout plan to be on file with the Federal Aviation Administration.

(b) A temporary airport at which flight operations will be conducted under VFR and which is used or intended to be used for a period of less than 30 days with no more than 10 operations per day and is:

(1) A private use airport for fixed wing aircraft or ultralight vehicles located more than 20 nautical miles from any airport for which an instrument approach procedure is authorized and more than 5 nautical miles from any other airport; or

(2) A private use heliport located:

(i) Outside a control zone, and outside a residential, business, or industrial area;

(ii) more than 10 nautical miles from any airport for which an instrument approach procedure has been authorized;

(iii) more than 3 nautical miles from any other airport, other than a heliport; and

(iv) more than 1 nautical mile from any other heliport.

#### § 157.2 Definition of terms.

For the purpose of this part:

*Airport* means any airport, heliport, helistop, vertiport, gliderport, seaplane base, ultralight flightpark, manned balloon launching facility, or other aircraft landing or takeoff area.

*Heliport* means any landing or takeoff area intended for use by helicopters or other rotary wing type aircraft capable of vertical takeoff and landing profiles.

*Private use* means available for use by the owner only or by the owner and other persons authorized by the owner.

*Public use* means available for use by the general public without a requirement for prior approval of the owner or operator.

*Private use of public lands* means that the landing and takeoff area of the

proposed airport is publicly owned and the proponent is a non-government entity, regardless of whether that landing and takeoff area is on land or on water and whether the controlling entity be local, State, or Federal Government.

*Traffic pattern* means the traffic flow that is prescribed for aircraft landing or taking off from an airport, including departure and arrival procedures utilized within a 5-mile radius of the airport for ingress, egress, and noise abatement.

#### § 157.3 Projects requiring notice.

Each person who intends to do any of the following shall notify the Administrator in the manner prescribed in § 157.5:

(a) Construct or otherwise establish a new airport or activate an airport.

(b) Construct, realign, alter, or activate any runway or other aircraft landing or takeoff area of an airport.

(c) Deactivate, discontinue using, or abandon an airport or any landing or takeoff area of an airport for a period of one year or more.

(d) Construct, realign, alter, activate, deactivate, abandon, or discontinue using a taxiway associated with a landing or takeoff area on a public-use airport.

(e) Change the status of an airport from private use to public use or from public use to another status.

(f) Change any traffic pattern or traffic pattern altitude or direction.

(g) Change status from IFR to VFR or VFR to IFR.

#### § 157.5 Notice of intent.

(a) Notice shall be submitted on FAA Form 7480-1, copies of which may be obtained from an FAA Airport District/Field Office or Regional Office, to one of those offices and shall be submitted at least—

(1) in the cases prescribed in paragraphs (a) through (d) of § 157.3, 90 days in advance of the day that work is to begin; or

(2) in the case prescribed in paragraph (e) through (g) of § 157.3, 90 days in advance of the planned implementation date.

(b) Notwithstanding paragraph (a) of this section—

(1) in an emergency involving essential public service, public health, or public safety or when delay would result in an unreasonable hardship, a proponent may provide interim notice by telephone or any other expeditious means. However, unless operations have ceased and such site is not intended to be used again, the proponent shall provide full notice, through the

submission of FAA Form 7480-1, within 5 days thereafter.

(2) notice concerning the deactivation, discontinued use, or abandonment of an airport, an airport landing or takeoff area, or associated taxiway may be submitted by letter. Prior notice is not required; except that a 30-day prior notice is required when an established instrument approach procedure is involved or when the affected property is subject to any agreement with the United States requiring that it be maintained and operated as a public-use airport.

#### § 157.7 FAA determinations.

(a) The FAA will conduct an aeronautical study of an airport proposal and, after consultations with interested persons, as appropriate, issue a determination to the proponent and advise those concerned of the FAA determination. The FAA will consider matters such as the effects the proposed action would have on existing or contemplated traffic patterns of neighboring airports; the effects the proposed action would have on the existing airspace structure and projected programs of the FAA; and the effects that existing or proposed manmade objects (on file with the FAA) and natural objects within the affected area would have on the airport proposal.

While determinations consider the effects of the proposed action on the safe and efficient use of airspace by aircraft and the safety of persons and property on the ground, the determinations are only advisory. Except for an objectionable determination, each determination will contain a determination-void date to facilitate efficient planning of the use of the navigable airspace. A determination does not relieve the proponent of responsibility for compliance with any local law, ordinance or regulations, or state or other Federal regulations. Aeronautical studies and determinations will not consider environmental or land use compatibility impacts.

(b) An airport determination issued under this part will be one of the following:

(1) *No objection.*

(2) *Conditional.* A conditional determination will identify the objectionable aspects of a project or action and specify the conditions which must be met and sustained to preclude an objectionable determination.

(3) *Objectionable.* An objectionable determination will specify the FAA's reasons for issuing such a determination.

(c) *Determination void date.* All work or action for which notice is required by this sub-part must be completed by the

determination void date. Unless otherwise extended, revised, or terminated, an FAA determination becomes invalid on the day specified as the determination void date. Interested persons may, at least 15 days in advance of the determination void date, petition the FAA official who issued the determination to:

(1) Revise the determination based on new facts that change the basis on which it was made; or

(2) Extend the determination void date. Determinations will be furnished to the proponent, aviation officials of the state concerned, and, when appropriate, local political bodies and other interested persons.

#### § 157.9 Notice of completion.

Within 15 days after completion of any airport project covered by this part, the proponent of such project shall notify the FAA Airport District Office or Regional Office by submission of FAA Form 5010-5 or by letter. A copy of FAA Form 5010-5 will be provided with the FAA determination.

Issued in Washington, DC, on August 17, 1990.

James B. Busey,  
Administrator.

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