[No. 81]

(HB 5584)

AN ACT to amend 1945 PA 327, entitled "An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state and by political subdivisions; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics," by amending sections 86a and 89 (MCL 259.86a and 259.89), section 86a as added and section 89 as amended by 1996 PA 370.

The People of the State of Michigan enact:

259.86a Licensed aeronautical facilities; categories; permission to land. [M.S.A. 10.186a]

Sec. 86a. (1) Licensed aeronautical facilities shall be licensed under 1 of the following categories:

(a) Basic utility airport. A basic utility airport license shall be granted if the following minimum requirements are met:

(*i*) The airport has an airport manager licensed by the commission.

(*ii*) The airport contains a runway with a 1,200-foot landing length in each direction from a clear approach slope of 20 to 1. Unpaved runways have a minimum width of 50 feet with an additional 25 feet minimum width on each side clear of obstructions. Paved runways have a minimum width of 25 feet with an additional 38 feet minimum width on each side clear of obstructions.

(*iii*) The airport maintains a state primary surface for each runway clear of all obstructions. The state primary surface is at least 100 feet wide, and not less than the width of the runway.

(*iv*) The airport maintains a state approach surface that extends outward and upward from the end of the state primary surface for a distance of 5,000 feet. The shape of the state approach surface is rectangular with a minimum width of 100 feet and a length of 5,000 feet. The width of the state approach surface is at least as wide as the width of the runway. The state approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 to 1 including 15 feet clearance over roads, 17 feet clearance over interstate highways, 23 feet clearance over railroads, and 25 feet clearance over property lines. The state approach surface begins at the runway end for unpaved runways.

(*v*) The airport establishes a permanent monument located on the centerline at or beyond each end of the runway.

(*vi*) The airport maintains the following pilot aids:

(A) Runway surface markings that conform to federal aviation administration published standards.

(B) A windcone.

(C) Airports with right traffic patterns have a segmented circle conforming to federal aviation administration published standards.

(D) Runway lighting, if available for public use, conforms to federal aviation administration standard color and layout.

(b) General utility airport. A general utility airport license shall be granted if the following minimum requirements are met:

(*i*) The airport has an airport manager licensed by the commission.

(*ii*) The airport contains a runway with a 1,800-foot landing length in each direction from a clear approach slope of 20 to 1. Unpaved runways have a minimum width of 100 feet. Paved runways have a minimum width of 35 feet.

(*iii*) The airport maintains a state primary surface for each runway clear of all obstructions. The state primary surface is at least 250 feet wide.

(*iv*) The airport maintains a state approach surface for each runway end that extends outward and upward from the end of the state primary surface for a distance of 5,000 feet. The shape of this approach surface is a trapezoid with a width of 250 feet at the runway end and expands uniformly to a width of 1,200 feet. The state approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 to 1, including 15 feet clearance over roads, 17 feet clearance over interstate highways, 23 feet clearance over railroads, and 25 feet clearance over property lines. The state approach surface begins at the runway end for unpaved runways.

(*v*) The airport contains a permanent monument located on the centerline at or beyond each end of the runway.

(*vi*) The airport maintains the following pilot aids:

(A) Paved runways have centerline marking and runway numbering that conform to the published standards of the federal aviation administration.

(B) Unpaved runways marked in accordance with commission standards.

(C) Crosswind runways meet minimum requirements set for a basic utility airport.

(D) A lighted windcone.

(E) Runway lighting is available from sunset to sunrise daily. Lighting configuration conforms to the requirements of the federal aviation administration regarding standard color and layout.

(F) Airports with right traffic patterns have a segmented circle with traffic pattern indicators conforming to the published standards of the federal aviation administration.

(*vii*) The airport provides the following services:

(A) An administration building or terminal building with sanitary facilities available to the public.

(B) Adequate means to deter the unauthorized or inadvertent access to the aircraft operations area.

(C) A telephone at a clearly indicated location on the airport grounds that is available to the public 24 hours daily.

(D) A formally adopted emergency service plan prepared by the airport owner.

(E) Airport rules and regulations that are adopted by the airport owner and available to the public.

(F) Itinerant aircraft parking and tie-downs, including adequate ropes, chains, or the equivalent of ropes and chains.

(c) Air carrier airport. An air carrier airport license shall be granted if the following minimum requirements are met:

(*i*) The airport has an airport manager licensed by the commission.

(*ii*) The airport has a valid airport operating certificate, or a limited airport operating certificate, issued by the federal aviation administration regulations.

(d) Seaplane base. A seaplane base license shall be granted if the following minimum requirements are met:

(*i*) The airport has an airport manager licensed by the commission.

(*ii*) The airport contains at least 1 unobstructed straight line channel of at least 5,000 feet in length, and 200 feet in width.

(*iii*) The airport has a suitable float, mooring facility, or ramp at some point on the shore adjoining the landing area.

(*iv*) The airport provides and maintains a fire extinguisher.

(e) Heliport. A heliport license shall be granted if the following minimum requirements are met:

(*i*) The heliport has an airport manager licensed by the commission.

(*ii*) The heliport contains a length and width of the landing area of at least 1-1/2 times the length of the helicopter using the facility.

(*iii*) The heliport contains at least 2 heliport approach surfaces free of obstructions. The heliport approach surface begins at the end of the heliport landing area with the same width as the landing area, and extending outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1. Two of the heliport approach surfaces provided are located so that their centerline forms an arc of not less than 90 degrees at their intersection. Each heliport approach surface provides an area suitable for an emergency landing during takeoff, climb-out and landing.

(*iv*) If a heliport is located on an elevated structure or roof, local building and fire codes are complied with. The landing area is designed to support 1.5 times the maximum gross weight of the largest helicopter authorized to use the heliport. When applying for a license, the applicant files a certificate signed by a professional engineer registered in this state, certifying structural compliance of the heliport.

(*v*) The heliport contains a windcone or means of identifying wind direction.

(*vi*) Ground level heliports have operational areas fenced or marked with caution signs to prevent the inadvertent or unauthorized entry of persons or vehicles.

(*vii*) Signs indicating a heliport are located on the heliport's perimeter.

(f) Hospital heliport. A hospital heliport license shall be granted if all of the following minimum requirements are met:

(*i*) The hospital heliport is reserved solely for air ambulance use or other hospital-related functions.

(*ii*) The hospital heliport has an airport manager, appointed by the hospital heliport owner or operator, who is licensed by the commission within 90 days after his or her appointment.

(*iii*) The hospital heliport has a final approach and takeoff area, the minimum dimensions of which are at least 1-1/2 times the overall length of the largest helicopter authorized to use the hospital heliport.

(*iv*) The final approach and takeoff area is positioned to provide a minimum safety region of at least 10 feet or 1/3 of the rotor length of the largest helicopter that will land at the site, measured from the edge of the final approach and takeoff area to the obstacle nearest that area.

(*v*) The hospital heliport has at least 1 approach or takeoff path that is aligned as nearly as possible with the dominant winds, but that may deviate from that alignment to avoid objects or noise-sensitive areas or use airspace above public lands.

(*vi*) The hospital heliport is capable of being secured to prohibit the inadvertent or unauthorized entry of persons or vehicles.

(*vii*) If the heliport is at ground level, the operational heliport areas are fenced or marked with caution signs to prohibit the inadvertent or unauthorized entry of persons or vehicles.

(*viii*) Signs indicating a heliport are located on the heliport's perimeter.

(*ix*) The touchdown and liftoff area is a paved hard surface.

(*x*) The hospital heliport has a lighted wind direction indicator.

(*xi*) Suitable lighting is provided at the hospital heliport's perimeter for night operations, and that lighting at a minimum includes lights at each corner of the final approach and takeoff area.

(*xii*) Identification markings are present at the hospital heliport site that conform to federal aviation administration standards for hospital heliports.

(g) Hospital helistop. A hospital helistop license shall be granted if the following minimum requirements are met:

(*i*) The hospital helistop has a person responsible for the daily operation of the hospital helistop, appointed by the owner or operator of the hospital helistop who, as determined by that owner or operator, meets the minimum standards established by the commission.

(*ii*) Within 90 days after appointing a responsible person who is in charge of the daily operation of the hospital helistop, the owner or operator of the hospital helistop must provide the commission in writing with the name of the responsible person who is in charge of the daily operation of the hospital helistop and identify the manner in which the commission may contact that responsible person in the event of an emergency.

(*iii*) The hospital helistop is reserved solely for air ambulance use or other hospital-related functions.

(*iv*) The hospital helistop has at least 1 suitable helicopter approach path that is identified and free of obstacles.

(*v*) The hospital helistop has a wind direction indicator.

(*vi*) The hospital helistop has appropriate permanent or temporary lighting available for night operations.

(*vii*) The hospital helistop has adequate security to prevent bystanders from approaching a helicopter as it lands or departs.

(2) A pilot of a helicopter landing at a hospital helistop or heliport must receive prior permission to land at the hospital helistop or heliport from the hospital helistop or a responsible person.

259.89 Private use landing areas. [M.S.A. 10.189]

Sec. 89. Sections 86, 86a, 86b, 86c, 87, and 88 do not apply to landing areas designated and operated for private use if commercial operations are not performed on the landing areas. A landing area for private use shall not be established, without commission approval, within 5 nautical miles of a public use facility certified by the commission.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5583 of the 89th Legislature is enacted into law.

This act is ordered to take immediate effect.
Approved May 8, 1998.
Filed with Secretary of State May 8, 1998.

Compiler's note: House Bill No. 5583, referred to in enacting section 1, was vetoed by the Governor on May 6, 1998.