

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 03 MARYLAND AVIATION ADMINISTRATION

Chapter 04 Aeronautical Regulations

Authority: Transportation Article, §5-208, Annotated Code of Maryland

.01 Authority.

These regulations are issued under the authority granted to the Maryland Aviation Administration by the Transportation Article, §5-208, Annotated Code of Maryland.

.02 Definitions.

- A. "Administration" means the Maryland Aviation Administration of the Maryland Department of Transportation.
- B. "Airport" refers to a combination of one or more designated landing areas and any surrounding support facilities.
- C. "Commercial use airport" means any airport which:
 - (1) Charges landing or tie down fees;
 - (2) Sells aviation fuel or oil;
 - (3) Rents space;
 - (4) Sells goods or services, whether for profit or not;
 - (5) Engages in any activity for which fees are charged or payment is received; or
 - (6) Engages in any combination of the above activities.
- D. "Designated landing area" means any surface on land, on water, or on a structure which is specifically adapted and maintained for the landing and taking off of aircraft. It does not include a location used only as the point of departure or only as the destination of an aircraft operation.
- E. "FAA" means Federal Aviation Administration.
- F. "Noncommercial use airport" means any airport which is not a commercial use airport.
- G. "Occasional guest" when used in conjunction with an airport, means any individual invited to use an airport for infrequent, irregular flight operations.
- H. "Person" means any:
 - (1) County, municipal corporation, or other political subdivision of the State or any of their units;
 - (2) Individual receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind; or
 - (3) Partnership, firm, association, public or private corporation, or any other entity.

- I. "Private use airport" means any airport which the owner or person having a right of access and control authorizes use only to specific designated individuals and occasional guests.
- J. "Public use airport" means any airport, whether privately or publicly owned, which the owner or persons having a right of access and control invite, encourage, or allow flight operations by the public. Any airport that is not a private use airport is a public use airport.

.03 Purpose.

In order to further the public interest and aeronautical progress, provide for the protection and promotion of safety in aeronautics, contribute to the principle of effecting uniform regulations of aeronautics, and in order that those engaged in aeronautics of every character may so engage with the least possible restriction consistent with the safety and rights of others, these regulations have been adopted by the Maryland Aviation Administration of the Maryland Department of Transportation. (Reference: Transportation Article, §5-102(a) and 5-208, Annotated Code of Maryland.)

.04 Aircraft Operation.

- A. Licensed Airports. Except in emergency situations, a person may not conduct any aircraft operations at a licensed airport other than those in conformity with the airport traffic pattern, ground traffic rules, and noise abatement procedures developed by the airport manager.
- B. Public Property.
 - (1) Public Property: Commercial Operation. Aircraft may not be operated commercially from any public land or water owned or controlled by the State unless the landing area has been approved by the Administration.
 - (2) Public Land: Noncommercial Operation.
 - (a) State Land. Aircraft may not operate from any State land unless prior approval is obtained from the Administration.
 - (b) Other Public Land. Aircraft may not be operated from any public land, not owned or controlled by the State, unless prior approval is obtained from the political subdivision owning or controlling the land.
 - (3) Public Waters: Noncommercial Operation.
 - (a) Except as specifically restricted in this regulation, public waters controlled by the State are available for noncommercial seaplane use.
 - (b) Seaplanes may not take-off and land on the designated portions of the following bodies of water:

(i) Chester River	Rock Hall Harbor Queenstown Creek Winchester Creek
(ii) Deal (Herring Bay)	Rockhold Creek from the entrance Buoy F. R "2" to the headwaters.
(iii) Choptank River	Knapp Narrows Buoy Fl. R "4" to Fl. R "6".

- (iv) Tred Avon River Oxford Harbor
- (v) Wicomico River From lighted beacon "57" at Harbor Point to head of the Wicomico River and tributaries thereof.
- (vi) Crisfield Harbor From the entrance to the headwaters of Somers Cove.
- (vii) Patuxent River Solomons Island Harbor from the entrance Buoy N "4" and all tributaries thereof.
- (viii) Potomac River St. Patricks Creek (1.3 miles north of northern tip of St. Clements Island) from daymarkers "3" and "4" to the headwaters, including tributaries thereof. St. Catherines Sound - White Neck Creek from White Neck Pt. to the headwaters and all tributaries thereof. Cobb Island - Neal Sound, beginning at the eastern entrance Buoy Fl. R 4 sec "2" extending through the entire sound and its tributaries to Fl. 4 sec "72" on the western end.

- (c) Unless prior written permission is obtained from the Secretary of Natural Resources and the Pennsylvania Power and Electric Co., seaplane operations may not be conducted on Deep Creek Lake in Garrett County.
- (d) Seaplanes may not operate from bodies of water controlled by political subdivisions without the prior approval of the appropriate political subdivision.
- (e) The following bodies of water are controlled by political subdivisions:
 - (i) Loch Raven Reservoir;
 - (ii) Pretty Boy Reservoir;
 - (iii) Liberty Reservoir;
 - (iv) Triadelphia Reservoir;
 - (v) Rocky Gorge Reservoir;
 - (vi) Rocky Gap Reservoir Cumberland;
 - (vii) Savage River Reservoir Bloomington;
 - (viii) Youghioghenny Lake - Selbyport/Friendsville Maryland/Pennsylvania.

.05 Repealed.

.06 Airports: General.

- A. Public Safety. The Administration may not issue or renew an airport license or registration if operations conducted at the airport seriously impair public safety.

B. License or Registration Required.

- (1) A person may not operate an airport without an airport license or registration unless exempted by:
 - (a) The Transportation Article, §5-302(a), Annotated Code of Maryland;
 - or
 - (b) Regulation .09, Airports: Specific Exemptions.
- (2) A person may not operate a public-use airport without a public-use airport license. See Table I: Airport Standards.
- (3) A person may not operate a private-use, commercial-use airport without a commercial-use airport license. See Table I: Airport Standards.
- (4) A person may not operate a private-use, noncommercial-use airport without an airport registration. See Table I: Airport Standards.

TABLE I: Airport Standards

	Commercial Use	Non-Commercial Use
Public-Use	(1) Public-use license required. (2) Must meet or exceed the public-use minimum standards and comply with any restrictions imposed by the Administration.	(1) Public-use license required. (2) Must meet or exceed the public-use minimum standards and comply with any restrictions imposed by the Administration.
Private-Use	(1) Commercial-use license required. (2) Must meet or exceed the commercial use minimum standards and comply with any restrictions imposed by the Administration.	(1) Registration required. (2) Must comply with any restrictions imposed by the Administration.

- C. Approval of Local Governing Body. A person may not operate an airport without land use approval from the local governing body if that body has an airport zoning ordinance.
- D. Approval of FAA. An airport may not be licensed or registered without airspace approval by the FAA.
- E. Depiction on Aeronautical Charts. Public use airports shall be shown on aeronautical charts and listed in airports' directories if they carry the notation "Private" or a symbol conveying the same meaning. Private use airports may be listed or shown only to provide information to aid aircraft in distress.
- F. Tampering with Airport Property. A person may not tamper with any airport property.
- G. Administration Testimony. The Administration, upon request by the local governing body, may provide, at its discretion, expert testimony as to the safety of any particular

airport. Nothing in these regulations waives the rights granted by the Transportation Article, §5-211, Annotated Code of Maryland.

.07 Airports: License.

- A. Scope. This regulation prescribes minimum licensed airport safety standards for requirements concerning the airport noise control program, see COMAR 11.03.03, Airport Noise Control Program.
- B. General.
- (1) Airport Licensee Responsibility. The airport licensee is responsible for operating and maintaining the airport in compliance with State law.
 - (2) Appointment of Airport Manager. The airport licensee shall appoint an airport manager and notify the Administration of the appointment.
 - (3) License Display. The airport licensee shall prominently display the airport license at the airport or, if there are no buildings at the airport, at the office of the airport manager.
 - (4) Renewal. The airport license may be renewed annually.
 - (5) Transfer of License. An airport license may not be transferred either in its ownership or geographical location, unless the transfer is approved by the Administration.
 - (6) Liability Insurance.
 - (a) The owner of any aircraft based or hangared in this State may not operate or allow the operation of that aircraft without a liability insurance policy in force which covers the owner and the pilot for claims by passengers or other persons for injuries to them and their property which might arise out of the operation of the aircraft.
 - (b) The liability insurance policy shall provide coverage for a minimum of:
 - (i) \$50,000 bodily injury per individual;
 - (ii) \$100,000 bodily injury per accident; and
 - (iii) \$50,000 property damage protection.
 - (7) Roster of Aircraft.
 - (a) All airports operated in this State shall maintain a roster of all aircraft based or hangared at that airport.
 - (b) The roster shall include, for each aircraft, the following:
 - (i) The "N" number, type, and model;
 - (ii) The name and address of the owner or operator;
 - (iii) The period of time which the aircraft has been hangared at the airport;
 - (iv) The insurance policy or binder number;
 - (v) The name of the insurance company shown on the policy; and
 - (vi) The name of the agent or broker.
 - (c) The above information shall be made available to the Administration at the annual on-site inspection to determine whether an airport is in compliance with the Transportation Article, §5-1002, Annotated Code of Maryland.

- (8) Discrimination or Segregation. All services performed at every licensed airport shall be without discrimination or segregation as to race, creed, color, national origin, or sex.
- (9) Waivers. Every waiver of an airport requirement shall be stated on the face of the airport license and every waiver granting a substantial deviation from these regulations shall be listed in the State airport directory.
- (10) Existing Licensed Airports. The Administration shall waive any portion of these regulations for every existing airport licensed as of the effective date of these regulations if the application of the regulation would be an undue burden on the licensee and is not required in the interest of public safety. However, an airport seeking relicensing after a lapse of more than 30 days shall meet the requirements of these regulations.

C. Airport Manager.

- (1) Availability of Airport Manager. The airport manager, or his authorized representative, shall be at the airport, or shall post how he can be contacted, during all hours of operation.
- (2) Marking Dangerous Areas. If, for any reason, a landing area becomes dangerous or unusable, the manager shall mark each danger area with appropriate markers or close the landing area with an "X" clearly visible from pattern altitude.
- (3) Notice to Airmen. The manager shall file a Notice to Airmen (NOTAM) with the FAA designating any change in airport conditions that may affect safety.
- (4) Hazards and Zoning Changes. The manager shall advise the Administration of any proposed construction or zoning change near the airport that may affect safety or airport use.
- (5) Local Procedures. The manager shall prominently display the airport traffic pattern, ground traffic rules, noise abatement procedures, and any special orders relating to the airport and its operation at a prominent location on the airport.

D. Site Approval.

- (1) Scope. Approval of a site by the Administration entitles the airport operator to an airport license upon completion of the airport, if all the requirements in the site approval and these regulations have been met. (Reference: Transportation Article, §5-303, Annotated Code of Maryland)
- (2) Application. Any person desiring to establish a licensed airport may apply on a form provided by the Administration. Applications for site approvals shall include:
 - (a) Name, address, and telephone number of applicant;
 - (b) Proposed use of airport;
 - (c) Location of the site;
 - (d) Schematic drawing of the proposed airport layout with airport dimensions shown;
 - (e) Location of obstructions over 150 feet high within a 1-mile radius;
 - (f) Airport noise control program data as required by COMAR 11.03.03 (for public-use airports only).

E. Temporary Commercial Use License. A temporary airport license for a period of not more than 30 days may be issued for commercial purposes if the designated landing area is inspected by the Administration and found to be safe for use by the type of aircraft and for the type of operation specified in the request for the temporary license.

F. Minimum Standards: Public-Use Airport.

(1) Scope. Every licensed public use airport that is not specifically limited to the landing and taking off of a special category of aircraft shall meet or exceed these standards.

(2) General Items.

<i>Items</i>	<i>Minimum Standards</i>
(a) Runway:	
Length (paved)	2000 feet
Length (turf)	2000 feet
Width (paved)	50 feet
Width (paved): Runway	
restricted to visual flight rules traffic	40 feet
Width (turf)	75 feet
Longitudinal grade	2% or less
Graded width	100 feet
(b) Separations:	
Runway centerline to taxiway centerline	100 feet
Runway centerline to buildings	150 feet
Runway centerline to tie down or apron area	125 feet
(c) Runway lighting (if operated at night):	
Number of threshold lights (each end of runway)	3 on each side
Maximum longitudinal spacing	200 feet
Maximum distance off runway edge	15 feet
(d) Taxiway width	15 feet
(e) Wind direction indicator:	
Wind cone	Required
Lighted wind cone or lighted tetrahedron (if operated at night)	Required
(f) Segmented circle (with any non-standard landing pattern indicated)	Required
(g) Obstruction lights	As necessary
(h) Fueling area:	
Fire extinguisher	Required
Grounding clamps	Required
"No Smoking" signs	Required
(i) First aid kit	Required
(j) Telephone (with emergency number posted)	Required
(k) Shelter for pilots and crewmembers	Required

- (3) Surface. The landing surface shall be smooth and free from hazards or obstructions.
- (4) Obstructions-Free Approach Surface.
 - (a) An obstruction-free approach surface is an imaginary surface, established in relation to a designated landing area, above which there are no obstructions to aerial navigation.
 - (b) The obstruction-free approach surface shall have a 20:1 slope with a 200-foot clear zone inner width and a 10:1 flare for each side. This standard obstruction-free approach surface is depicted in Diagram 1: Runway and Obstruction Free Approach Surface Configurations.
- (5) Runway Visibility. The runway shall be in such condition that two airplanes at rest on the same runway are visible to each other except at airports where traffic control exists and is exercised.
- (6) Lighting. If the airport is advertised as lighted for night operations, the lights shall be made available for use from dusk until dawn.
- (7) Runway Marking.
 - (a) Non-paved Runways. Markers shall be placed 200 feet apart outlining the length of landing surface on both sides. Thresholds shall be marked with at least four markers of a type approved by the Administrator on each side of the landing area where the effective length commences. The threshold markers shall be 5 feet apart and placed on line 90 degrees the runway heading.
 - (b) Paved Runways. Marking shall conform to current FAA standards.
- (8) State Supplied Safety Equipment. The licensee shall install and operate any safety equipment such as rotating beacons, wind cones, or other equipment supplied by the Administration.
- (9) Compliance with National Standards. To promote uniform airport standards, every licensed airport with a runway over 3,200 feet long shall substantially comply with the airport design standards recommended in the "Airport Design FAA Advisory Circular 150/5300-13" (September 29, 1989) which is incorporated by reference. Deviations from these recommended standards shall be properly justified by the airport operator before a license will be issued by the Administration.
- (10) FAA Certification Program. Airports fulfilling the requirements of the FAA airport certification program meet or exceed the minimum standards for a public-use airport.

G. Minimum Standards: Commercial-Use Airports.

- (1) Scope. Every licensed commercial-use airport that is not specifically limited to the landing and taking off of a special category of aircraft shall meet or exceed these standards.
- (2) General Items.

<i>Item</i>	<i>Minimum Standards</i>
(a) Runway:	
Length (paved)	1,500 feet
Length (turf)	1,500 feet

Width (paved)	30 feet
Width (turf)	50 feet
Graded width	75 feet
(b) Clearance over adjoining land (unless waived by property owner)	20 feet
(c) Wind direction indicator	Required

- (3) Surface. The landing area shall present a surface which may be used for the landing and take-off of aircraft without undue hazard.
- (4) Obstruction-Free Approach Surface. The obstruction-free approach surface minimum standards for a commercial-use airport are the same as the public-use airport obstruction free approach surface minimum standards (see Diagram 1).

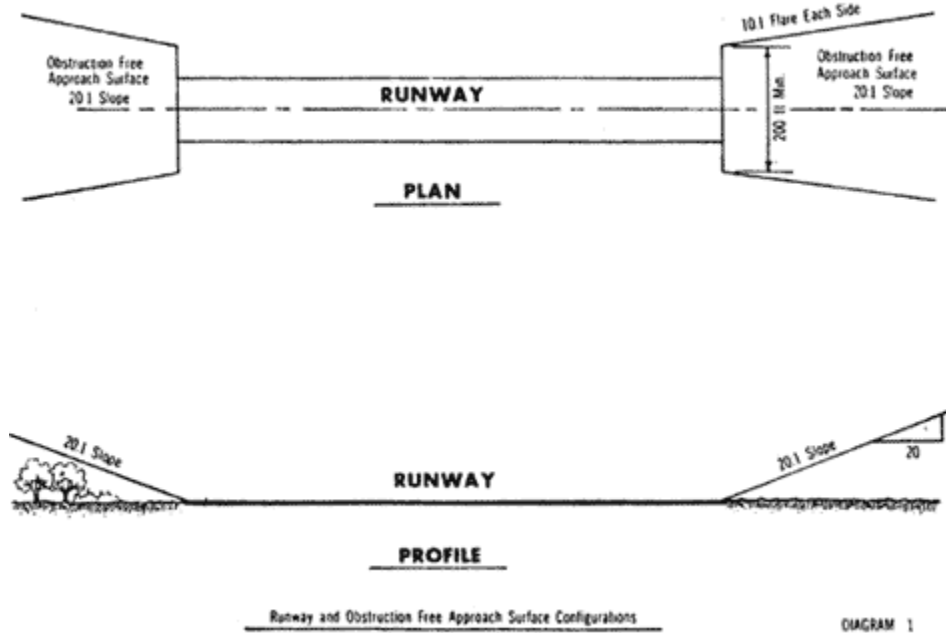
H. Minimum Standards: Public-Use or Commercial-Use Seaplane Base.

- (1) Scope. Every licensed airport specifically adapted for the landing and taking off of seaplanes shall meet or exceed these standards.
- (2) Size. The body of water shall have a minimum effective length of at least mile and shall be of sufficient width and depth to permit the safe operation of aircraft on the surface.
- (3) Boundary Markers. The area available for landing and take-off and for taxiing, when required in the interest of safety, shall be marked in a way approved by the Administration, or as may be required by the marine traffic regulations of the authority having jurisdiction.
- (4) Hazards. Every hazard in the approach or landing area, including underwater obstructions, shall be marked in a way approved by the Administration.
- (5) Wind Indicator. Every public-use seaplane base shall be equipped with a wind indicator which is clearly visible from pattern altitude. If night operations are conducted, the wind indicator shall be lighted.
- (6) Minimum Facilities and Equipment. Every licensed seaplane base shall be equipped with, as a minimum:
 - (a) A dock ramp, or float, suitable for the loading of seaplanes;
 - (b) An immediately available life preserver of the ring or throw type with sufficient line attached;
 - (c) An immediately available boat and operable motor while student training flights are in progress.

I. Minimum Standards: Public-Use or Commercial-Use Heliport. To promote uniform heliport standards, every licensed heliport shall substantially comply with the appropriate recommendations in the "Heliport Design FAA Advisory Circular 150/5390-2", which is incorporated by reference at COMAR 11.03.01.01-1B(9).

J. Minimum Standards: Public Use or Commercial-Use Airport (Non-conventional Aircraft). Every licensed airport specifically adapted for the landing and taking off of airships, balloons, gliders, STOL aircraft, or other non-conventional types of aircraft not specifically provided for in these regulations shall meet or exceed the minimum safety requirements the Administration will prescribe for each application. These minimum safety requirements will be prescribed in light of the special operating

characteristics of the specific non-conventional aircraft, the location and condition of the airport, and any other circumstances that may affect public safety.



.08 Airports: Registration.

A. Restrictions.

- (1) The airport operations may not endanger lives or property on the ground.
- (2) The airport operations may not interfere with other authorized use of the navigable airspace.
- (3) If published manufacturer's specifications exist for the aircraft operating from the airport, the airport shall be of sufficient size to meet the specifications.

B. Minimum Standards. The airport operator may not be required to exceed the minimum standards of a commercial-use airport for the same class of aircraft.

.09 Airports: Specific Exemptions.

A. Agricultural Airstrips (Agstrips).

- (1) An airstrip is any designated landing area maintained solely for temporary or occasional use by aircraft engaged in aerial application of chemicals, fertilizers, or other substances to agricultural or forest lands.
- (2) If an airstrip is in an area where operations do not endanger lives or property on the ground and do not interfere with other authorized use of navigable airspace, the airstrip need not be approved, licensed, or registered by the Administration.
- (3) Responsibility for the airstrip rests solely with the user, who shall comply with the following:
 - (a) Use for any aeronautical purpose other than agricultural or forest aerial application is prohibited;
 - (b) Prior permission from the property owner shall be obtained;

- (c) The strip shall be of sufficient size to accommodate the aircraft operating off the strip;
 - (d) Persons and property on the ground may not be endangered.
- B. Balloon and Glider Landing Areas. If a balloon or glider landing area is located where operations do not endanger lives or property on the ground and do not interfere with other authorized use of the navigable airspace, the landing area need not be approved, licensed, or registered by the Administration. Operations at the landing area shall be carried out in a prudent manner and with due regard for safety.
- C. Emergency Landing Areas. None of the airport standards prescribed by these regulations apply to aircraft operation in an emergency situation by public safety agencies, such as those with police and fire control responsibilities, or by a private or commercial operator when performing these functions under contract or control to a public safety agency, if a landing and take-off is necessary to protect life or property. These operations shall be carried out in a prudent manner and with due regard for safety.

.10 Waivers.

- A. Administration Authority. Except for the provisions of Regulation .07B(6) which may not be waived, the Administration reserves the right to waive any portion of these regulations. However, a waiver shall be granted only after the Administration determines that the waiver is in the best interest of the aviation public and does not endanger public safety.
- B. Application Procedure. A person desiring a waiver of these regulations may contact: Director of Regional Aviation Assistance, Maryland Aviation Administration, Post Office Box 8766, Baltimore/Washington International Airport, Maryland 21240.

.11 Fees.

- A. Airport Site Approval. Certificates of site approval shall be issued without charge to persons qualifying for them (authority: Transportation Article, §5-303, Annotated Code of Maryland).
- B. Airport License. The original airport license fee is \$25 and the annual license renewal fee is \$10 (authority: Transportation Article, §5-301(b) and (c), 5-304(a) through (e)(2), Annotated Code of Maryland).
- C. Airport Registration. If no aircraft, other than those owned by the airport operator, are based at the airport, there is no fee charged for initial registration or annual renewal. Otherwise, the initial registration fee is \$10 and the annual registration renewal fee is \$5 (authority: Transportation Article, §5-306, Annotated Code of Maryland).

.12 Inspections and Enforcement.

- A. Inspections. An applicant for, or a holder of, an airport license, airport registration, or site approval shall offer full cooperation to any authorized representative of the

Administration inspecting the airport or proposed airport site. The Administration is entitled to immediate access to the lands, buildings, equipment, and operating records of a licensed airport, registered airport, or approved site.

B. Enforcement.

- (1) **Violations.** Any person violating any of these regulations may be punished under the provisions of the Transportation Article, §§5-1101 - 5-1105, Annotated Code of Maryland, in addition to any other penalties provided by law.
- (2) **Order Closing Unapproved Facilities.** The Administration may order the closing of any airport or landing field or order any air school, air beacon, or other air navigation facility to stop operating until the requirements of the Administration are met (authority: Transportation Article, §§5-210 and 5-304(e)(1), Annotated Code of Maryland).
- (3) **Injunctive Relief.** The Administration may, in the name of the State, enforce these regulations and orders issued under them by injunction or other legal process in the courts of Maryland (authority: Transportation Article, §5-1103, Annotated Code of Maryland).
- (4) **Appeals.** Any person adversely affected by these regulations or orders issued under them may appeal according to the procedures for review set forth in the Administrative Procedure Act. Reference: Transportation Article, §5-304(e)(1), Annotated Code of Maryland.

.13 Severability.

The provisions of these regulations are severable, and the finding by any court that any provision is invalid does not affect the validity of the remaining portions.

Administrative History
Effective date: January 1, 1976 (2:28 Md. R. 1681)

Chapter recodified from COMAR 11.03.15 to 11.03.04

Regulation .03 amended effective October 29, 1990 (17:21 Md. R. 2530)

Regulation .05 amended effective October 19, 1979 (6:21 Md. R. 1709)

Regulation .05 repealed effective March 20, 1981 (8:6 Md. R. 561)

Regulation .06B amended effective October 29, 1990 (17:21 Md. R. 2530)

Regulation .07B, D amended effective October 29, 1990 (17:21 Md. R. 2530)

Regulation .07F, I amended effective October 29, 1990 (17:21 Md. R. 2530); October 16, 2000 (27:20 Md. R. 1840)

Regulation .10A amended effective October 29, 1990 (17:21 Md. R. 2530)

Regulation .10B amended effective October 19, 1979 (6:21 Md. R. 1709); October 29, 1990 (17:21 Md. R. 2530)

Regulation .11 amended effective October 19, 1979 (6:21 Md. R. 1709); October 29, 1990 (17:21 Md. R. 2530)