



Department of Transportation
Office of Legal Counsel
700 East Broadway Avenue
Pierre, South Dakota 57501-2586 605/773-3262
FAX: 605/773-4442

MEMORANDUM

TO: Darin Bergquist
FROM: Karla L. Engle
DATE: July 9, 2020
RE: July 28, 2020, Aeronautics Commission Meeting

The Department of Transportation requests that the Aeronautics Commission set a hearing date to consider amendments to or repeal of the following administrative rules:

- Chapter 70:02:01 – Procedural rules;
- Chapter 70:02:02 – Aerial applicators;
- Chapter 70:02:03 – Structures affecting aviation;
- Chapter 70:02:04 – Airport Licensing;
- Chapter 70:02:05 – Registration of aircraft; and
- Chapter 70:02:06 – Pilot and airport employee identification.

I enclose a copy of the proposed rule revisions with this memo. Thank you.

KLE
Enclosure

ARTICLE 70:02**AERONAUTICS**

Chapter

- 70:02:01 Procedural rules.
- 70:02:02 Aerial applicators, Repealed.
- 70:02:03 Structures affecting aviation, Repealed.
- 70:02:04 Airport licensing.
- 70:02:05 Registration of aircraft.
- 70:02:06 Pilot and airport employee identification, Repealed.

70:02:01:02. Public availability of rules, final orders, decisions and opinions. All rules, final orders, decisions and opinions are on file in the office of the director of the Aeronautics Commission, Department of Transportation, Pierre, South Dakota, and may be examined by any person upon oral or written request during the regular office hours maintained by the ~~director of the Aeronautics Commission~~, Department of Transportation. The files and records of the Aeronautics Commission may only be removed pursuant to a court order or while such records are in the custody of an employee of the Aeronautics Commission who has been authorized to remove the document or file. Persons examining any file or record must be accompanied by a person designated by the director of the Aeronautics Commission.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL 1-26-2.

Law Implemented: SDCL 1-26-2.

70:02:01:03. Petition for declaratory ruling. A person may request the Aeronautics Commission to issue a decision of the applicability of any statutory provision, rule, or order

pertaining to matters of aviation by filing a petition with the director of the Aeronautics Commission. The Aeronautics Commission shall consider these petitions at ~~their monthly meetings in the order in which the petitions are received~~ a scheduled hearing date held during a regular meeting.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL 1-26-15.

Law Implemented: SDCL 1-26-15.

CHAPTER 70:02:02
AERIAL APPLICATORS

(Repealed)

Section

- 70:02:02:00 ~~Definitions.~~
- 70:02:02:01 ~~Commercial pilot's certificate required of aerial applicators.~~
- 70:02:02:02 ~~Experience requirements for Class A permit — Renewal.~~
- 70:02:02:03 ~~Experience requirements for Class B permit — Supervision necessary — Renewal.~~
- 70:02:02:04 ~~Requirements for aerial applicators spraying their own land.~~
- 70:02:02:05 ~~Aircraft to be certified by FAA.~~
- 70:02:02:06 ~~Aircraft to meet FAA weight and balance requirements.~~
- 70:02:02:07 ~~Aircraft prohibited on state trunk highways.~~
- 70:02:02:08 ~~Aircraft prohibited on county or township highways — Exceptions.~~
- 70:02:02:09 ~~Pilot's responsibility for safe operation.~~

70:02:02:00. Definitions. ~~Terms used in this chapter mean:~~

- (1) ~~"Type and class of aircraft," single engine fixed wing aircraft or helicopter;~~

~~(2) "Agricultural spray aircraft," an aircraft specifically designed for aerial spray application, including conventional gear commonly known as tail dragger aircraft Repealed.~~

~~Source: 20 SDR 183, effective May 9, 1994.~~

~~General Authority: SDCL 50-2-2.1.~~

~~Law Implemented: SDCL 50-2-2.1.~~

70:02:02:01. Commercial pilot's certificate required of aerial applicators. ~~Any person piloting or flying aircraft as an aerial applicator must be the holder of a current commercial pilot certificate issued by the Federal Aviation Administration or its authorized agency and be otherwise qualified as set forth in § 70:02:02:02 or 70:02:02:03 Repealed.~~

~~Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.~~

~~General Authority: SDCL 50-2-2.1.~~

~~Law Implemented: SDCL 50-2-2.1.~~

70:02:02:02. Experience requirements for Class A permit -- Renewal. ~~For a Class A permit to pilot an aerial applicator aircraft, a pilot must have completed a minimum of 750 hours of solo flight time, 250 hours of which must have been in the type and class of aircraft to be used, with 125 of the 250 hours obtained within the 12 months immediately preceding the date when flight operations are to begin. Anyone who has not sprayed under a Class B permit as described in § 70:02:02:03 for two years before applying for a Class A aerial applicator permit must successfully complete an FAA-approved aerial applicator school or have a current aerial applicator's license from another state whose requirements meet or exceed those of the state of South Dakota at the time of application for an aerial applicator permit.~~

~~In lieu of 750 hours of solo flight time, a pilot must have completed 500 hours of solo flight time, 250 hours of which must have been in the type and class of aircraft to be used, with 125 of the~~

~~250 hours obtained within the 12 months immediately preceding the date when flight operations are to begin. In addition, within that 12 month period the pilot must have had a minimum of 25 hours of flight time while actually engaged in applying any material, substance, or chemical or in flight experience which, in the judgment of the Aeronautics Commission is equivalent to aerial application.~~

~~Pilots who have completed 2,000 hours of solo flight time and who have completed 50 hours of solo flight time in agricultural spray aircraft in the 12 month period immediately preceding the start of the flying operation may apply any material, substance, or chemical.~~

~~Pilots who have completed 2,000 hours of solo flight time and have previously been permitted under this section may renew an aerial applicator permit with 5 hours in the type and class of aircraft to be used within the 30 days immediately preceding the date when the actual chemical application is to begin Repealed.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 20 SDR 183, effective May 9, 1994; 23 SDR 180, effective May 1, 1997.

General Authority: ~~SDCL 50-2-2.1.~~

~~—**Law Implemented:** SDCL 50-2-2.1.~~

70:02:02:03. Experience requirements for Class B permit -- Supervision necessary -- Renewal. ~~For a Class B permit to pilot an aerial applicator aircraft, an applicant must have completed a minimum of 250 solo flight hours in the type and class of aircraft to be used, 125 hours of which must have been in agricultural spray aircraft, with 100 of the 250 hours obtained within the 12 months immediately preceding the date when flight operations are to begin. Fifty hours of the experience obtained within the past 12 months must have been in agricultural spray aircraft. In addition, the pilot must have obtained 15 of the 50 hours practice spraying under the supervision of a pilot with a Class A permit. The pilot who supervises the practice spraying must be the same person~~

~~under whom the Class B applicant will work. The practice spraying must be with water under conditions comparable to actual spraying.~~

~~The supervising pilot must have held a valid Class A permit for at least the immediately preceding year and must have 2,000 solo flight hours.~~

~~While actually engaged in spraying operations in the immediate area being sprayed, a Class B permittee must be under the direct and immediate supervision of a Class A permittee who meets the requirements of a supervising pilot.~~

~~For renewal under this section, a pilot who has previously been licensed as a Class B permittee under this section must have 5 hours of practice in the aircraft to be used which must be obtained within the 30 days immediately preceding the beginning of actual chemical application. The hours must be obtained under the supervision of the chief pilot for the firm that will employ the pilot~~
Repealed.

~~**Source:** SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 20 SDR 183, effective May 9, 1994; 23 SDR 180, effective May 1, 1997.~~

~~**General Authority:** SDCL 50-2-2.1.~~

~~— **Law Implemented:** SDCL 50-2-2.1.~~

70:02:02:04. Requirements for aerial applicators spraying their own land. ~~A pilot who is the holder of a current private pilot certificate issued by the Federal Aviation Administration or an authorized agency thereof and who is the bona fide owner or lessee in possession of the land or area to be subjected to the application of any material, substance, or chemical shall be qualified to apply the same; provided, such pilot shall have completed a minimum of 750 hours of solo flight time, 250 hours of which shall have been in the type and class of aircraft to be used, and one half of which~~

~~said 250 hours of solo flight time shall have been had within the 12 months next preceding the date when such flight operations are to commence Repealed.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: ~~SDCL 50-2-2.1.~~

~~— **Law Implemented:** SDCL 50-2-2.1.~~

70:02:02:05. Aircraft to be certified by FAA. ~~All aircraft shall be certified as to registration and airworthiness pursuant to the rules of the Federal Aviation Administration Repealed.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: ~~SDCL 50-2-2.1.~~

~~— **Law Implemented:** SDCL 50-2-2.1.~~

70:02:02:06. Aircraft to meet FAA weight and balance requirements. ~~All aircraft to be used in the application of any material, substance, or chemical, with equipment, must meet all weight and balance requirements prescribed by the Federal Aviation Administration Repealed.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: ~~SDCL 50-2-2.1.~~

~~— **Law Implemented:** SDCL 50-2-2.1.~~

70:02:02:07. Aircraft prohibited on state trunk highways. ~~No person shall operate, take off, or land an aircraft on any state trunk highway within the state for the purpose of servicing in preparation for aerial application of any materials, substance, or chemical Repealed.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: ~~SDCL 50-2-2.1.~~

~~— **Law Implemented:** SDCL 50-2-2.1.~~

70:02:02:08. Aircraft prohibited on county or township highways -- Exceptions.~~A person may not operate, take off, or land an aircraft on any county or township highway in the state of South Dakota for the purpose of servicing in preparation for aerial application of any materials, substance, or chemical until:~~

~~(1) The person has secured permission from the county commissioners of the county involved to do so;~~

~~(2) The person has posted warning signs or flagpersons at each end of the area which the person intends to use for take-off, landing, and servicing the aircraft. The warning sign must be at least three feet tall, in the shape of an aircraft top or bottom profile, painted fluorescent orange with white lettering, and must state: "Caution. Spray planes using road." The sign shall be constructed so that it can be securely anchored in an upright position and not be blown over by passing traffic or light winds. If, in lieu of signs, a flagperson is used at either or both ends of the area, the flagperson shall use a red flag to wave down oncoming traffic; and~~

~~(3) The person has made a visual survey of the area to ensure that there is adequate length for the operation without blind spots for road traffic and that there is adequate clearance of telephone and power poles or lines or wire crossing the road Repealed.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL 50-2-2.1.

~~—**Law Implemented:** SDCL 50-2-2.1.~~

70:02:02:09. Pilot's responsibility for safe operation.~~It is the pilot's full responsibility to insure a safe operation complying strictly with §§ 70:02:02:07 and 70:02:02:08 Repealed.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL 50-2-2.1.

~~Law Implemented: SDCL 50-2-2.1.~~

CHAPTER 70:02:03
STRUCTURES AFFECTING AVIATION

(Repealed)

Section

~~70:02:03:01 to 70:02:03:16~~

~~70:02:03:17— Definitions.~~

~~70:02:03:18~~

~~70:02:03:19 Application for construction approval— Sixty days notice required.~~

~~70:02:03:20 Criteria for determining hazards to air navigation.~~

~~70:02:03:21 to 70:02:03:23 Repealed.~~

70:02:03:17. Definitions. Terms used in this chapter mean:

- ~~(1) "Commission," the South Dakota Aeronautics Commission;~~
- ~~(2) "FAA," Federal Aviation Administration Repealed.~~

Source: 14 SDR 170, effective June 26, 1988; 16 SDR 58, effective October 1, 1989; 29 SDR 34, effective September 17, 2002.

General Authority: ~~SDCL 50-9-2, 50-9-9.~~

~~Law Implemented: SDCL 50-9-1, 50-9-7.~~

70:02:03:19. Application for construction approval -- Sixty days notice required. A person shall submit an application for approval of construction of any structure over 200 feet in height or within two miles of any airport that has been approved by the commission, as required under ~~SDCL 50-9-1 or 50-9-7~~, at least 60 days before the proposed date that construction is to begin Repealed.

Source: 14 SDR 170, effective June 26, 1988; 16 SDR 58, effective October 1, 1989; 29 SDR 34, effective September 17, 2002; 29 SDR 160, effective June 2, 2003.

~~**General Authority:** SDCL 50-9-2, 50-9-9.~~

~~——**Law Implemented:** SDCL 50-9-1, 50-9-7.~~

70:02:03:20. Criteria for determining hazards to air navigation. ~~The commission shall grant approval to any structure defined by SDCL 50-9-1 and 50-9-7 that has received and submitted to the commission a written determination by the FAA that the proposed structure does not pose a hazard to air navigation. The approval shall be conditioned upon the structure's compliance with all requirements contained in the FAA's determination that the proposed structure does not pose a hazard to air navigation. If the FAA has not yet issued a written determination at the time the application is submitted, the commission may grant conditional approval contingent upon submittal prior to commencing construction of a written determination by the FAA that the proposed structure does not pose a hazard to air navigation.~~ Repealed.

Source: 14 SDR 170, effective June 26, 1988; 16 SDR 58, effective October 1, 1989; 29 SDR 34, effective September 17, 2002.

~~**General Authority:** SDCL 50-9-2, 50-9-9.~~

~~——**Law Implemented:** SDCL 50-9-1, 50-9-7.~~

CHAPTER 70:02:04

AIRPORT LICENSING

Section

70:02:04:01 Definitions.

70:02:04:02 Airport, landing field, or heliport must receive approval or license to be used or operated -- Application procedure -- Inspection.

- 70:02:04:03 Types of license or approvals -- Period of approval or license.
- 70:02:04:04 Responsibility of licensees.
- 70:02:04:05 Criteria for revocation of and refusal to renew licenses.
- 70:02:04:06 Airports, landing fields and heliports to be located to avoid conflicts and overlaps.
- 70:02:04:07 Minimum requirements for nonrestricted licensing or approval of airports and landing fields.
- 70:02:04:08 Airports approved prior to July 24, 1974, to be noted as approved under previous standards.
- 70:02:04:09 Minimum requirements for heliports.
- 70:02:04:10 Field marking requirements for airports, landing fields and heliports licensed for other than restricted use.
- 70:02:04:11 Wind indicators required.
- 70:02:04:12 Aircraft at rest to be visible from any point on landing area -- Exception.
- 70:02:04:13 Airports required to control access.
- 70:02:04:14 Minimum requirements for restricted use landing fields.
- 70:02:04:15 Minimum requirements for public airports.
- 70:02:04:16 Repealed.
- 70:02:04:17 Permits required for use of temporary fields -- Method of application -- Time element -- Inspection by Aeronautics Commission -- Refusal by commission upon abuse of license.
- 70:02:04:18 Private airports for personal use only to be located to avoid conflicts -- ~~Registration~~
Approval required.
- 70:02:04:19 Waiver of rules by commission authorized.

70:02:04:20 Conduct of appeals from rules governing airport licensing.

70:02:04:01. Definitions. Words defined in SDCL 50-1-1, ~~50-10-1~~ and ~~50-13-1~~ have the same meaning when used in this chapter. In addition, terms used in this chapter mean:

(1) "Helipport," any area of land, water, or structure used or intended to be used for the landing and taking off of helicopters;

(2) "Landing area," that portion of an airport, landing field, or heliport used for the landing and taking off of aircraft;

(3) "Licensee," the person, firm, agency or political subdivision to whom a license is issued by the commission;

(4) "License," the certificate issued by the commission authorizing the operation of the facility stated thereon;

(5) "Publicly owned airport," any airport that the portion of the airport used for the landing and taking off of aircraft is owned by a governmental body, political subdivision, public agency, or other public corporation;

(6) "Public airport," any airport, whether publicly or privately owned, that is open to and available for use by the flying public;

(7) "Private airport," any airport that is open to and available for use only by the owner and the owner's invitees;

(8) "Restricted use landing field," a landing area approved by the commission for restricted use only as stated in the approval or to be used in case of emergency.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 29 SDR 160, effective June 2, 2003; 39 SDR 37, effective September 12, 2012.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5; 50-5-1.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5; 50-5-1.

70:02:04:02. Airport, landing field, or heliport must receive approval or license to be used or operated -- Application procedure -- Inspection. Before any public airport, landing field, or heliport, or any private airport, landing field, or heliport located within ~~two~~ six miles of the nearest boundary of any approved public airport, is used or operated in the state of South Dakota, the airport, landing field, or heliport shall be licensed or approved by the commission. The owner or operator shall make an application to the commission for the approval or licensing of the airport, landing field, or heliport. Upon receipt of a completed application for a public airport, public heliport, or restricted use landing field, the commission shall cause the airport, landing field, or heliport to be inspected. After a review of the application and the completion of any required inspection, if the proposed airport, landing field, or heliport is found to meet the minimum requirements as set forth in chapter 70:02:04 and the location of the proposed airport, landing field, or heliport is deemed not to be dangerous for aircraft operations or will not hinder the health, welfare, and safety of the public, the commission shall approve or license the airport, landing field, or heliport.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 29 SDR 160, effective June 2, 2003; 39 SDR 37, effective September 12, 2012.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5; 50-5-1.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5; 50-5-1.

70:02:04:03. Types of license or approvals -- Period of approval or license. Types of license or approvals are:

(1) For approval: restricted use landing field; temporary field permit; private airport located within six miles of the nearest boundary of any approved public airport;

(2) For license: private commercial airport or heliport; public airport or heliport.

Each approval or license issued by the commission is effective for a period of one year, except for the one-time approval issued for a private airport pursuant to § 70:02:04:18.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 29 SDR 160, effective June 2, 2003.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5; 50-5-1.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5; 50-5-1.

70:02:04:04. Responsibility of licensee. The licensee shall have the following responsibilities:

- (1) Enforcing the restrictions, if any, placed thereon by the commission;
- (2) Prescribing and posting a traffic pattern for the field with the assistance and approval of the commission. Traffic pattern must be posted within 60 days after the issuance of a license or approval;
- (3) Supervising or causing the supervision of all aeronautical activity in connection with and in conformity with the prescribed limitations of the licensed field;
- (4) Maintaining the landing area so as to permit safe operation of aircraft at all times;
- (5) Requesting a renewal of the license at least 30 days prior to the expiration date shown on the license;
- (6) Designating a person who shall be called the airport or heliport manager; such person shall be responsible to see that the rules prescribed in chapter 70:02:04 are complied with and shall notify the commission by the fastest means possible of any changes in the conditions of the facilities.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:05. Criteria for revocation of and refusal to renew licenses. The commission may, after notice and opportunity for hearing to the licensee, revoke any license or renewal thereof, or refuse to issue a renewal when it shall reasonably determine:

- (1) There has been an abandonment of the airport, heliport or restricted use landing area as such;
- (2) There has been a failure to comply with the conditions of the license or renewal thereof;
- (3) Because of change of physical or legal conditions, or circumstances, the airport, heliport or restricted use landing field has become unsafe or unusable for the aeronautical purpose for which the license or renewal was issued.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:06. Airports, landing fields and heliports to be located to avoid conflicts and overlaps. All airports, landing fields and heliports shall be so located and spaced one from the other that their flight pattern and approach areas as established or approved by the commission will not in any way conflict or overlap.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:07. Minimum requirements for nonrestricted licensing or approval of airports and landing fields. All airports and landing fields, other than for restricted use only, to be eligible for approval or licensing must meet the following requirements:

(1) Each end of the runway shall have a minimum unobstructed approach zone providing a glide angle of at least 20:1. This approach zone shall be trapezoidal in shape, beginning at a point 200 feet beyond the end of the runway and extending out 5,000 feet along the extended centerline. This zone is 250 feet wide at the inner edge and 1,250 feet wide at the outer edge. The approach zone shall have a minimum clearance of 15 feet over all highways, 17 feet over interstate highways and 23 feet over railroads;

(2) No objects shall penetrate the primary or transitional surfaces. The primary surface is a horizontal plane, 250 feet wide, 125 feet on either side of the landing area centerline and at the same elevation as the centerline. The transitional surface is an inclined plane with a slope of 7:1, being 7 feet horizontal for each one foot vertical, beginning at the outer edge of the primary surface and extending upward and outward;

(3) Runway lengths listed in subdivisions 70:02:04:07(5) to (7), inclusive must be increased for site elevation at the rate of 7 percent for each 1,000 feet of elevation above mean sea level; five tenths of one percent for each degree which the mean maximum temperature of the hottest month exceeds the standard temperature of 60 degrees Fahrenheit; and 20 percent for each one percent of effective gradient;

(4) The entire landing area must be suitable for safe operation of aircraft under normal weather conditions;

(5) Airports approved by the commission prior to August 25, 1964, shall have at least one serviceable landing area of 1,600 feet in length and 100 feet usable width;

(6) Airports approved between August 25, 1964, and July 24, 1974, inclusive, shall have at least one serviceable landing area 1,800 feet in length, 100 feet usable width;

(7) Airports established or requesting approval after July 24, 1974, shall have at least one serviceable runway 2,100 feet in length, 50 feet usable width. For landing fields or turf strips the length shall be increased by 400 feet after the necessary corrections have been added and the usable width increased to 100 feet.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:08. Airports approved prior to July 24, 1974, to be noted as approved under previous standards. All airports approved for public use prior to July 24, 1974, which do not meet the minimum length requirements established by this chapter shall remain in the directory of approved airports but shall be specifically noted as being approved under the previously adopted minimum standards.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:09. Minimum requirements for heliports. All classifications of heliports must meet the following minimum requirements:

(1) For a single pad heliport there must be a touchdown pad at least 50 feet in diameter with a safety zone, free of all obstructions, extending outward for a distance of at least 50 feet beyond the outer edge of the touchdown pad;

(2) For a multiple pad heliport, touchdown pads should be arranged in appropriate multiples having a minimum edge to edge distance of 100 feet between safety zones as described in subdivision (1) of this section;

(3) Approaches to permit landings and takeoffs in the prevailing wind direction shall have a slope of 10:1, or better, and the side slope in all other directions shall be 5:1, or better, both slopes extending outward until a height equal to the minimum enroute altitude is reached;

(4) Heliports on building roofs may be licensed if the roof is of sufficient size and if adequate evidence is shown that the roof will support a concentrated load equivalent to three quarters of the maximum gross weight of the critical helicopter to be used on any one square foot.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:10. Field marking requirements for airports, landing fields and heliports licensed for other than restricted use. All airports, landing fields and heliports licensed for other than restricted use shall have the landing area clearly marked so as to be readily discernible from the air and from the ground as required by the commission, and in addition:

(1) Any part of the landing area temporarily unsafe for aircraft operations shall be clearly marked by day with red flags not less than 18 inches square so placed as to show the boundaries of the dangerous areas;

(2) By night, if the airport is equipped with field, runway or strip lighting, dangerous areas shall be clearly marked with either red electric lights, with water proof fittings, or with methods approved by the commission;

(3) When an airport is marked as a closed facility there shall be a yellow cross placed at the wind indicator or inside the segmented circle, if one exists, and when any one landing area or portion thereof is marked as being closed there shall be a yellow cross placed at both ends of said landing

area or closed portion. Each of the four legs of the cross shall be a minimum of 15 feet in length and 4 feet in width and yellow in color.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:11. Wind indicators required. All airports, landing fields or heliports shall be required to have at least one wind direction indicator of the type and kind approved by the commission, so located to show a true indication of the wind on the landing area and readily visible to aircraft. If the airport, landing field or heliport is lighted for night operations, the wind indicator shall be equipped with adequate lighting.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:12. Aircraft at rest to be visible from any point on landing area -- Exception. Except for those airports having adequate traffic control, each landing area shall be oriented in such position that an aircraft at rest at any point thereon is visible from any other point on the landing area or areas.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:13. Airports required to control access. Each airport shall be adequately fenced so as to control the access of unauthorized persons, automobiles, equipment, or livestock onto the areas designated as landing areas, taxiways or tie down areas. The minimum property width required

for approval shall be 200 feet on either side of the landing area centerline. Fences shall not be located closer than 200 feet from the centerline of the landing area.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:14. Minimum requirements for restricted use landing fields. Restricted use landing fields shall be of sufficient size and condition with adequate approach clearances to accommodate the type of aircraft specified to be used thereon, and the use intended thereof.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:15. Minimum requirements for public airports. Public airports shall meet all the requirements as specified in §§ 70:02:04:07 to 70:02:04:13, inclusive, and in addition shall:

- (1) Have tie down anchors and chains for at least three transit aircraft;
- (2) Have a suitable area for parking automobiles, adequately marked off and fenced to prevent dangerous overrunning of landing area and aircraft parking area by automobiles;
- (3) Have suitable aircraft parking area;
- (4) Have a telephone at the airport or within reasonable distance of the airport.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

**70:02:04:17. Permits required for use of temporary fields -- Method of application --
Time element -- Inspection by Aeronautics Commission -- Refusal by commission upon abuse**

of license. Before the owner of any aircraft uses, or propose to use, any area of land or water for temporary operations to, in any nature, transport or load and unload passengers whatsoever, the owner shall apply to the Aeronautics Commission for a temporary field permit upon forms provided for that purpose by the Aeronautics Commission. The application must be received by the commission at least 15 days before the date the applicant wished to use the area. The area shall then be inspected by the commission and if found to be of a size and nature that is safe for use by the type of aircraft specified in the application to be used in the operations and to have clear and unobstructed approaches to the temporary landing area, the commission may issue a temporary field permit, not to exceed 60 days. However, if the Aeronautics Commission at any time determines that the temporary field permit privilege is being abused by one or a group of owners of aircraft, it shall refuse the granting of temporary field permits in the interest of the health, welfare, and safety of the public.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.4~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.4~~ 50-2-5.

70:02:04:18. Private airports for personal use only to be located to avoid conflicts – ~~Registration~~ Approval required. The only sections in this chapter that apply to airports and landing fields established and used for personal use only are §§ 70:02:04:02 and 70:02:04:06. The commission may issue a one-time approval for any airport or landing field established and used for personal use only if an appropriate application has been submitted pursuant to § 70:02:04:02 and the proposed airport or landing field meets the requirements of § 70:02:04:06.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 29 SDR 160, effective June 2, 2003.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:19. Waiver of rules by commission authorized. The Aeronautics Commission may waive any portion of the rules contained in this chapter.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:04:20. Conduct of appeals from rules governing airport licensing. Any person adversely affected by the rules in this chapter may appeal in the manner prescribed under SDCL 50-2-27, 50-2-28 and 50-2-29.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-2-5.

Law Implemented: SDCL ~~50-2-2.1~~ 50-2-5.

70:02:05:01. Identification decal. The ~~director of aeronautics~~ Department of Transportation shall provide an identification decal for aircraft bearing the same identification number as the registration certificate.

Source: 9 SDR 91, effective January 16, 1983; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-11-10~~ 50-11-5.

Law Implemented: SDCL ~~50-11-10~~ 50-11-5.

70:02:05:02. Display of decal. The decal shall be displayed on the aircraft immediately upon receipt. It must be easily visible from the right outside of the aircraft.

Source: 9 SDR 91, effective January 16, 1983; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-11-10~~ 50-11-5.

Law Implemented: SDCL ~~50-11-10~~ 50-11-5.

CHAPTER 70:02:06

PILOT AND AIRPORT EMPLOYEE IDENTIFICATION

(Repealed)

Section

70:02:06:01 Definitions

~~70:02:06:02 and 70:02:06:03 Repealed.~~

70:02:06:04 Issuance of airport employee photo identification.

70:02:06:05 Display of airport employee photo identification.

70:02:06:06 Access and movement privileges.

70:02:06:07 Expiration of airport employee photo identification.

70:02:06:08 Fee Repealed.

70:02:06:01. Definitions. ~~Terms used in this chapter mean:~~

(1) ~~"Airport," any area, either of land or water, that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant area that is used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon;~~

(2) ~~"Airport employee," any employee of an airport, airline, fixed base operator, or a charter service who is not otherwise required by section 107 of the Federal Aviation Regulations, or any other federal law, to have in possession a photograph identification;~~

~~(3) "Airport employee photo identification," the photographic identification provided by the State of South Dakota to airport employees within the state Repealed.~~

Source: 29 SDR 34, effective September 17, 2002; 30 SDR 21, effective August 25, 2003.

General Authority: ~~SDCL 50-11-36.~~

~~—**Law Implemented:** SDCL 50-11-24, 50-11-36.~~

70:02:06:04. Issuance of airport employee photo identification. ~~On or before December 1, 2002, the manager of each airport in this state shall send to the director of aeronautics a list of the names and driver's license numbers for each airport employee. Within 30 days of the commencement of employment of a new airport employee at an airport, the airport manager shall provide to the director of aeronautics the airport employee's name, employer, and driver's license number. Upon receipt of the information, the director of aeronautics shall issue an airport employee photo identification to each airport employee. The photographic identification shall display an identifying photograph of the airport employee, the airport employee's name, employer, identification number, and access and movement privileges.~~

~~The photograph for the airport employee photo identification shall be obtained from the driver's license photographs maintained by the South Dakota Department of Commerce. If the Department of Commerce does not have available a driver's license photograph for an airport employee, the director of aeronautics shall immediately so notify the employer in writing. Upon receipt of the written notification, the airport employee shall, within 30 days, obtain a photograph from any driver licensing office.~~

~~The manager of each airport shall distribute the airport employee photo identifications to each individual, collect the airport employee photo identification immediately upon the termination of an airport employee's employment, and request replacement airport employee identification from the~~

~~director of aeronautics if an airport employee's photo identification is lost, destroyed, or expired. Upon the collection of the photo identification from an airport employee whose employment has terminated, the airport manager shall immediately send the photo identification to the director of aeronautics~~ Repealed.

Source: 29 SDR 34, effective September 17, 2002.

General Authority: ~~SDCL 50-11-36.~~

~~— **Law Implemented:** SDCL 50-11-36.~~

70:02:06:05. Display of airport employee photo identification. ~~If an airport employee is on the grounds of an airport and within the boundary of any area designated or actually being used for aviation activities, the airport employee shall display the airport employee photo identification on the outside of the employee's clothing in such a manner as to be readily visible to all others~~ Repealed.

Source: 29 SDR 34, effective September 17, 2002.

General Authority: ~~SDCL 50-11-36.~~

~~— **Law Implemented:** SDCL 50-11-36.~~

70:02:06:06. Access and movement privileges. ~~In addition to the information required pursuant to § 70:02:06:04, the manager of each airport shall designate the access and movement privileges for each employee. The access and movement privileges shall be designated as all access, general aviation ramp access, or air carrier ramp access. The manager of each airport shall designate the general aviation ramp and air carrier ramp areas of the airport. The airport employee photo identification issued to each airport employee shall indicate the access and movement privileges to which the employee is entitled~~ Repealed.

Source: 29 SDR 34, effective September 17, 2002.

~~General Authority: SDCL 50-11-36.~~

~~Law Implemented: SDCL 50-11-36.~~

70:02:06:07. Expiration of airport employee photo identification. ~~Each airport employee photo identification issued pursuant to the provisions of this chapter expires five years after the date of issuance.~~

~~At least 30 days prior to the expiration of an airport employee's photo identification, the manager of each airport shall request the director of aeronautics to issue a new airport employee photo identification for the airport employee Repealed.~~

Source: 29 SDR 34, effective September 17, 2002.

~~General Authority: SDCL 50-11-36.~~

~~Law Implemented: SDCL 50-11-36.~~

70:02:06:08. Fee. ~~The fee for issuance of each airport employee photo identification, and the fee for the renewal of an expired airport employee photo identification, is five dollars. The fee shall be submitted to the director of aeronautics with the information required pursuant to §§ 70:02:06:04 and 70:02:06:06 Repealed.~~

Source: 29 SDR 34, effective September 17, 2002.

~~General Authority: SDCL 50-11-36.~~

~~Law Implemented: SDCL 50-11-36.~~