

# **AERONAUTICS REGULATIONS**



**Rhode Island Airport Corporation**

**Effective Date: June 2, 2014**

# AERONAUTICS REGULATIONS

## TABLE OF CONTENTS

1. <u>Authority and Purpose</u> .....	1
2. <u>Applicability</u> .....	1
3. <u>Definitions</u> .....	1-4
4. <u>General Information for Applications</u> .....	4
5. <u>Landing Fields (including Airports)</u> .....	5-8
6. <u>Skydiving/Parachute Jumping</u> .....	8
7. <u>Skydiving/Parachuting Jump Centers</u> .....	9-10
8. <u>Registration of Airmen and Aircraft</u> .....	11-12
9. <u>Flight Schools, Flying Clubs, Air Instruction, Navigation Facilities</u> .....	12
10. <u>Safety and Security</u> .....	12
11. <u>Use and Inspection of Facilities and Aircraft</u> .....	12
12. <u>Ultra-Lights</u> .....	13
13. <u>Gliders</u> .....	13
14. <u>Manned Free Hot-Air Balloons</u> .....	13-14
15. <u>Banner Towing</u> .....	14-15
16. <u>Severability</u> .....	15
17. <u>Enforcement</u> .....	15
18. <u>Appeal Process</u> .....	15-16
19. <u>Superseded Directives</u> .....	16
20. <u>Waiver</u> .....	16

## 1. AUTHORITY and PURPOSE.

These rules and regulations have been established in accordance with FAA Requirements, the Administrative Procedures Act, Rhode Island General Laws, § 42-35, (“RIAPA”), the Uniform Aeronautics Regulatory Act (“UAR”), and Rhode Island General Laws (“RIGL”), §§ 1-4-1, et. seq. and 1-2-3.1., and any other provisions of the General Laws conferring jurisdiction to the Rhode Island Airport Corporation (“RIAC”), whether in effect prior to or subsequent to the adoption of these regulations. Issues not addressed in these rules or for which a party seeks clarity are to be considered in light of FAA Requirements. The Director has the statutory duty to adopt and enforce rules and regulations. The following regulations are promulgated to fulfill the Director’s duties to protect the safety of persons operating or using aircraft and persons and property on the ground, to develop and promote aeronautics within Rhode Island, and regulate the safe and efficient operation of airports, airport facilities and grounds. Nothing hereunder shall be construed to modify, alter or amend any of the statutory powers, duties or authority of the Director.

## 2. APPLICABILITY.

The regulations set forth herein apply to all Civil Aircraft and Operations in the state of Rhode Island, including inland waters and other waters over which Rhode Island has jurisdiction, and the overlying airspace thereof. Nothing herein is intended to conflict with federal law. In the event of a conflict with federal requirements, federal law shall prevail.

## 3. DEFINITIONS.

The definitions set forth herein are derived from, and shall be interpreted to be consistent with, Title 14 of the Code of Federal Regulations (“CFR”), the Uniform Aeronautics Regulatory Act (“UAR”), and Rhode Island General Laws (“RIGL”), §§ 1-4-1, et. seq. and 1-2-3.1.

The following words and phrases shall have meanings as set forth below:

- 3.1 Aeronautics: Transportation by Aircraft, Air Instruction, the Operation, repair, or maintenance of Aircraft, and the design, Operation, repair, or maintenance of Airports, Landing Fields, or other Air Navigation Facilities.
- 3.2 Aeronautics Inspector: An employee of RIAC charged by the Director to make recommendations and enforce the provisions of the UAR and these regulations.
- 3.3 Aircraft: Any contrivance now known or invented, used, or designed for navigation of, or flight in, the air, except a Parachute or other contrivance designed for air navigation but used primarily as safety equipment.
- 3.4 Air Instruction: The imparting of aeronautical information by any aviation instructor. Air Instruction includes any individual engaged in providing, or offering to provide, instruction in Aeronautics, in flying, in ground subjects, or in both – either with or without compensation or other reward, without advertising his or her occupation, without calling his or her facilities “Air School” or any equivalent term, and without employing or using other instructors.

- 3.5 Air School: Any Person engaged in giving, offering to give, or advertising, representing, or holding him or herself out as giving, with or without compensation or other award, instruction in Aeronautics, flying, in ground subjects, or in both.
- 3.6 Airport: Any Landing Field that provides facilities for the shelter, supply, and repair of Aircraft and which, as to size, design, surface, marking, equipment, and management meets the minimum requirements established in Section 5 herein.
- 3.7 Airport Manager: The Person designated as the one responsible for the proper operation of the Airport, in conformance with Federal Requirements, Rhode Island Laws, and the Aeronautics Regulations and Operations Directives of the Airport.
- 3.8 Balloon: a lighter than air Aircraft that is not engine-driven and that sustains flight through the use of either gas buoyancy or an airborne heater and may be further characterized as a Manned Free Balloon or an Unmanned Free Balloon.
- 3.9 Careless and/or Reckless Acts: Any act that may endanger property and/or the safety of Persons on the ground and/or in the air. Such acts shall include (1) Aircraft Operations other than for the purpose of air navigation on any part of the surface of an Airport used by Aircraft for air commerce (including areas used by those Aircraft for receiving or discharging Persons or cargo), (2) operating an Aircraft in a manner that is a hazard to navigation; (3) failure to obtain approvals or otherwise comply with FAA Requirements, and/or the regulations and directives issued by RIAC, and/or (4) any other acts included under 14 CFR Part 91.
- 3.10 Certified Aircraft: Any Aircraft for which an Aircraft certificate other than a registration certificate has been issued by the government of the United States.
- 3.11 Civil Aircraft: Any Aircraft other than a Public Aircraft which does not meet the definition of Ultralight vehicles set forth in 14 CFR Part 103.
- 3.12 Common Traffic Advisory Frequency (“CTAF”). A radio frequency used for air-to-air communication designated for the purpose of carrying out Airport advisory practices while operating to or from an Airport without an operating control tower or where the tower is not Operational.
- 3.13 Controlled Airspace: Includes Airspace in which the flight of Aircraft is prohibited or, subject to restrictions, depicted on aeronautical charts and published in notices to airmen and aids to navigation (“NOTAMS”) specifically defined in 14 CFR Part 93.
- 3.14 Dealer in Aircraft or Aircraft Dealer: Any Person who engages in a business, a substantial part of which consists of the manufacture, selling, or exchanging of Aircraft and who is registered as a dealer with the federal government.
- 3.15 Director: The President and Chief Executive Officer of the Rhode Island Airport Corporation.
- 3.16 Drop Zone (DZ): Any pre-determined area upon which parachutists or objects land after making an intentional Parachute jump as defined in 14 CFR Part 105.3.
- 3.17 FAA Requirements: The Code of Federal Regulations (CFR), and any applicable guidance, advisory circulars, and directives including Notices to Airmen (“NOTAMS”).

- 3.18 Flight School: Shall have the same meaning as Air School.
- 3.19 Flying Club: Any number of Persons (other than one individual) who, for neither profit nor reward, owns, leases, or uses one or more Aircraft for the purpose of instruction, pleasure, or both.
- 3.20 Hazards to Navigation: Any penetration of, or obstruction(s) into, an Airspace Restricted Area without authorization from the controlling agency.
- 3.21 Heliport/Helistop: Any landing area that is proposed or used for the landing and takeoff of helicopters.
- 3.22 Jumper: Any Person Skydiving or Parachute Jumping.
- 3.23 Landing Field: An Airport, or any area of land, water, or both, which is used or is made available for the landing and take-off of Aircraft, which may or may not provide facilities for the shelter, supply, and repair of Aircraft, and which, as to size, design, surface, marking, equipment, and management meets the minimum requirements established in Section 5 from time to time by the Director.
- 3.24 Military Aircraft: Public Aircraft Operated in the service of the United States Army, Air Force, National Guard, Navy, Marine Corps or Coast Guard.
- 3.25 Movement Area means the runways, taxiways, and other areas of an airport which are used for taxiing or hover taxiing, takeoff, and landing of aircraft, exclusive of loading ramps or aircraft parking areas, as defined in 14 CFR Part 139.5.
- 3.26 Navigation Facility or Air Navigation Facility: A device, structure or area used, available for commercial or private use, or designed for use, in aid of air navigation, including; a light; apparatus or equipment for distributing weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and any structure or mechanism for guiding or controlling flight in the air, the landing, and takeoff of Aircraft. Also, any visual or electronic device, airborne or on the surface, which provides point-to-point guidance information or position data to Aircraft in flight.
- 3.27 Operate/Operation: With respect to Aircraft, to use, cause to use or authorize to use an Aircraft, for the purpose of engine start, movement on the ground (taxi), or air navigation including the piloting of Aircraft, with or without the right of legal control (as Owner, lessee, or otherwise).
- 3.28 Operations Directives: Requirements issued by RIAC that pertain to the internal operations of a public use Airport. Operations Directives shall be posted in accordance with RIGL § 1-4-11 in the main Aeronautics office of the Director at least five (5) days before the effective date and mailed or e-mailed to users of the Airport that are impacted by the Directives.
- 3.29 Operator: A Person who Operates or is in actual physical control of an Aircraft or a Navigation Facility.
- 3.30 Owner: The legal title holder or any person, firm, co-partnership, association, or corporation having the lawful possession or control of an Aircraft under a written agreement.

- 3.31 Parachute: A device used or intended to be used to retard the fall of a body or object through the air.
- 3.32 Person: Any individual, partnership, corporation, association, entity, governmental subdivision, or public or private organization of any character.
- 3.33 Pilot in Command: A properly licensed Pilot who is directly responsible for, and is the final authority, as to the Operation of the Aircraft as defined in 14 CFR Part 91 Subpart A.
- 3.34 Public Aircraft: An Aircraft used exclusively in the governmental service with the exception of Military Aircraft that Operate in the service of the United States Army, Air Force, National Guard, Navy, Marine Corps, or Coast Guard.
- 3.35 Private Restricted Landing Field: Any Landing Field that is not open for public use.
- 3.36 Restricted Airspace: Restricted Airspace denotes the existence of unusual, often invisible, hazards to Aircraft such as artillery firing, aerial gunnery or guided missiles.
- 3.37 RIAC: The Rhode Island Airport Corporation. For purposes of 29 U.S.C. § 28-9.4-2(e) only, a “political subdivision” of the State of Rhode Island, as defined by those sections.
- 3.38 Skydiving, Jumping, or Parachute Jumping: The descent of a Person to the surface, for sport, from an Aircraft in flight, when he intends to use, or uses, a Parachute during all or part of that descent (“Skydiving”).
- 3.39 Skydiving/Parachuting Jump Center: An area and its facilities and organization where Skydiving and/or Parachuting is regularly conducted and for which approval has been issued by RIAC.
- 3.40 Ultralights: Aircraft vehicles including gliders, sailplanes, motor gliders, paragliders, motorized paragliders, hang gliders and any other Aircraft vehicle that meets the definition set forth in 14 CFR Part 103.1.

#### **4. GENERAL INFORMATION FOR APPLICATIONS.**

- 4.1 All applications and registrations shall be submitted to the General Aviation Records Administrator (G.A. Records Administrator) at the following address:

Rhode Island Airport Corporation  
2000 Post Road  
Warwick, RI 02886  
Attention: G.A. Records Administrator
- 4.2 All application forms are available from the RIAC website at [www.pvdairport.com](http://www.pvdairport.com), by contacting the G.A. Records Administrator at the address set forth above, and by calling the G.A. Records Administrator at (401) 691-2206.
- 4.3 All completed applications must be submitted to the G.A. Records Administrator, with the applicable application fee, to the address set forth in 4.1 above.
- 4.4 Applications for registration of Aircraft are also available at any Airport operated by RIAC.

## 5. LANDING FIELDS (including AIRPORTS).

### 5.1 Applications.

No one may establish, alter, activate or deactivate an Airport or Landing Field, including a Private Restricted Landing Field, without first obtaining a Certificate of Approval issued by the Director.

#### 5.1.1 Application Requirements.

- 5.1.1.1 The applicant shall set forth the general purpose or purposes for which the Landing Field is to be established and ensure that the site, and its use, conforms to all applicable safety standards.
- 5.1.1.2 All applications for Landing Fields must be submitted at least thirty (30) days prior to the date the applicant intends to use the site as a Landing Field.
- 5.1.1.3 Applicants proposing a Landing Field, or alterations to a Landing Field, that is not located on property owned or controlled by the applicant, or is partially located on property owned or controlled by others, must obtain authorization from the owner and/or Person in control of the property to use the property as a Landing Field. The signature of the Owner and/or Person in control of the property must be notarized. Such written, notarized authorizations must expressly authorize the applicant to apply for the activities set forth in the application.
- 5.1.1.4 Information required in the application includes the address, a description of the landing site, the general purpose or purposes for which the Airport or Landing Field is to be established, the dates and times of the proposed use, a site plan drawn to scale, and a written plan addressing safety and security.
  - 5.1.1.4.1 The safety plan for Private Landing Fields shall include, but not be limited to, notification to the police and fire department of the town or city where the Landing Field is located.
- 5.1.1.5 The application fee is one hundred dollars (\$100.00).
- 5.1.1.6 Landing Fields shall be inspected by the Aeronautics Inspector prior to the issuance of a Certificate of Approval. The Aeronautics Inspector shall make recommendations, including conditions upon which an approval may be based, to the Director. The inspection shall include but not be limited to: wind indicators, management requirements, surface condition reporting, plans for safety and security, emergency equipment, established approaches, and ground-to-air communications, and other requirements deemed by RIAC to be applicable to the particular landing site.

5.1.1.7 The applicant shall send written notification to the respective fire and police departments in the city or town where the proposed Landing Field is located. Such notification shall state that a Landing Field Application has been filed with the Rhode Island Airport Corporation, and that the applicant will notify the fire and police departments of application approval. The applicant shall submit a copy of this notification with the Landing Field Application.

5.1.1.8 Public Use Landing Fields. Landing Fields open for public use, require a 5010, Airport Master Records and Reports, inspection by the Aeronautics Inspector. Airports servicing Air Carrier Operations (FAR Part 139) are subject to inspections by an FAA Regional Airport Safety and Certification Inspector.

## 5.2 Certificate of Approval for Landing Fields.

5.2.1 The Aeronautics Inspector will inspect the proposed Landing Field and evaluate whether the type(s) of Aircraft for which the Landing Field is to be used may be safely Operated at the proposed Landing Field location.

5.2.2 The Aeronautics Inspector will identify apparent safety issues to be addressed and/or considered prior to use of the Landing Field, using FAA Requirements. The Aeronautics Inspector shall make recommendations to the Director.

5.2.3 It is the responsibility of the landowner and the user of the Landing Field to independently determine whether the Aircraft may be safely landed at the proposed Landing Field and ensure that the surface of the landing area remains cleared of any obstructions and available for safe operations at the time the use is proposed.

5.2.4 Any approval issued by RIAC shall be limited to the facts submitted with the application and be subject to the pilot's independent determination that the particular Aircraft may be safely Operated at the Landing Field prior to each use.

5.2.5 A Certificate of Approval issued by RIAC does not obviate the need for compliance with local zoning or any other applicable federal, state, or local laws.

5.2.6 The Certificate of Approval shall only apply to those specific flight operations requested by the applicant.

5.2.7 The landowner must ensure that the use of the Landing Field complies with any conditions imposed by RIAC in the Certificate of Approval.

5.2.8 Duty to Maintain Certificate of Approval. The recipient of the Certificate of Approval, and the owner of the property on which the Landing Field is situated, have an ongoing duty to maintain the certificate and ensure that there are not any changes or alterations as set forth in section 5.2.10, below.



5.2.9 Alterations/Changes to Landing Field or surrounding area. It is the obligation of the property owner, operator and user of the Landing Field to notify the Aeronautics Inspector of any: (1) alteration to, and de-activation of, a Landing Field; and (2) change to the landing area, and properties in the vicinity in that landing area, that may impact the ability to land an Aircraft at the Landing Field. All alterations or changes must be approved by RIAC in advance of any use or change in use.

5.2.10 Certification Requirements.

5.2.10.1 Public Use Landing Fields shall be subject to an annual inspection by the Aeronautics Inspector with reasonable notice. Airports servicing Air Carrier Operations (FAR Part 139) are subject to inspections by an FAA Regional Airport Safety and Certification Inspector.

5.2.10.2 Private Landing Fields shall be subject to an inspection at least once every five (5) years by the Aeronautics Inspector with reasonable notice.

5.2.10.3 The inspections shall meet the criteria as set forth in section 5.2 above.

5.2.10.4 The Certificate of Approval must be posted in the place of business in clear view of the public at all times.

5.3 Operations.

5.3.1 RIAC operates the following state-owned Airports for the use and benefit of the public: T.F. Green Airport, North Central State Airport, Newport State Airport, Westerly State Airport, Quonset State Airport and Block Island State Airport, and the Downtown Providence Helistop. In accordance with the Airport and Airway Improvement Act of 1982, 43 USC § 2640, et seq. Airports operated by RIAC are available for all types, kinds, and classes of aeronautical activity and are operated in compliance with FAA Requirements, to the extent practicable.

5.3.2 All Airports and Landing Fields must operate in compliance with FAA requirements, the UAR, as well as the Aeronautical Regulations and any Operations Directives issued by RIAC. Every Airport and Landing Field must also operate in compliance with its RIAC-approved plans for safety and security.

5.3.3 Public use Landing Fields that do not receive federal funding shall be operated in accordance with FAA safety standards unless a NOTAM or Airport/Facility Directory remark has been issued identifying the non-standard condition.

5.3.4 All public use Airports shall be operated by an Airport Manager. The Airport Manager shall designate a Person whom he or she deems competent and has been instructed on action to be followed in emergency situations to act on behalf of the Airport Manager at such times as he/she shall be absent from the Airport.

5.3.5 No Person shall tamper with, alter, destroy, remove, carry away or cause to be carried away, any object or objects pertinent to the proper functioning or marking and lighting of Airports or restricted landing areas or other aeronautical facilities, or in any way change the position or location of such object or markings except by the direction of the proper authorities charged with the maintenance and operation of such facilities.

- 5.3.6 Entry on Operating Areas. Except in cases of obvious emergency or distress requiring immediate assistance, no Person shall enter, cross or occupy on foot, or cause any vehicle, except Aircraft, to enter, cross or occupy any runway, taxi strip or Operations Area located on any Airport or Landing Field approved by RIAC during the hours of operation of said Airport or Landing Field except after obtaining permission from the Airport Manager or authorized representative, or from the control tower located at said Airport or Landing Field and the owner of the Landing Field.
- 5.3.7 No Person may Operate an Aircraft in a negligent, careless or reckless manner so as to endanger the life or property of another.
- 5.3.8 Any authorized representative of RIAC shall have the right to inspect any Landing Field with reasonable notice to privately owned and operated Landing Fields.

## **6. SKYDIVING/PARACHUTE JUMPING.**

- 6.1 Skydiving/Parachuting Minimum Requirements. The following minimum requirements apply to all Skydiving/Parachuting activities within Rhode Island.
  - 6.1.1 All USPA Basic Safety Requirements must be followed, including training by USPA rated instructors and the use of USPA-required equipment.
  - 6.1.2 Age Requirements.
    - 6.1.2.1 No Person under eighteen (18) years of age may Skydive/Parachute in Rhode Island unless the Skydiving/Parachuting is in tandem with a USPA Tandem Instructor and the participant has parental or guardian consent to Skydive/Parachute on the date the Skydiving/Parachuting occurs.
    - 6.1.2.2 No Person under sixteen (16) years of age may Skydive/Parachute in Rhode Island.
  - 6.1.3 Advance Authorization.
    - 6.1.3.1 RIAC must approve, in advance, any jump that is not made from an approved Skydiving/Parachuting Jump Center. No Skydiving/Parachuting shall take place at any location other than an approved Skydiving/Parachuting Jump Center unless seven (7) days notification has been given to the appropriate officials of the area or community involved and RIAC has authorized the operation. RIAC may impose additional restrictions on a case-by-case basis.
- 6.2 BASE Jumping Prohibited

BASE jumping, an activity that employs an initially packed parachute to jump from fixed objects, is not regulated by the FAA or addressed by the USPA. BASE Jumping is strictly prohibited in the state of Rhode Island.

## 7. SKYDIVING/PARACHUTING JUMP CENTERS.

No Person may establish, Operate or alter a Skydiving/Parachuting Jump Center without first obtaining a Skydiving/Parachuting Jump Center Permit.

- 7.1 Application Requirements. A permit for a Skydiving/Parachuting Jump Center may be issued by RIAC provided that the applicant demonstrates that the Skydiving/Parachuting Jump Center will comply with all USPA Guidelines and FAA Requirements, including but not limited to the following:
- 7.1.1 If an Airport is privately owned, RIAC must receive a notarized statement from the Owner of the Airport stating that use of the Skydiving/Parachuting Jump Center for the upcoming year is granted to the operator(s) of the Center.
  - 7.1.2 The area shall have a method of determining wind drift.
  - 7.1.3 The Person in charge of operating the Skydiving/Parachuting Jump Center shall be the holder of the Skydiving/Parachuting Jump Center Permit.
  - 7.1.4 The facilities and equipment for the ground instruction of student Jumpers will comply with applicable FAA Requirements and USPA Guidelines.
    - 7.1.4.1 A system of storage, packing, maintenance, handling and issuing of Parachutes must meet all FAA Requirements and USPA guidelines and advisories.
    - 7.1.4.2 A system of checks will assure the pilot of the jump plane, the Person in charge of the Jumpers, and the Jumper himself that proper inspections have been made of the Parachutes and other equipment to be used. These Persons shall also have assurance that the Jumper has received the required proper instruction and check out.
    - 7.1.4.3 Submit monthly reports on the number of jumps and injuries or damages incurred because of Skydiving/Parachute Jump activities to the Aeronautics Inspector.
    - 7.1.4.4 A log book shall be kept for each Jumper indicating each jump, as well as a record or master log for the center file.
    - 7.1.4.5 Appropriate NOTAMS and/or CTAF letters of agreement are filed and copies provided to the Aeronautical Inspector.
    - 7.1.4.6 The ground crew must have radio communications with the jump Aircraft.
    - 7.1.4.7 The ground crew shall broadcast advisories describing number of Jumpers and their positions on CTAF, to enhance Aircraft and Jumper safety.
    - 7.1.4.8 A copy of any FAA Certificates of Waiver or Authorization for this activity shall be provided to the Office of the Aeronautics Inspector.
    - 7.1.4.9 All vehicles used in support of Skydiving/Parachuting Jumping activities shall comply with all airport vehicle operation requirements.

- 7.1.4.10 Ground support vehicles shall be parked off of any Aircraft Operational (movement) Areas (“AOA”) when not in use. Ground support vehicles include fuel carts and golf carts.
- 7.1.4.11 Jumpers shall complete a pre-jump waiver form approved by RIAC.
- 7.1.4.12 Tandem jumps with a USPA Certified Tandem Instructor are permitted provided that; (1) the participant is at least sixteen (16) years of age; and (2) any participant under the age of eighteen (18) years of age has a notarized guardian’s consent to Skydive on the date the Skydive occurs.
- 7.1.4.13 Jumping mishaps where injury, death, off-site landings or property damage occurs shall immediately be reported to the RIAC Aeronautics Inspectors’ office and a written report filed.
- 7.1.5 The Skydiving/Parachuting Jump Center shall maintain and provide a current list of staff (both Jumpers and pilots) to the Aeronautics Inspector.
- 7.1.6 In addition to any insurance requirements in lease(s), a current copy of insurance coverage (which shall cover the Skydiving/Parachuting Jump Center Operations) shall be on file with RIAC. The Airport where jumps occur shall be listed as an additional insured, and if it is a state-owned Airport, RIAC and the state of Rhode Island shall be listed as additional insureds.
- 7.1.7 The application fee shall be one hundred dollars (\$100.00).
- 7.2 Changes. The holder of the Skydiving/Parachuting Jump Center Permit must obtain written approval prior to implementing any changes to jumping operations, Aircraft type, and/or number.
- 7.3 Skydiving/Parachuting Jump Permit Expiration. Permits shall expire one (1) year from the date of issuance. Any individual, business, or corporation operating a Skydiving/Parachuting Jump Center must, on a yearly basis, submit an application to operate.
- 7.4 Renewal Process. The recipient of the Skydiving/Parachuting Jump Center Permit must apply for a renewal of the permit at least thirty (30) days prior to the date the permit expires.
  - 7.4.1 Renewal application forms are available from, and shall be submitted to, the Aeronautics Inspector as set forth in section 4 above.
  - 7.4.2 The Skydiving/Parachuting Jump Center Permit will be renewed provided the Director determines that it continues to meet the permit criteria.
  - 7.4.3 Revocation/Denial. RIAC shall revoke the Skydiving/Parachuting Jump Center Permit for failure to comply with the regulations set forth herein, if the application contains a false or misleading statement or representation, or if there is any change in circumstances upon which the Skydiving/Parachuting Jump Center Permit was issued.
- 7.5 Skydiving/Parachuting Jump Center Permit. The Skydiving/Parachuting Jump Center Permit must be posted in the place of business, in clear view of the public.

## 8. REGISTRATION OF AIRMEN AND AIRCRAFT.

- 8.1 Pilot License. Any person operating a Civil Aircraft in the state of Rhode Island must operate in accordance with 14 CFR Part 91, Certification. A pilot's license, certificate or permit shall be kept in the personal possession of the pilot while operating an Aircraft in Rhode Island.
- 8.2 Aircraft Dealers, Owners and Operators of Aircraft. All Aircraft must have a valid Aircraft registration and an airworthiness or experimental certificate issued by the government of the United States.
- 8.2.1 Owners and Operators of all Aircraft based or primarily used in the state of Rhode Island shall register the federal certificates issued for the Aircraft with RIAC. "Aircraft based or primarily used" in Rhode Island shall mean Aircraft that is used in this state in the normal course of its use and, according to Airport records, it leaves from and returns to, or remains at, one or more points within the state more often or longer than at any other single location outside of the state.
- 8.2.2 Aircraft Registration Process.
- 8.2.2.1 Owners and Operators of Aircraft based or primarily used in Rhode Island shall send a copy of the federal registration certificate issued for the Aircraft to RIAC.
- 8.2.2.2 All dealers in Aircraft based or primarily used in the state of Rhode Island shall register the federal certificates of their Aircraft (N-number registrations) and the federal dealer registration certificate with RIAC.
- 8.2.2.3 Based upon Aircraft gross weight, the annual fee for each Aircraft registration and for each registration renewal, pursuant to RIGL § 1-4-6 is as follows:
- |   |                     |
|---|---------------------|
| J Less than 2,000 lbs.                      | \$30.00             |
| J 2,001 – 3,000 lbs.                        | \$60.00             |
| J 3,001 – 4,000 lbs.                        | \$110.00            |
| J 4,001 – 12,500 lbs.                       | \$160.00            |
| J over 12,500 lbs.                          | \$250.00            |
| J Dealer's Annual Registration Fee          | \$50.00 certificate |
| J Each Aircraft for purpose of sale or demo | \$25.00             |
- 8.2.2.4 Any Person who engages in a business, the substantial portion of which consists of manufacturing, selling or exchanging Aircraft, and who does not have a federal dealer's certificate shall register all Aircraft owned by the Person and Operated within the state with the Aeronautics Inspector and pay the annual fee for each Aircraft as provided for in RIGL § 1-4-6 and is not eligible to pay the limited fee of twenty-five dollars (\$25.00) for all Aircraft solely for the purpose of sale or demonstration.
- 8.3 Upon receipt of the federal aircraft certificate (N-number registration), Annual Aircraft Registration Application and appropriate fee, RIAC shall issue a registration sticker that must remain on/in the Aircraft.

8.4 Nonresidents may Operate non-commercially within this state as an Owner, Operator, or a dealer, for ninety (90) days in any calendar year without registering the Aircraft in Rhode Island.

## **9. FLIGHT SCHOOLS, FLYING CLUBS, AIR INSTRUCTION, NAVIGATION FACILITIES.**

9.1 All Persons operating Flight Schools and Flying Clubs that provide Air Instruction, shall be Certified Flight Instructors and comply with 14 CFR Part 61, Certification.

9.2 All Flight Schools shall comply with the Transportation Security Act and the rules, regulations, and guidance promulgated pursuant thereto, including School Awareness Security Training set forth in 49 CFR Part 1550.

9.3 All Navigation Facilities intended for public use shall be operated in accordance with FAA Requirements.

## **10. SAFETY AND SECURITY.**

### 10.1 Operating Under the Influence.

10.1.1 Crewmember Defined. A Crewmember shall be a person assigned to perform a duty in an aircraft during flight time.

10.1.2 It shall be unlawful for a Crewmember and/or any person to operate or attempt to operate an aircraft on the ground, on the public waters, or in the air:

10.1.3 Under the influence of intoxicating liquor or of any controlled drug which affects a person's ability to operate an aircraft in a safe manner or while having 4/100 percent or more by weight alcohol in his or her blood; and

10.1.4 As otherwise prohibited by the within regulations, state and/or federal law.

10.1.5 Implied Consent. Any Crewmember and/or person who operates or attempts to operate an aircraft on the ground, on the public waters, or in the air in this state shall, on request of a law enforcement officer, be deemed to have given consent to (1) physical tests and examinations for the purpose of determining whether the person is under the influence of intoxicating liquor or controlled drugs, and (2) to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath for the purpose of determining the controlled drug content of the person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was operating, attempting to operate, or in actual physical control of an aircraft while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.04 or more. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been operating, attempting to operate, or in actual physical control of an aircraft in this state while, under

the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.04 or more.

10.1.6 Test Results. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested, within 48 hours of receipt of the report by the agency by certified mail, directed to the address shown on identification furnished by the person and to the Federal Aviation Administration. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

10.1.7 Test Refusal. Reports of a refusal to submit to testing shall be provided to the Federal Aviation Administration.

## **11. USE AND INSPECTION OF FACILITIES AND AIRCRAFT.**

### **11.1 Authority to Inspect.**

11.1.1 Any authorized representative of RIAC shall be permitted by the Owner, operating agency, or pilot to inspect any Landing Field or Navigational Facility at any time and place. Reasonable notice of an inspection shall be provided for all private landing fields.

11.1.2 Any authorized representative of RIAC shall be permitted by owner, operating agency or pilot to investigate an aircraft for any accident or incident.

11.1.3 For investigation purposes, RIAC shall be given free and uninterrupted access to the Aircraft, Landing Field, or Airport.

11.1.4 Upon request by any authorized representative of RIAC, any aircraft Owner or Operator shall produce for inspection any documentation demonstrating compliance with these regulations and FAA Requirements, including airworthiness certificates, operation records, logbooks and other pertinent records.

11.1.5 Upon request by any authorized representative of RIAC, any Flying Club or airman shall produce for inspection any certificate, license, registration or medical certificate held by him/her.

### **11.2 Use of Aircraft.**

Neither the Owner nor Person having custody of an Aircraft shall permit any Person to Operate such Aircraft unless the Owner or Person with custody of the Aircraft has ascertained that such Person is the holder of the requisite pilot license and medical certificate, or the Person is under the supervision of the Owner or Person having custody of the Aircraft.

## **12. ULTRALIGHTS.**

### 12.1 Purpose.

This regulation governs the Operation of Aircraft categorized as Ultralights as set forth in 14 CFR Part 103.1.

### 12.2 Inspections.

12.2.1 Any Person operating an Ultralight vehicle under this part shall, upon request, allow the FAA, the Aeronautics Inspector, or their designees, to inspect the vehicle.

12.2.2 Any Person operating an Ultralight vehicle must, upon request of the FAA, the Aeronautics Inspector, or their designees, furnish evidence demonstrating that the vehicle meets the definition of an Ultralight in accordance with Applicable Requirements.

12.3 Operation of Ultralights. Ultralight operations at a public use airport shall be coordinated through the Airport Manager.

## **13. GLIDERS.**

13.1 All launching of gliders shall be restricted to daylight VFR conditions.

13.2 All glider operations shall conform to 14 CFR Part 61.

13.3 Tow lines shall be dropped in the glider landing area in such a manner as not to create a hazard to Aircraft or ground personnel.

13.4 Both glider and tow plane operators must maintain positive communications during tow operations.

13.5 All glider towing and landing, shall conform to the required glider traffic patterns.

13.6 During glider operations, both tow plane and glider shall monitor the CTAF for traffic advisory information.

13.7 Glider operations at a public use airport shall be coordinated through the Airport Manager.

## **14. MANNED FREE HOT-AIR BALLOONS.**

### 14.1 Purpose.

The purpose of this regulation is to ensure the safe Operation of Manned Free Hot-Air Balloons within Rhode Island.

14.2 Balloons do not include Ultralights but include the following:

14.2.1 Manned Free Balloon: a Free Balloon that is capable of carrying 1 or more Persons; and is equipped with controls that enable the altitude of the Balloon to be controlled.



14.2.2 Unmanned Free Balloon: a Balloon other than a Manned Free Balloon.

### 14.3 Operational Requirements

14.3.1 Manned Free Balloons shall meet 14 CFR Part 31 airworthiness standards.

14.3.2 The Pilot of any Manned Free Balloon shall be responsible for complying with any local, town, or city laws or ordinances governing the launching or tethering of Manned Free Balloons.

14.3.3 Manned Free Balloons shall not free-fly during the period between sunset and sunrise, unless the craft is equipped with appropriate lighting in accordance with 14 CFR Part 31.65.

14.3.4 Manned Free Balloons shall not be tethered more than two hundred (200) feet above ground level or within five (5) nautical miles of an Airport during the period between sunset and sunrise unless a NOTAM has been issued.

14.3.5 When Manned Free Balloons are tethered or launched from public places, adequate protection must be provided for Persons or property in the form of ensuring public access to the Balloon is restricted and/or the Balloon is guarded at all times.

14.3.6 All Manned Free Balloon pilots that are not familiar with the particular type of terrain and proximity to the ocean of possible launching sites within the state should contact experienced local pilots concerning proposed flights, obtain thorough water briefings, and assure adequate fuel quantity to avoid landings in congested or hazardous areas.

14.3.7 Any potential use of Manned Free Balloons that will not be in compliance with all FAA Requirements shall require approval of FAA in addition to authorization from the Rhode Island Aeronautics.

## 15. BANNER TOWING.

15.1 A banner tow operation is the operation of an aircraft with an advertising medium supported by a temporary framework attached externally to an aircraft and towed behind that aircraft. (14 CFR Part 91.311)

15.2 Banner tow operations require a Certificate of Waiver from the Flight Standards District Office (FSDO). The Operator must comply with provisions prescribed by FSDO appropriate to the safety of the operation.

15.3 A copy of a valid Certificate of Waiver or Authorization shall be available onboard all aircraft during banner tow operations. The Certificate shall include the list of approved pilots and aircraft.

15.4 The person named on the Certificate of Waiver or Authorization shall obtain the approval of the Airport Manager at each airport of intended operation prior to conducting banner tow operations.

## 15.5 Operations.

- 15.5.1 Banner tow operations shall only be conducted in VFR weather conditions between sunrise and sunset.
- 15.5.2 No aircraft towing a banner may fly directly over or under another aircraft towing a banner.
- 15.5.3 In the event of emergency, the banner and/or tow line must be released to prevent undue hazard to persons or property on the ground.
- 15.5.4 Banner pickup and banner drop should be in a an area pre-designated by the Airport Manager not closer than 500 feet to taxiways, runways, persons, buildings, parked automobiles, and other aircraft whenever possible.

## 16. SEVERABILITY.

These Regulations shall be construed to be consistent with, and in furtherance of, Chapters 1-2 and 1-4 of the General Laws, and consistent with the Constitution of the United States and the Constitution of Rhode Island. If any word, term, provision or part of these regulations cannot be given such a construction, and is declared to be void, all other terms, parts, words and provisions hereof shall continue to have full force and effect.

## 17. ENFORCEMENT.

- 17.1 The Director may issue orders and take other action authorized under the UAR and RIGL §§ 1-4-1, et. seq. and 1-2-3.1 (“Applicable Rhode Island law”) to enforce the regulations, Operations Directives, and Applicable Rhode Island Law.
- 17.2 The Director may revoke a Certificate of Approval, Skydiving/Parachuting Jump Center Permit or any other authorization granted by RIAC for failure to comply with Applicable Rhode Island Law, the regulations set forth herein, Operations Directives and/or if the application contains a false or misleading statement or representation, or if there is any unapproved change in circumstances upon which the authorization was issued.

## 18. APPEAL PROCESS.

- 18.1 Any denial of an application, revocation, appeal of an order that is issued by the Director, or other contested case under the RIAPA may be appealed as a final agency decision in accordance with RIGL § 1-4-16 and the provisions of RIGL § 42-35.
- 18.2 Any denial of an application, appeal of an order, or other contested case under the RIAPA that was not signed by the Director shall be a proposed denial or order and shall be served upon the party seeking approval or receiving the order. Service shall be made by certified mail, return receipt requested.

- 18.3 The proposed order or denial shall be prepared by the Person who has reviewed the record and shall contain a statement of reasons for the proposed decision, including a determination of each issue of fact or law necessary to the proposed decision. The parties by written stipulation may waive compliance with this section.
- 18.4 The recipient of the proposed order or denial shall have twenty (20) days in which to appeal the proposed decision and shall be provided with an opportunity to file exceptions and present briefs and oral argument to the Director.
- 18.5 Notwithstanding the foregoing, RIAC has the authority to take immediate action, including issuing immediate orders, as may be necessary and is authorized under any state and federal law.

**19. SUPERSEDED DIRECTIVES.**

On the effective date of these Rules, any previous directives and policies issued by the Rhode Island Airport Corporation that conflict with the provisions of these regulations shall be superseded.

**20. WAIVER.**

RIAC may, for good cause shown, waive any provision or requirement of the regulations, not specifically required by other applicable law, when RIAC determines, after consideration of the facts involved, strict compliance with said provision or requirement would not serve to protect the public safety and convenience, and would either result in undue hardship or failure to accommodate an overriding community, regional, state or national interest.

- 20.1 A request for a waiver must be submitted in writing to the Director fourteen (14) days in advance of the date any approval is required. Any waiver granted by the Director will be in writing.

**EFFECTIVE DATE**

The foregoing “Aeronautics Regulations”, after due notice, are hereby adopted and filed with the Secretary of State this 12<sup>th</sup> day of May, 2014, to become effective on June 2, 2014 in accordance with the provisions of Chapters 42-35 of the General Laws of Rhode Island, 1956.

---

Notice Given On: January 29, 2014

Filing Date: May 12, 2014

Effective Date: June 2, 2014