

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-13
Hawaii Administrative Rules
January 14, 2002

SUMMARY

1. §19-13-8.1 is amended.
2. Chapter 19-13 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 13

AIRCRAFT OPERATIONS AT PUBLIC AIRPORTS

§19-13-1	Purpose
§19-13-2	Definitions
§19-13-3	Uses and activities; prohibitions; restrictions; limitations; requirements
§19-13-3.1	Lifts used to board airline passengers with mobility impairments ("lifts")
§19-13-4	Starting, taxiing, and towing of aircraft
§19-13-5	Repealed
§19-13-5.1	Repealed
§19-13-6	Aircraft parking
§19-13-7	Helicopters
§19-13-8	Motorless aircraft
§19-13-8.1	Kapalua Airport
§19-13-9	Enforcement
§19-13-10	Penalty
§19-13-11	Severability
§19-13-12	Repeal

Historical note. This chapter is based substantially on part III of the rules and regulations pertaining to airports. [Eff 8/1/73; R 8/10/81]

§19-13-1 Purpose. The purpose of this chapter is to insure, to the general public and air carriers, safe and orderly aircraft operations at public airports in the State of Hawaii. [Eff 8/10/84; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Air carrier" means any person engaged for hire in the business of carrying passengers or cargo, or mail, by air.

"Aircraft" means any and all airplanes, airships, dirigibles, helicopters, gliders, amphibians and seaplanes and any other contrivances now or hereafter used for the navigation of or flight in air space.

"Aircraft parking and storage areas" mean any portion of a public airport, designated temporarily or permanently by the director, that may be used for the parking and storing of aircraft, for the servicing of aircraft with fuel, lubricants and other supplies and for the making of minor or emergency repairs to aircraft.

"Cargo ramp and apron areas" means any portion of a public airport, designated temporarily or permanently by the director, that may be used for the loading and unloading of cargo, mail and supplies on or off aircraft; for the servicing of aircraft with fuel and lubricants; for the performing of the operations commonly known as "ramp service" for the performing of inspection, minor maintenance and other services upon or in connection with aircraft incidental to performing "ramp service," and for the parking of mobile equipment when actively used in connection with such operations.

"Controlled airport" means any public airport at which there is a control tower which directs traffic movements within the operational area and in the air.

"Department" means the department of transportation of the State.

"Director" means the director of the department of transportation or his duly authorized representative.

"Enforcement officer" means the director of transportation, officers and employees of the department of transportation, and every state and county officer charged with the enforcement of state laws and ordinances.

"Jet-powered aircraft" means an aircraft powered by a jet engine. Turboprop-powered aircraft are not considered jet-powered aircraft for purposes of this chapter.

"NOTAM" means the notices to airmen disseminated by the Federal Aviation Administration.

"Operational area" means any portion of a public airport, from which access by the public is prohibited by fences or appropriate signs, and which is not leased or

demised to anyone for exclusive use and includes runways, taxiways, all ramps, cargo ramps and apron areas, aircraft parking and storage areas, fuel storage areas, maintenance areas, and any other area of a public airport used or intended to be used for landing, takeoff or surface maneuvering of aircraft or used for embarkation or debarkation of passengers.

"Operator" means the owner, pilot or driver of an aircraft, motor vehicle or motorless vehicle or any person who has rented or otherwise has the use of such aircraft motor vehicle or motorless vehicle for the purpose of operation by himself or his agents.

"Passenger ramp and apron areas" means any portion of a public airport, designated temporarily or permanently by the director, that may be used for the loading and unloading of passengers, baggage, cargo, mail and supplies on or off aircraft; for the servicing of aircraft with fuel and lubricants; for the performing of the operations commonly known as "ramp service"; for the performing of inspection, minor maintenance and other services upon or in connection with aircraft incidental to performing "ramp service"; and for the parking of mobile equipment when actively used in connection with such operations.

"Permission," "permit," "authorization" or "authorize" means written consent granted by the director, except verbal consent that may be granted under special circumstances where the obtaining of a written consent would not be practicable.

"Person" means any individual, firm, partnership, co-partnership, corporation, trust, association, company, joint venture, or any other legal entity (including any assignee, receiver, trustee or similar representative thereof), or the United States of America or any state or political subdivision thereof, or any foreign government, or the United Nations.

"Public airport" means any area of land or water under public or governmental ownership or jurisdiction which is used, or intended for use, for the landing and taking-off of aircraft, and any appurtenant areas which are 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; provided, that federally owned facilities shall be included in this definition only to the extent of their

use by non-military persons who hold a contract, lease, license, or other right granted by the department.
[Eff 8/10/81; am 9/18/87; am and comp 6/19/00;
comp FEB 15 2002] (Auth: HRS §262-12) (Imp: HRS §261-12)

§19-13-3 Uses and activities; prohibitions; restrictions; limitations; requirements. (a) Aircraft operations. No person shall land, taxi or fly aircraft, or conduct any aircraft operations upon or from a public airport other than in conformity with Federal Aviation Regulations and this chapter. No experimental flight shall be conducted on, above, or in the vicinity of a public airport without the permission of the director.

(b) Clearing runways. The operator of an aircraft landing at a public airport shall clear the active runway as expeditiously as possible.

(c) Aircraft maintenance. Washing, cleaning and maintenance of aircraft shall be conducted only in areas designated for these purposes by the director.

(d) Uses of designated areas. The use of any area of a public airport for any purpose other than the use designated by the director is prohibited.

(e) Abandoned or unattended aircraft. Any aircraft abandoned or left unattended in any area at a public airport or which is parked in an unauthorized manner or area, may be removed and stored by the director at the owner's risk and expense, without liability on the part of the director for damages resulting from such moving and storing. Thirty days following such removal and storage, the director shall have the right to dispose of the aircraft in accordance with Act 25, Session Laws of Hawaii, 1981.

(f) Removal of aircraft. Upon notification by the director, the operator of any aircraft parked or stored at a public airport shall move said aircraft from the place where it is parked or stored. If the operator refuses to comply with such order, the director may have the aircraft moved or cause to be moved at the owner's risk and expense and without liability for any damage which may result from such moving.

(g) Aircraft accidents. No person shall disturb or remove aircraft wreckage or records unless permission is granted by the director after the director consults with

the proper Federal authority except where necessary to give aid and assistance to persons injured or trapped in aircraft wreckage, or to protect such wreckage or records from further damage, or to protect the public from injury or death.

- (1) Disabled aircraft. Aircraft operators shall be responsible for the prompt removal of disabled aircraft and parts except as noted above. In the event of failure to comply, the director may remove the disabled aircraft, at the owner's risk and expense, at any location without liability for any damage which may result because of such removal or storage.
- (2) Accident reports. (A) The operator of any aircraft involved in an accident on or within a public airport and all persons involved in such accident shall provide their names and addresses and written report of the accident to the director as soon after the accident as possible. (B) In the event a written report of the accident is required by Federal regulations, a copy of that report may be provided to comply with this paragraph.

(h) Director's power to restrict aircraft operations. The director may close all or any portion of a public airport, prohibit or delay landings, takeoffs or any other operations or movement of aircraft at any time he deems such action is necessary in the interest of safety to persons or property. Notice and details of such action will be publicized through the control tower or through the issuance of appropriate NOTAMS. The director may deny the use of a public airport to any aircraft, operator, or pilot, violating or in violation of departmental or Federal rules and regulations.

(i) No smoking. No persons shall smoke or carry a lighted cigarette, cigar, pipe, match, or any naked flame in or upon the operational area.

(j) Non-payment of airport charges, fees, or rentals. The director may deny departure clearance to any aircraft owner or operator who has not made payment on charges incurred or owed to the State. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12)
(Imp: HRS §261-12)

§19-13-3.1 Lifts used to board airline passengers with mobility impairments ("lifts"). (a) The following lift requirements established in conformance with the Federal Aviation Act, 49 USC, Appx §1374(c), is adopted and is applicable to all public airports in the State.

- (1) All air carriers certificated under Part 121, FAR, whose aircraft are not compatible with, or whose aircraft are not utilizing ramps, loading bridges, mobile lounges or other suitable devices for the enplaning and deplaning of airline passengers with mobility impairments shall have available a lift to board passengers with mobility impairments.
- (2) Air carriers utilizing the services of the lift shall insure that personnel operating the lift shall have completed the training specified by the lift manufacturer for the safe, proper and efficient use of the lift.

(b) Air carriers operating or utilizing lifts, shall indemnify and hold harmless the department and the State from any action or claim for compensation arising out of the use of any lift at public airports.

[Eff 8/28/95; comp 6/19/00; comp FEB 15 2000]

(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-13-4 Starting, taxiing, and towing of aircraft. (a) Aircraft may be operated only by qualified persons and only at the places or areas designated for such purposes by the director.

(b) No person shall taxi or tow an aircraft on a public airport in a careless or reckless manner.

(c) No person shall start or run an engine in an aircraft on a public airport unless there is a competent and qualified person in the aircraft at the engine controls, and unless blocks have been placed in front of the wheels or the aircraft has properly operating parking brakes.

(d) No person shall operate an aircraft parked on a public airport in any manner which may cause damage to any other property or aircraft, or in any manner endanger the safety of any person on a public airport.

(e) Each person operating an aircraft on a part of a public airport that is not under the direction of air traffic control shall be subject to, and comply with the

orders, signals, and directions of the authorized representative of the director.

(f) No aircraft shall be taxied into or out of a hangar under its own power. [Eff 8/10/81; comp 6/19/00; comp FEB 10 2002 (Auth: HRS §261-12) (Imp: HRS §261-12)]

§19-13-5 Repealed. [R 2/26/93]

§19-13-5.1 Repealed. [R 2/26/93]

§19-13-6 Aircraft parking. (a) Designated parking areas. Aircraft shall be parked only in the areas designated for such purposes by the director. When parked in such areas, each aircraft shall be firmly secured to the ground by acceptable tiedowns, or otherwise properly secured or attended. The main landing wheels of every parked aircraft shall be chocked with wheel blocks or other approved devices. Aircraft stored on a public airport shall be subject to storage charges as may be prescribed by the director.

(b) Gate positions.

- (1) No person shall use an aircraft gate position on a public airport without authorization.
- (2) Except in an emergency, the loading and unloading of passengers to or from an air carrier's aircraft at a public airport shall be at the gate positions or in an area designated for that purpose by the director.

(c) Ramp and apron areas. Aircraft not engaged in the loading or unloading of passengers, cargo, baggage, or mail shall not remain on the passenger ramp, apron area or cargo ramp for more than fifteen (15) minutes. The operator of any aircraft parked beyond its allotted time shall be subject to charges as may be established by the director.

Apron parking positions adjacent to the various terminal buildings shall be restricted to passenger carrying aircraft and passenger loading and unloading activities only. Aircraft used for the transportation of cargo shall be parked and operated at apron areas designated by the director for such activity.

(d) Parking lights. Aircraft parked on a passenger ramp and apron area, or cargo ramp and apron area shall have running lights or acceptable hazard lights turned on during the hours between sunset and sunrise, and at such other times as may be required by the director or the air traffic control tower. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-7 Helicopters. (a) Operators. Only helicopter pilots certificated by the Federal Aviation Administration or those issued military licenses shall be authorized to conduct helicopter taxiing operations at a public airport.

(b) Taxiing. The operators of helicopters shall not taxi, tow or otherwise move unless there is a clear area of at least ten (10) feet from the outer tip of each rotor.

(c) Flight. There shall be no helicopter takeoffs from or landings into congested areas of the apron or ramp. All such operations shall be conducted from open taxiways and runways.

(d) Parking. When parked, helicopters shall have braking devices or rotor mooring blocks applied to the rotor blades.

(e) Kapalua Airport. As specified in section 19-13-8.1, no helicopter operations shall be permitted at Kapalua Airport. [Eff 8/10/81; am 2/21/92; am and comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-8 Motorless aircraft. Except in an emergency, motorless aircraft such as gliders and sailplanes may not land or takeoff at a public airport without first obtaining permission from the director. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-8.1 Kapalua Airport. In addition to the other applicable provisions of this chapter, the following provisions shall apply to aircraft operations at Kapalua Airport:

- (1) No person shall land, taxi or fly aircraft, or conduct any aircraft operations upon or from this airport unless he or she has received prior written permission for the operation from the director.
- (2) Landings by operators of aircraft will be restricted to those operators having a valid certificate issued by the Federal Aviation Administration under authorization of the Federal Aviation Regulations parts 121 or 135.
- (3) Aircraft operations shall be from one-half hour after sunrise to 6:30 p.m.
- (4) Daily flights to this airport shall not exceed a maximum of thirty-five aircraft with seating capacities of twenty-five passengers or less and thirty-five aircraft with seating capacities of between twenty-six and fifty passengers.
- (5) Aircraft noise. All aircraft operating at this airport shall have a current Aircraft Type or Airworthiness Certificate or its equivalent issued by the FAA certifying that such aircraft generates noise levels that do not exceed the following:
 - (A) For propeller-driven aircraft of 12,500 pounds or less maximum FAA-certificated takeoff weight only: The maximum allowable noise levels for "propeller-driven airplanes" under Appendix F of Title 14, Code of Federal Regulations ("CFR"), Part 36, "Noise Standards: Aircraft Type Airworthiness Certifications," dated January 1, 1978, as amended, with noise levels measured and corrected as provided in Appendix F, but in no event in excess of a noise level of 80dB(A) measured pursuant to Appendix F; and
 - (B) For all other aircraft: As specified in Title 14, CFR, Part 36, the "Effective Perceived Noise Levels," under conditions of "takeoff", "sideline" and "approach", in units of "EPNdB", measured as follows:
 - (i) for takeoff: 80.5 EPNdB;
 - (ii) for sideline: 84 EPNdB; and
 - (iii) for approach: 91.6 EPNdB.

- (6) The following activities shall be prohibited at Kapalua Airport:
 - (A) Helicopter or jet-powered aircraft operations;
 - (B) Practice or training flights; and
 - (C) Parking or storage of rental cars.
- (7) Parking of aircraft shall:
 - (A) Be limited to the loading and unloading of passengers and cargo; and
 - (B) Not exceed forty-five minutes.
[Eff and comp 6/19/00; am and comp FEB 15 2002] (Auth: HRS §261-12)
(Imp: HRS §261-12)

§19-13-9 Enforcement. This chapter may be enforced by an enforcement officer or by any person deputized pursuant to §261-17, Hawaii Revised Statutes.

When, in the opinion of the person enforcing this chapter, arrest (rather than citation) is clearly indicated to be in the public interest or necessary for public safety, the person shall seek, by the most expeditious means available, the assistance of the appropriate county police department and, if possible, deliver the alleged violator into its custody.
[Eff 8/10/81; comp 6/19/00; comp FEB 15 2002]
(Auth: HRS §261-12) (Imp: HRS §261-17)

§19-13-10 Penalty. Penalties for violation of this chapter shall be as set forth in §261-12, Hawaii Revised Statutes. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-21)

§19-13-11 Severability. The provisions of this chapter are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of this chapter shall not be affected.
[Eff 8/10/81; comp 6/19/00; FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-12 Repeal. The rules pertaining to airports effective August 1, 1973, and all other rules in effect prior to the effective date of this chapter relating to aircraft operations at public airports are repealed. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2001]
(Auth: HRS §261-12) (Imp: HRS §261-12)

DEPARTMENT OF TRANSPORTATION

Amendments to and compilation of Chapter 19-13, Hawaii Administrative Rules, on the Summary Page dated January 14, 2002, were adopted on January 14, 2002, following public hearings held on November 13 and 14, 2001, after public notice was given in the Honolulu Star-Bulletin, MidWeek, Maui News, Hawaii Tribune-Herald, West Hawaii Today and Garden Island on October 1, 2001.

These amendments to and compilation of Chapter 19-13, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

Brian K. Minaai

BRIAN K. MINAAI
Director of Transportation

APPROVED:

Benjamin J. Cayetano

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Date: 2-04-02

FEB 06 2002

Filed

02 FEB -5 PM 29

LIEUTENANT GOVERNOR'S
OFFICE

APPROVED AS TO FORM:

W. Q. L.

Deputy Attorney General