

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

Repeal of Chapter 19-17 and Adoption of
Chapter 19-17.1, Hawaii Administrative Rules
November 30, 1990

SUMMARY

1. Chapter 19-17 is repealed.
2. Chapter 19-17.1 is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 17.1

SMALL PLANE HANGAR UNITS AND TIE-DOWN SPACES

AT PUBLIC AIRPORTS

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Historical note. This chapter is based substantially on chapter 19-17, Hawaii Administrative Rules, entitled "Small Plane Hangar Units at Public Airports". [Eff 05/22/76; R 06/12/81]

§19-17.1-1 Policy. Small plane hangars and tie-down spaces are provided primarily for the storage and maintenance of active airworthy aircraft.

§19-17.1-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

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

"Airworthy aircraft" means any aircraft that is operative and is safely able to taxi, take-off, fly and land.

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

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

"Hangar" means (1) any building owned by the State and deemed suitable by the department for the storage of and maintenance of aircraft; or (2) hangar lot; or (3) T-hangar.

"Hangar lot" means an open paved or unpaved land area designated for the storage and maintenance of aircraft or for the construction or installation of a building to be used or for the storage and maintenance of aircraft.

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

"Public airport" means that area of land and water under governmental jurisdiction which is used for landing and taking-off of aircraft, any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

"State" means the State of Hawaii.

"T Hangar" means a small plane hangar installed by the State.

"Tie-Down" means any portion of a public airport designated temporarily or permanently by the Director for the parking or storage of small aircraft.

(Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-3 Application for Space Permit. (a) Any person desiring a small plane hangar, tie-down space, or any other small aircraft space at a public airport shall submit a written application in person or by mail together with a filing fee of \$15 for each type of aircraft space desired (i.e., hangar building, T-hangar, hangar lot, tie-down, helicopter pad) to the district airport manager of the appropriate airport. The application may contain a request for more than one type of aircraft space but the \$15 filing fee for each requested space must also be tendered. The application shall contain the name, mailing address, and telephone number(s) and signature of the applicant, as well as the type, model, and Federal Aviation Administration registration number of the aircraft if the applicant has possession and ownership of an aircraft. If the applicant does not have an aircraft, the applicant shall indicate the type, model or make of the aircraft applicant is considering obtaining. The applicant is responsible for keeping all information (i.e., telephone number, mailing address, etc.) on the application current at all times.

(b) The department will date stamp each completed application conforming with subsection (a) when it is received. The filing date of the completed application shall establish the applicant's position on the respective waiting list(s) which shall be established and maintained for each public airport as needed. Each district airport shall maintain and make available to interested parties the waiting list showing the information required by this subsection and subsection (a) of this section. An application will expire one year after its filing date and will be voided and applicant name deleted from the waiting list after a 30-day grace period from date of expiration. An application may be continued for another year, without payment of \$15 filing fee provided the airport manager maintaining the application receives a written request prior to its expiration. The request for continuation shall indicate which type of aircraft space is being continued under the application.

(c) When a vacancy of a small aircraft space occurs, the airport district manager shall first notify the applicant with the earliest filing date of application for that type of space by certified mail at the address provided on the application. If the certified mail is returned unclaimed or not deliverable, the airport district manager shall delete the applicant's name from the waiting list. the

applicant's application for that space will be voided, and the available space offered to the next eligible applicant. An applicant whose name has been deleted from the waiting list pursuant to this subsection may apply and be placed at the bottom of the waiting list.

(d) Upon receiving notice, the applicant must respond in writing within fourteen (14) calendar days of receipt of the certified letter of his or her intention to accept or decline the space, if offered. If applicant does not respond within fourteen days or declines the offer, the airport district manager shall contact the next eligible applicant as prescribed in subsection (c) of this section, the applicant shall be deleted from the waiting list. If an applicant who is deleted from the waiting list submits a new application, applicant will be placed on the bottom of the wait list. Filing fee of \$15 will be assessed for each new application.

(e) If the applicant accepts the available space, the applicant must: (1) meet all of the prerequisites to be issued a lease or permit by the State in accordance with chapters 171 and 261, HRS, and the Department's rules, and (2) present evidence that the applicant is the registrant of a certificated airworthy aircraft, and (3) receive the airport manager's approval that the aircraft is appropriate for storage in the available space within fourteen (14) calendar days from the date of the applicant's acceptance. However, if the applicant's aircraft is under repair, in shipment, or under construction at that time, then the Director can grant a conditional waiver to allow the processing of a permit with the requirement that the applicant must have the aircraft certificated and airworthy within six (6) months of the effective date. If the applicant has fulfilled all of the above requirements, but due to the size, features or operational characteristics of the aircraft, the aircraft may be inappropriate for the available space, the applicant may decline the offer and still remain on the top of the waiting list for the next vacancy of the appropriate size or the Director can assign the applicant to another space pursuant to Section 19-17.1-6. An applicant that does not meet or satisfy the requirements set by this subsection will be deemed ineligible for the space and the applicant's name will be deleted from the waiting list, the applicant's application for that space will be voided and the space shall be offered to the next eligible applicant.

(f) Upon the determination by the airport district manager that the applicant is qualified and eligible for the available space, the airport district manager

shall offer the available space for rental under the terms, conditions and at the fees and rentals existing at that time. Within fourteen (14) calendar days from receipt of the offer to rent, the applicant shall furnish the airport district manager the Federal Aviation Administration's aircraft certificate of registration, certificate of airworthiness, log books or photocopy of the page in the log book that shows the latest annual inspection, administrative fee, security deposit, and sign and return any permit provided.
(Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: §261-7)

§19-17.1-4 Hangar and Tie-Down Space Permits Not Transferable. Hangar and tie-down space permits shall not be transferable. A permit holder in good standing may replace one owned aircraft with another owned aircraft and retain his hangar rights provided that the permit holder shall notify the airport operator within five days. Hangar and tie-down space permits shall not pass with the ownership of an aircraft.
(Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-5 Subletting. Subletting hangar space is prohibited. A permit holder must be a registrant of an airworthy aircraft to retain his hangar or tie-down rights. (Eff FEB 11 1991) (Auth: HRS §261-12)
(Imp: HRS §261-7)

§19-17.1-6 Change of Hangar and Tie-Down Space Assignment. The director may change the assignment (location) of hangar space or tie-down space deemed comparable by the director, to accommodate repairs, improvements, maintenance, construction, emergencies, or when necessary during a special event. Change of assignments may also be made to improve operator's use as deemed preferred by the Director. (Eff FEB 11 1991)
(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-7 Delinquent Rental; Penalty. If a tenant is delinquent in rent and fails, after thirty days' written notice, to comply with this chapter, the director may, after five days notice, move the aircraft and equipment to an open storage area without liability for any damage thereto. Upon said relocation, the

permit to occupy the hangar or tie-down space shall not be renewed and the aircraft owner shall continue to be liable for tie-down fees so long as the aircraft occupies public storage space. Payment of overdue fees shall not entitle the aircraft owner to return to a hangar or tie-down space. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-8 General Liability Insurance. General liability insurance in the amount of at least \$500,000 shall be maintained by the permittee and kept in force throughout the life of the permit. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS 261-7)

§19-17.1-9 Electricity Charges. The director may charge for electricity either on a pro rata basis or through the use of individual meters for tenants who are provided electrical service by the director, providing that tenants shall, if required, pay for the installation of individual meters. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: §261-7)

§19-17.1-10 Locks. All locks on T-hangar doors shall conform to the master key system established by the director. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: §261-7)

§19-17.1-11 Inspection. The director may enter any hangar unit or tie-down area at any time for inspection purposes and to remove and dispose of any materials stored in violation of this chapter with no responsibility for replacement of materials. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-12 Removal of Aircraft. Aircraft which remain unairworthy or inactive (even though airworthy) for a period of six months shall be presumed to be in dead storage and may, at the discretion of the director, be removed from its space to an area that the director may designate for that purpose. The State shall not be responsible in any manner for any aircraft which is moved, pursuant to this section. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-13 Fire Safety. There shall be no smoking, welding, or open flame permitted within hangar buildings or within fifty feet of any aircraft.
 [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-14 Flammable Liquids. (a) No person shall keep, store, or discard any flammable liquids in or about the hangar buildings, except that (1) fuel may be kept in standard approved tanks installed in an aircraft for that purpose, and (2) paints, thinner, solvents, flammable liquids having a flash point below 73 degrees Fahrenheit and a boiling point below 100 degrees Fahrenheit, or flammable liquids having a flash point at or above 73 degrees Fahrenheit and below 100 degrees Fahrenheit, and combustible liquids degrees Fahrenheit and below 140 degrees Fahrenheit may be kept in hangars if contained in approved closed metal containers of not more than five gallons individual capacity and not exceeding a total of ten gallons.

(b) No person shall use flammable liquids in the cleaning of aircraft except in the aircraft washing area designated by the director.

(c) No person shall use gasoline for the cleaning of aircraft or aircraft parts within hangars or hangar area.

(d) No person shall drain fuel from an aircraft within a hangar or other building nor fuel any aircraft within a hangar or other building. For the purpose of fueling aircraft, only fuel servicing units operated by recognized oil companies, fixed base operators, or others having permission from the director shall be permitted within the air operations area of the airport.

(e) No person shall spray paints, dopes, solvents, primers, thinners, or similar flammable materials within a hangar.

(f) No open container of flammable liquids shall be permitted other than during a period of actual use.

(g) Waste oil and other flammable liquid waste shall not be kept in a hangar but shall be discarded in the receptacles provided for this purpose.

[Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-15 Electricity. (a) No person shall leave plugged into any power outlet of any unattended

hangar an electrical appliance other than one which requires continuous electrical service for its normal operation.

(b) No person shall operate an electrical appliance in the presence of flammable liquids or vapors.

(c) No person shall tamper with the conduits, wiring, plugs, switches, or overhead light fixtures. Alterations to the electrical circuits shall only be made as indicated in the terms and conditions of the space permit and completed work shall be subject to inspection by the director.

(d) The director may disconnect electrical power which, in the director's opinion, is being put to unsafe or undesirable use, whether or not such use is specifically prohibited in writing, and further may lock off an electrical circuit at any time its improper use creates a hazardous situation. (Eff FEB 11 1991)
(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-16 Other Safety Provisions. (a) Any used rags or wipers shall be removed from hangars daily or stored in covered metal containers.

(b) Storage of items or materials shall be kept at a minimum and shall be limited only to those that are required for the operation and maintenance of the aircraft.

(c) No person shall wash aircraft in a hangar or tie-down area or on a paved community ramp or taxiway. This activity shall be conducted only in the area designated by the director.

(d) Aircraft shall be parked inside its assigned hangar or recessed sufficiently to allow the free movement of other aircraft using the paved areas serving the hangar units.

(e) No person shall start or operate any aircraft engine in a hangar or in such position that a hangar, shop, other building, other aircraft, parked automobiles, or person may be adversely affected by the propwash or rotor blade downwash. (Eff FEB 11 1991)
(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-17 Signs and Commercial Activity. (a) No sign shall be permitted without the prior authorization of the director.

(b) Commercial business shall be conducted from a hangar only with the prior authorization of the director. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-18 Motor Vehicles. No motor vehicle shall be permitted in any hangar or tie-down area except upon specific permission of the director. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-19 Enforcement. Enforcement of this chapter shall be as set forth in §261-17, Hawaii Revised Statutes. Any appeal of any action taken to enforce this chapter shall be governed by Chapter 19-1, "Practice and Procedure", Hawaii Administrative Rules. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

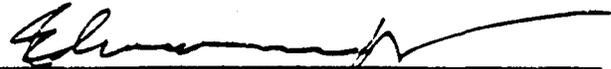
§19-17.1-20 Penalty. Penalties for violation of this chapter shall be as set forth in §261-21, Hawaii Revised Statutes. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-21 Revocation of Permit. Any failure by a permit holder to comply with these rules, permit terms and conditions which may be added under the department's custodial management powers, or any misrepresentation of any fact upon any form or document required by these rules shall result in the immediate revocation of the space permit. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

DEPARTMENT OF TRANSPORTATION

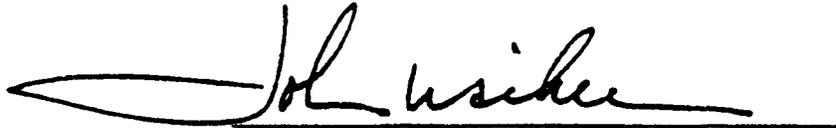
The repeal of chapter 19-17 and the adoption of chapter 19-17.1, Hawaii Administrative Rules, on the Summary Page dated November 30, 1990, following public hearings on September 19 and 20, 1990, after public notices were given in the Honolulu Star Bulletin, Honolulu Advertiser, Garden Island News, Maui News, Hawaii Tribune-Herald and West Hawaii Today on August 17, 1990.

The repeal and adoption shall take effect ten days after filing with the Office of the Lieutenant Governor.



EDWARD Y. HIRATA
Director of Transportation

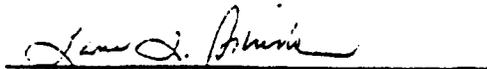
APPROVED:



JOHN WAIHEE
Governor
State of Hawaii

Dated: JAN 31 1991

APPROVED AS TO FORM:



Deputy Attorney General

Filed

2573E

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

CHAPTER 17

SMALL PLANE HANGAR UNITS AT PUBLIC AIRPORTS

Repealed

§19-17-1 to 19-17-21 Repealed. [FEB 11 1991]

NOTICE OF CHANGE
2/4/91

The citation of authority for §19-17.1-1, Hawaii
Administrative Rules, is changed to read as follows:

[Eff: FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)