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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3) Section Number: 650.30 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 93-0554, effective August 20, 2003, amended Section 2.25 of the Wildlife Code [520 ILCS 5/2.25] to allow the use of handguns during the firearm deer season. This Part is being amended to add language regarding legal firearms and ammunition.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jonathan E. Furr
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

650.10	Statewide Season and Permit Quotas
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements – Landowner/Tenant Permits
650.22	Deer Permit Requirements – Special Hunts
650.23	Deer Permit Requirements – Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.65	Youth Hunt (Repealed)
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective

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NOTICE OF PROPOSED AMENDMENT

April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; amended at 27 Ill. Reg. _____, effective _____.

Section 650.30 Statewide Firearms Requirements

- a) The only legal ~~firearms hunting devices~~ to take, or attempt to take, deer are:
- 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading rifle ~~muzzleloading firearm~~ of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length; ~~or-~~
 - 3) Centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches. The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
- b) Standards and specifications for legal ammunition are:
- 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
 - 2) For handguns, a straight-walled centerfire cartridge of .30 caliber or larger, that is available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle.
 - 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c)b) ~~Standards~~ The standards and specifications for use of ~~such~~ muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
 - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a "black powder substitute".
 - 3) Percussion caps, wheellock, matchlock or flint type ignition only may be used.
 - 4) Removal of percussion cap or removal of prime powder from frizzen pan

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with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

- e) ~~Non-expanding, military style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.~~
- d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
140.450 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing changes concerning requirements affecting pharmacy records and signature logs. These changes protect the privacy of the persons who are recipients of prescription drugs and simplify record requirements for pharmacies. The specific amendments:
 - eliminate the requirement for pharmacies to record the name of the person for whom a prescription was prescribed on a signature log;
 - allow one signature when picking up multiple prescriptions for a single individual;
 - allow pharmacies to use optical scanner bar code technology as an alternative to maintaining signature logs;
 - permit pharmacies which provide drugs via mail order to use a shipping log instead of a signature log and to allow the shipping log to be maintained electronically; and
 - for pharmacies that utilize optical scanner bar code technology or maintain electronic shipping logs, require paper copies of the retained information to be produced upon the Department's request.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

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<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.402	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.405	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.420	Amendment	March 14, 2003 (27 Ill. Reg. Page 4470)
140.421	Amendment	March 14, 2003 (27 Ill. Reg. Page 4470)
140.464	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.471	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.472	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.474	Amendment	March 28, 2003 (27 Ill. Reg. 5127)
140.481	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.492	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.493	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.514	Amendment	March 21, 2003 (27 Ill. Reg. 4888)
140.523	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.551	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.553	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.554	Repeal	July 18, 2003 (27 Ill. Reg. Page 10813)
140.642	Amendment	March 21, 2003 (27 Ill. Reg. 4888)
140.700	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.830	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
140.930	Amendment	July 18, 2003 (27 Ill. Reg. Page 10813)
Table D	Amendment	March 14, 2003 (27 Ill. Reg. Page 4470)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives

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during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Pharmacies
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

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- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

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140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
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140.99	Hospital Services Not Covered (Recodified)
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- 140.101 Transplants (Recodified)
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140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)

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140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	
140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

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140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)

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140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
140.TABLE A	Medicheck Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
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140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
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140.TABLE G	Travel Distance Standards
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140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
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140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986;

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amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective

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April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150

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days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455,

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effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November

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28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.450 Record Requirements for Pharmacies

- a) Pharmacies shall retain the following basic records:
 - 1) All original prescriptions for Public Aid recipients;
 - 2) All invoices from all suppliers from which the pharmacy acquires goods for which charges are made to the Department; and
 - 3) A method of verification of usual and customary charges to the general public; and.
 - 4) A signature log as described in subsection (c) of this Section.
- b) A pharmacy shall permit access to these records by authorized Department personnel on request, and shall retain such financial records as are necessary to substantiate acquisition costs for a period of not less than three 3 years from the date of service.
- c) A ~~The~~ pharmacy shall maintain a log of signatures for the receipt or pick up of prescriptions by the person receiving the prescription. Such log shall list each prescription by prescription number, ~~the name of the person for whom the prescription was prescribed~~, the date the prescription was picked up and the

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signature of the person picking up the prescription, except that one signature is sufficient when picking up multiple prescriptions for a single individual. The original prescription must be maintained and match the prescription number on the log.

- d) As an alternative to maintaining the signature log described in subsection (c) of this Section, a pharmacy may opt to utilize optical scanner bar technology to document that prescriptions were, in fact, received or picked up. At the Department's request, any pharmacy choosing to utilize optical scanner bar technology must be able to produce paper copies of the information retained electronically through the use of this technology.
- e) For pharmacies providing drugs via mail order, a shipping log may be used as an alternative to the signature log described in subsection (c) of this Section. This mail order shipping log, which may be maintained electronically, must contain the patient's name, address, prescription number, date the prescription was shipped, and the name and/or type of carrier. At the Department's request, any pharmacy choosing to maintain its mail order shipping log electronically must be able to produce paper copies of the information retained in said shipping log.
- f~~d~~) For pharmacies providing drugs to patients residing in a long term care facility licensed by the Illinois Department of Public Health, the pharmacy shall maintain a signature log as described in subsection (c) of this Section, except that one signature is sufficient for all the medications delivered for a patient and a facility staff member may sign for the receipt of the drugs. Both the facility and the pharmacy are accountable for ensuring the accuracy of the information in the log.
- g~~e~~) For pharmacies providing drugs to patients who are receiving medications in their homes with the assistance of a home health agency or hospice licensed by the Illinois Department of Public Health, or a registered nurse licensed by the Illinois Department of Professional Regulation, the pharmacy shall maintain a signature log as described in subsections (c) and (f) ~~(d)~~ of this Section, except that one signature is sufficient for all the medications delivered for a patient and a home health agency representative or hospice representative may sign for the receipt of the drugs. Both the pharmacy and the home health agency or hospice are accountable for ensuring the accuracy of the information in the log.
- h~~f~~) The information required in subsections (c), (f) and (g) ~~(d)~~ of this Section may be kept in an electronic form, including electronic signatures, provided that paper copies of the information, including signatures, can be printed from the electronic file.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Aviation Safety

2) Code Citation: 92 Ill. Adm. Code 14

<u>Section Numbers:</u>	<u>Proposed Action:</u>
14.10	Repeal
14.210	Repeal
14.220	Repeal
14.230	Repeal
14.240	Repeal
14.310	Repeal
14.320	Repeal
14.330	Repeal
14.340	Repeal
14.410	Repeal
14.420	Repeal
14.430	Repeal
14.440	Repeal
14.450	Repeal
14.460	Repeal
14.470	Repeal
14.480	Repeal
14.510	Repeal
14.520	Repeal
14.530	Repeal
14.540	Repeal
14.550	Repeal
14.560	Repeal
14.570	Repeal
14.580	Repeal
14.585	Repeal
14.590	Repeal
14.595	Repeal
14.597	Repeal
14.610	Repeal
14.620	Repeal
14.625	Repeal
14.630	Repeal
14.640	Repeal
14.650	Repeal

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14.655	Repeal
14.660	Repeal
14.665	Repeal
14.670	Repeal
14.675	Repeal
14.680	Repeal
14.685	Repeal
14.690	Repeal
14.695	Repeal
14.710	Repeal
14.720	Repeal
14.730	Repeal
14.740	Repeal
14.750	Repeal
14.760	Repeal
14.765	Repeal
14.770	Repeal
14.775	Repeal
14.780	Repeal
14.785	Repeal
14.790	Repeal
14.792	Repeal
14.795	Repeal
14.797	Repeal
14.799	Repeal
14.810	Repeal
14.820	Repeal
14.830	Repeal
14.840	Repeal
14.850	Repeal
14.860	Repeal
14.865	Repeal
14.870	Repeal
14.875	Repeal
14.880	Repeal
14.885	Repeal
14.890	Repeal
14.902	Repeal
14.905	Repeal
14.910	Repeal

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14.915	Repeal
14.920	Repeal
14.925	Repeal
14.930	Repeal
14.935	Repeal
14.940	Repeal
14.945	Repeal
14.950	Repeal
14.955	Repeal
14.960	Repeal
14.965	Repeal
14.970	Repeal
14.975	Repeal
14.980	Repeal
14.985	Repeal
14.990	Repeal
14.995	Repeal
14.997	Repeal
14.998	Repeal
14.999	Repeal
APPENDIX A	Repeal
APPENDIX B	Repeal
APPENDIX C	Repeal
APPENDIX D	Repeal
TABLE A	Repeal
TABLE B	Repeal
TABLE C	Repeal
TABLE D	Repeal

- 4) Statutory Authority: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act [620 ILCS 5/28, 42(3) and 47]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing a new set of Aviation Safety rules that will reorganize and update the Part. Additionally, the Department has added a new category of aircraft to the new Part – the Ultralights – that are not covered in the current rules on Aviation Safety.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain any incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Since the Department is simultaneously proposing a new Part to replace the repealed Part upon adoption, this proposed rulemaking will have no effect on local municipalities.
- 11) Time, Place and Manner in which interested persons may comment on this proposed repealer: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Roger Finnell, Acting Chief
Bureau of Aviation Safety
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Springfield, Illinois 62707
(217)785-8514

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed repealer will not affect small businesses for the same reason stated above.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2003

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 14
AVIATION SAFETY (REPEALED)

SUBPART A: INTRODUCTION

Section
14.10 Definitions

SUBPART B: AIRCRAFT REGISTRATION

Section
14.210 Annual Registration of Aircraft Required
14.220 Time and Manner of Registration
14.230 Exhibition of Federal Aircraft Certificates and Certificate of Registration thereof
14.240 Exceptions to Registration Requirements

SUBPART C: PILOT REGISTRATION

Section
14.310 Annual Registration of Pilots Required
14.320 Time and Manner of Registration
14.330 Exhibition of Federal Pilot Certificates and Certificate of Registration thereof
14.340 Exceptions to Registration Requirements

SUBPART D: AIR SAFETY

Section
14.410 Responsibility and Authority of Pilot
14.420 Use of Liquor, Narcotics and Drugs
14.430 Dropping Object from Aircraft
14.440 Acrobatic Flight
14.450 Transportation of Explosives and Other Dangerous Articles
14.460 Spraying, Dusting, Seeding, Etc.
14.470 Public Fly-In Events-Prevention of Accidents Due to Overcrowding of Landing Areas
14.480 Applicability

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SUBPART E: REPORTING OF ACCIDENTS UNDER AIRCRAFT
FINANCIAL RESPONSIBILITY LAW

Section

- 14.510 Duty of Owner to Report
- 14.520 Deposit of Security – When Required
- 14.530 Exceptions to Requirements for Posting of Security
- 14.540 Reduction in Security
- 14.550 Custody and Disposition of Security
- 14.560 Penalties
- 14.570 Self-Insurers
- 14.580 Fleet Policy
- 14.585 Duration of Suspension
- 14.590 Return of Security
- 14.595 Multiple Owners
- 14.597 Exceptions

SUBPART F: AIRPORTS

Section

- 14.610 Operation Without Certificate of Approval Unlawful
- 14.620 Application for Certificate of Approval
- 14.625 Airport Classification
- 14.630 Application for Transfer of Certificate of Approval
- 14.640 Alteration or Extension of an Existing Airport Unlawful Without Certificates of Approval
- 14.650 Standards for Issuing Certificate of Approval
- 14.655 Location
- 14.660 Design and Layout
- 14.665 Obstructions
- 14.670 Airport Marking
- 14.675 Facilities
- 14.680 Airports for Non-Conventional Aircraft
- 14.685 Responsibility of Certificate Holder
- 14.690 Posting of Rules
- 14.695 Waivers

SUBPART G: RESTRICTED LANDING AREAS

DEPARTMENT OF TRANSPORTATION

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Section	
14.710	Operation Without Certificate of Approval Unlawful
14.720	Application for Certificate of Approval
14.730	Transfer of Certificates
14.740	Alteration or Extension of an Existing Restricted Landing Area Unlawful Without Certificate of Approval
14.750	Standards for Issuing Certificates of Approval
14.760	Location
14.765	Landing Area
14.770	Responsibility of Certificate Holder
14.775	Restrictions on Use
14.780	Exceptions
14.785	Illinois Aeronautical Chart
14.790	Restricted Landing Area – Heliport
14.792	Restricted Landing Area – Heliport Approach Zones
14.795	Subchapter g to Apply to Restricted Landing Area – Heliports
14.797	Restricted Landing Area – Balloon Ports
14.799	Waivers

SUBPART H: SPECIAL PURPOSE AIRCRAFT

Section	
14.810	Operation Without Certificate of Registration Unlawful
14.820	Special Purpose Aircraft Designation
14.830	Registration
14.840	Exemption from Registration
14.850	Compliance with Aircraft Registration
14.860	Principal Base of Operations
14.865	Liability
14.870	Prohibitions on Use
14.875	Proximity
14.880	Glider-Sailplane Operations
14.885	Balloon Flight and Operations
14.890	Saving Clause

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Section	
14.902	Purpose and Applicability
14.905	Filing of Documents

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- 14.910 Formal Specifications
 - 14.915 Reproduction of Documents
 - 14.920 Copies
 - 14.925 Verification of Documents
 - 14.930 Identity of Filer
 - 14.935 Informal Documents
 - 14.940 Amendment of Documents
 - 14.945 Responsive Documents
 - 14.950 Service of Documents
 - 14.955 Appearances
 - 14.960 Informal Participation in Hearing Cases
 - 14.965 Formal Participations
 - 14.970 Computation of Time
 - 14.975 Extensions of Time
 - 14.980 Motions
 - 14.985 Answers to Motions
 - 14.990 Subpoenas
 - 14.995 Administrative Law Judge ("ALJ")
 - 14.997 Hearings
 - 14.998 Petition for Rehearing
 - 14.999 Judicial Review (Repealed)
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- 14.APPENDIX A Closed Airport and Closed Runway Marker
 - 14.APPENDIX B Mono-Directional Airport Minimum Standards
 - 14.APPENDIX C Approach Zones for Heliports Including Glide and Transition Slopes
 - 14.APPENDIX D Restricted Landing Area Farming and Obstruction Standards Plat
 - 14.TABLE A Visual Flight Rules
 - 14.TABLE B Airport Physical Standards
 - 14.TABLE C Heliport Physical Standards
 - 14.TABLE D Airport Classification Standards

AUTHORITY: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act [620 ILCS 5/28, 42(3) and 47].

SOURCE: Filed December 28, 1977; codified at 8 Ill. Reg. 19592; amended at 9 Ill. Reg. 4141, effective March 13, 1985; amended at 9 Ill. Reg. 20914, effective December 12, 1985; amended at 18 Ill. Reg. 13461, effective August 19, 1994; amended at 21 Ill. Reg. 3253, effective March 4, 1997; repealed at 27 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

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Section 14.10 Definitions

For the purpose of this Part the words, terms and phrases set forth in this Section, shall have the meanings prescribed in said Section unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires. (Section 1 of the Illinois Aeronautics Act (Ill. Rev. Stat. 1981, ch. 15½, pars. 22.1 et seq.) hereinafter referred to as "the Act")

Aeronautic means transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports, restricted landing areas, or other air navigation facilities and air instruction. (Section 2 of "the Act")

Aircraft means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air. (Section 3 of "the Act")

Public Aircraft means an aircraft used exclusively in the service of any government or of any political subdivision thereof including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government aircraft engaged in carrying persons or property for commercial purposes. (Section 4 of "the Act")

Civil Aircraft means any aircraft carrier other than a public aircraft. (Section 5 of "the Act")

Airport means any area of land, water, or both, except a restricted landing area, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights of way; whether heretofore or hereafter established. (Section 6 of "the Act")

State or This State means the State of Illinois, Department of Transportation, Division of Aeronautics of this State; "Department" means the Department of Transportation, Division of Aeronautics; and "Division" means the Division of Aeronautics. (Section 8 of "the Act")

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Restricted Area or Restricted Landing Area means any area of land, water, or both, which is used or is made available for the landing and take off of aircraft, the use of which shall except in the case of emergency, be only as provided from time to time by the Department. (Section 8 of "the Act")

Air Navigation Facility means any facility other than one owned or controlled by the Federal Government, used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area, and any combination of any or all of such facilities. (Section 9 of "the Act")

Air Navigation means the operation or navigation of aircraft in the air space over this State, or upon any airport or restricted landing area within the State. (Section 10 of "the Act")

Operation of Aircraft or Operate Aircraft means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this State. (Section 11 of "the Act")

Airman means any individual who engages, as the person in command, or as pilot, mechanic or member of the crew, in the navigation of aircraft while under way and (excepting individual employed outside the United States, any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, and any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator. (Section 12 of "the Act")

Air Instruction means the imparting of aeronautical information by any aeronautics instructor or in or by any air school or flying club. (Section 13 of "the Act")

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Student Instruction means the imparting of aeronautical knowledge specifically involving the actual flight of an aircraft.

Air School means any person engaged in giving or offering to give, instruction, in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising, representing, or holding himself out as giving or offering to give such instruction. It does not include any public school or university of this State, or any institution of higher learning duly accredited and approved for carrying on collegiate work. (Section 14 of "the Act")

Aeronautics Instructor means any individual engaged in giving instruction, or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward, without advertising such occupation, without calling his facilities an "Air School" or anything equivalent thereto, and without employing or using other instructors. It does not include any instructor in any public school or university of the State, or any institution of higher learning duly accredited and approved for carrying on collegiate work, while engaged in his duties as such instructor. (Section 15 of "the Act")

Flying Club means any person other than an individual which, neither for profit nor reward, owns, leases, or uses one or more aircraft for the purpose of instruction or pleasure or both. (Section 16 of "the Act")

Person means any individual, firm, partnership, corporation or body politic; and includes any trustee, receiver, assignee or other similar representative thereof. (Section 17 of "the Act")

Navigable Air Space means air space above the minimum altitudes of flight prescribed by the laws of this State or by rules of the Department consistent therewith. (Section 19 of "the Act")

Municipality means any county, city, village or town of this State and any other political subdivision, public corporation, authority, or district in this State, or any combination of two or more of the same, which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities. (Section 20 of "the Act")

Airport Protection Privileges means easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the

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acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas and the safe and efficient operation thereof. (Section 21 of "the Act")

Airport Hazard means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking-off at any airport or restricted area or is otherwise hazardous to such landing or taking-off. (Section 22 of "the Act")

"Acrobatic Flight". Maneuvers intentionally performed by an aircraft involving an abrupt change in attitude, and abnormal attitude or an abnormal acceleration.

"Landing Strip". A portion of the usable area within an airport boundary, which either in its natural state or as a result of construction work is suitable for the landing and take-off of aircraft under favorable weather conditions.

"Runway". The paved, or hard surfaced, or stabilized central portion of a landing strip.

"Horizontal Plane". An imaginary horizontal plane 150 feet above the highest point on the landable area.

"Approach Plane". An imaginary flared sloping plane beginning at the end of a runway or landing strip and rising uniformly over the approach area, at the required slope, until it intersects the horizontal plane, thence continuing the same slope and flaring configuration beyond two (2) miles below the end of the runway or landing strip.

"Transition Plane". An imaginary sloping plane having a profile perpendicular to the extended runway or landing strip longitudinal centerlines, beginning at the flared sides of the approach plane and rising at a slope of 7:1 until it intersects the horizontal plane.

"Inner Area". An area on the ground delimited by outer edges of transition and the beginning and end of the approach plane.

"Outer Area". An area on the ground delimited by the flared sides of the approach area, the end of the approach plane and the circular arc forming the outer two (2) mile limit.

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"Turning Zone". An irregular portion of the horizontal plane included within the two (2) mile enclosure but excluding the outer area.

"Outer Limits of Turning Zone". An arc with a radius of two (2) miles having its center located at the end of a runway or landing strip at the longitudinal centerline and extending between the angular bisectors of adjacent runways or landing strips in the case of a multiple system. For a single runway or landing strip the arc at both ends extends ninety degrees left and right of the longitudinal centerline and these semi-circles are connected by straight lines, parallel to and two (2) miles on either side of the longitudinal centerline.

"Administrator". Administrator, as used, except as otherwise specifically provided in the Federal Aviation Regulations shall mean the Administrator of the Federal Aviation Administration or an officer or employee of the Administrator of the Federal Aviation Administration designated by him in writing for the purpose specified in such designation.

For the purposes of these regulations, the singular shall include the plural, the plural the singular, and the masculine the feminine.

SUBPART B: AIRCRAFT REGISTRATION

Section 14.210 Annual Registration of Aircraft Required

Except as hereinafter provided, no person shall operate or cause to authorize to be operated, any civil aircraft within this State unless such aircraft has an appropriate effective license, certificate or permit issued by the United States Government for which a certificate of registration has been issued by the Department which is in full force and effect.

Section 14.220 Time and Manner of Registration

- a) Subject to the provisions of Section 14.240 holders of Federal aircraft certificates for aircraft engaged in air navigation within this State, shall register such Federal aircraft certificates with the Department and be issued a certificate of registration on or before January first in each year. Certificates automatically expire upon transfer of the ownership of the aircraft or on December thirty-first of the year in which issued. The fee for the registration or transfer of registration of each Federal aircraft certificate shall be ten dollars (\$10.00).
- b) Each application shall contain at least the same information that is shown on the Federal certificate, including its number. No formal hearing will be held on the

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application for a certificate of registration, although the Department may cause an inquiry or investigation thereof to be made.

- c) A bona fide manufacturer, distributor or dealer in aircraft shall place on file with the Department their agency name, location and Department of Revenue sales tax number, and secure from the Department sufficient registration certificates for the use of their agency.

Section 14.230 Exhibition of Federal Aircraft Certificates and Certificate of Registration thereof

Each Federal aircraft certificate and the certificate of registration thereof issued by the Department shall be carried at all times in or on aircraft engaged in air navigation in this State and must be conspicuously posted where they may be readily seen by passengers or inspectors and must be presented for inspection upon the demand of any passenger, any peace officer of this State, any officer or authorized employee of the Department or any official, manager, or person in charge of any airport in this State upon which it shall land.

- a) Evidence of registration shall be in the form of a decalcomania issued by the Department which shall be carried on the right side of the aircraft above or near the N number. Deadline for display of the decalcomania shall be April 1.
- b) In the event of loss, mutilation or destruction of a certificate of registration or decalcomania, the owner of a registered aircraft may obtain from the Department, without charge, a duplicate thereof upon filing an appropriate affidavit.

Section 14.240 Exceptions to Registration Requirements

The provisions of the above Section 14.210, 14.220 and 14.230 inclusive shall not apply to:

- a) *An aircraft which has been licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of such licensed aircraft; (Section 44 of "the Act")*
- b) *An aircraft which is owned by a non-resident person of the State who is lawfully entitled to operate such aircraft in the state of his or its residence; (Section 44 (2) of "the Act")*
- c) An aircraft to which has been issued a valid aircraft registration certificate by and under the laws of a state of the United States until the expiration of said certificate or until the end of the current calendar year whichever comes first;
- d) *An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce, and an aircraft while being transported to and from or while in the possession of, or while being demonstrated to a bona fide prospective purchaser by, a bona fide manufacturer, distributor or dealer in aircraft, unless said aircraft is held by said manufacturer, distributor or dealer*

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primarily for a purpose other than the resale of the same. (Section 44 (3) of the Act)

- e) An aircraft regulated and registered by the Illinois Aeronautics Board. (Section 44 (8) of the Act)

SUBPART C: PILOT REGISTRATION

Section 14.310 Annual Registration of Pilots Required

Except as hereinafter provided no person shall engage in the operation of aircraft within this State *unless he has obtained from the Department a certificate of registration of an appropriate effective pilot's license, certificate or permit issued by the United States Government authorizing him to engage in the particular type of aircraft operation in which he is engaged, which certificate of registration is in full force and effect.* (Section 43 of the Act)

Section 14.320 Time and Manner of Registration

- a) Subject to the provisions of Section 14.340 holders of Federal pilot certificates engaged in the operation of aircraft within the State shall register such Federal pilot certificates with the Department, and be issued a certificate of registration on or before January first in each year. Certificates of registration automatically expire on December thirty-first of the year in which issued. The fee for the registration of each Federal pilot certificate shall be five dollars (\$5.00).
- b) Each such application shall contain at least the same information as is shown on the Federal certificate including its number, and all ratings attached to the certificate. No formal hearing will be held on the application for a certificate of registration although the Department may cause an inquiry or investigation thereof to be made. (Section 42 of the Act)

Section 14.330 Exhibition of Federal Pilot Certificates and Certificate of Registration thereof

- a) Each Federal Pilot certificate and the certificate of registration thereof issued by the Department *shall be kept in the personal possession of the pilot when he is operating an aircraft within this State and must be presented for inspection upon the demand of any passenger or any peace officer of this State, any officer or authorized employee of the Department, or any official, manager, or person in charge of any airport in the State upon which he shall land.* (Section 45 of the Act)
- b) In the event of loss, mutilation, or destruction of a certificate of registration, a

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pilot may obtain from the Department, without charge, a duplicate thereof upon filing in the office of the Department, an appropriate affidavit.

Section 14.340 Exceptions to Registration Requirements

The provisions of paragraphs (a), (b) and (c) inclusive shall not apply to:

- a) *An airman operating military or public aircraft, or any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft; (Section 44 (4) of the Act)*
- b) *Persons operating model aircraft; or any person piloting an aircraft which is equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser; (Section 44 (5) of the Act)*
- c) *A non-resident operating aircraft in this State who is lawfully entitled to operate aircraft in the State of his residence; (Section 44 (6) of the Act)*
- d) An airman to whom has been issued a valid airman registration certificate by and under the laws of a state of the United States until the expiration of said certificate or until the end of the current calendar year whichever comes first;
- e) *An airman while operating or taking part in the operation of an aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce. (Section 44 (7) of the Act)*

SUBPART D: AIR SAFETY

Section 14.410 Responsibility and Authority of Pilot

The pilot in command of the aircraft shall be directly responsible for its operation and shall have final authority as to the operation of the aircraft. In emergency situations which require immediate decision and action, the pilot may deviate from the rules prescribed in this Chapter to the extent required by consideration of safety. When such emergency authority is exercised, the pilot, upon request of the Department, shall file a written report of such deviation.

- a) Careless or Reckless Operation.
 - 1) No persons shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others or as shall constitute a disturbance of the peace.
 - 2) Examples of aircraft operation which may endanger the lives or property of others are:
 - A) Any person who "buzzes", dives on or flies in close proximity to a farm, home, any structure, aircraft, vehicle, vessel or persons or

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- group of persons.
- B) The operation of aircraft at an insufficient altitude as to endanger persons or property on the surface or passengers within the aircraft may also constitute a violation under Section 14.410(d).
 - C) Lack of vigilance by the pilot to observe and avoid other air traffic. In this respect, the pilot, prior to starting any maneuver, either on the ground or in flight, has the responsibility and duty of clearing his position.
 - D) Passing other aircraft too closely.
 - E) Knowingly and substantially violating established standard or special airport traffic rules.
 - F) An operation conducted above a cloud layer in accordance with Visual Flight Rules (VFR) minimums which results in the pilot's willfully becoming involved in instrument flight, unless the pilot possesses a valid instrument rating, the aircraft is properly equipped for instrument flight, and all IFR requirements are observed.
- b) Proximity of Aircraft. No person shall operate an aircraft in such proximity to or on a course relative to other aircraft as to create a collision hazard. No person shall operate an aircraft in formation flight when passengers are carried for hire. No aircraft shall be operated in formation flight except by prearrangement between the pilots in command of such aircraft.
- c) Acrobatic Flight.
- 1) No person shall engage in acrobatic flight:
 - A) Over congested areas of cities, towns settlements, or over an open-air assembly of persons, or
 - B) Within any Federal airway or control zone, or
 - C) When the flight visibility is less than 3 miles, or
 - D) Below an altitude of 1,500 feet above the surface.
 - 2) Acrobatic maneuvers performed over a congested area or an open assembly of persons, or in areas where considerable air traffic exists are an undue hazard to persons or property. Flight visibility of at least three (3) miles is established as a prerequisite to acrobatic flight in order that the pilot, after scanning the entire vicinity, may be reasonably assured that no other aircraft is within dangerous proximity prior to performing such maneuvers. For the purpose of determining whether or not any specific maneuver falls within the meaning of the definitions of acrobatic flight, the following limitations are established:
 - 3) Acrobatic flight shall be deemed to exist when any maneuver intentionally performed results in:

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- A) A speed in excess of the placarded level flight speed for the aircraft involved, or
 - B) A bank in excess of 60° relative to the horizon, or
 - C) A nose up or nose down attitude in excess of 30° relative to the horizon.
- 4) An example of the application of this interpretation of the definition of acrobatic flight is that chandelles, lazy eights, etc., performed within these limits are not acrobatics while these same maneuvers performed with attitudes or speed in the excess of the limits would be acrobatics.
- 5) This interpretation is intended primarily to define the circumstances under which parachutes must be worn and does not relieve the pilot of the responsibility of clearing himself in all directions relative to other traffic whenever a change in direction or attitude is planned. Failure to do so is considered reckless flying regardless of whether the maneuver performed constitutes acrobatics.
- d) Minimum Safe Altitudes.
- 1) Except as and when necessary for take-off or landing, or during an emergency, and except as permitted by FAA low flying waiver, no person shall operate an aircraft below the following altitudes:
 - A) Anywhere. An altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface;
 - B) Over Congested Areas. Over any congested area of a city, town or settlement, or over any open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. Helicopters and aircraft having similar flight characteristics may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to or undue disturbance of persons or property on the surface and in accordance with subparagraph (i) above; however, the Administrator, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which even helicopters shall conform thereto;
 - 2) This rule recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement, at less than 1,000 feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety and, further, to maintain an altitude along the flight path thus selected from which such an emergency landing can be

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effected at any time.

- A) Over Other Than Congested Areas. At an altitude of 500 feet above the surface except over open water or sparsely populated areas. In such event, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle or structure. Helicopters may be flown at less than the minimums prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with subparagraph (i) above.
 - B) When flight is necessary at an altitude of less than 500 feet above the surface, the pilot must avoid creating any hazard to persons or property on the surface which may result from such flight. In no event should the pilot expose his passengers to unnecessary hazard while engaging in flight at low altitude. The Maneuverability of the helicopter permits safe flight below the minimums required in subparagraph (a)(4) above provided due judgment and caution are exercised by the pilot.
- e) Aircraft Lights.
- 1) Between sunset and sunrise, all aircraft in flight or operated on the ground or under way on the water shall display position lights.
 - 2) The Nautical Almanac shall be used as the standard for determination of the official time of sunset and sunrise.
- f) Visual Flight Rules. Basic VFR weather minimums.
- 1) Except as provided in 203.40 (a)(7), no person may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed for the corresponding altitude in Table A.
 - 2) When the visibility is less than one mile, a helicopter may be operated outside controlled airspace at 1,200 feet or less above the surface if operated at a speed that allows the pilot adequate opportunity to see any air traffic or other obstruction in time to avoid a collision.
 - 3) Except as provided in Section 14.410(g), no person may operate an aircraft, under VFR, within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.
 - 4) Except as provided in Section 14.410(g) no person may take-off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within a control zone.
 - A) Unless ground visibility at that airport is at least three statute miles; or
 - B) If ground visibility is not reported at that airport, unless flight visibility during landing or take-off, or while operating in the traffic pattern, is at least three statute miles.

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- 5) For the purposes of this sub-paragraph, an aircraft operating at the base altitude of a transition area or control area is considered to be within the airspace directly below that area.
- g) Special VFR weather minimums.
 - 1) With the exception of O'Hare International Airport, when a person has received an appropriate Air Traffic Control (ATC) clearance, the special weather minimums of this sub-paragraph instead of those contained in Section 14.410(f) apply to the operation of an aircraft by that person in a control zone under VFR.
 - 2) No person may operate an aircraft in a control zone under VFR except clear of clouds.
 - 3) No person may operate an aircraft (other than a helicopter) in a control zone under VFR unless flight visibility is at least one statute mile.
 - 4) No person may take-off or land an aircraft (other than a helicopter) at any airport in a control zone under VFR.
 - A) Unless ground visibility at that airport is at least one statute mile; or
 - B) If ground visibility is not reported at that airport, unless flight visibility during landing or take-off is at least one statute mile.
- h) VFR Cruising Altitude or Flight Level. Except while holding in a holding pattern of two minutes or less, or while turning, each person operating an aircraft under VFR in level cruising flight, at or above 3,000 feet above the surface, shall maintain the appropriate altitude prescribed below:
 - 1) When operating below 18,000 feet MSL and -
 - A) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude + 500 feet (such as 3,500, 5,500 or 7,500); or
 - B) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude + 500 feet (such as 4,500, 6,500, or 8,500).
 - 2) VFR Flight above 18,000 feet MSL is prohibited throughout the conterminous United States.
- i) These regulations do not apply to aircraft engaged principally in interstate commerce.

Section 14.420 Use of Liquor, Narcotics and Drugs

- a) No person may act as a crewmember of a civil aircraft:
 - 1) Within 8 hours after the consumption of any alcoholic beverage;
 - 2) While under the influence of alcohol; or

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- 3) While using any drug that affects his faculties in any way contrary to safety.
- b) Except in an emergency, no pilot of a civil aircraft may allow a person who is obviously under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried in that aircraft. (Section 43d of the Act)

Section 14.430 Dropping Object from Aircraft

- a) *No person while operating or riding in any type of aircraft shall cause to be dropped therefrom, any object used to publicize or advertise any product, service, activity or event, including circulars, posters, handbills or other advertising matter. No person or owner or lessee while operating or riding in any type of aircraft may cause to be dropped therefrom any other object unless he applies for, on forms prescribed and furnished by the Department, and receives from the Department a dropping permit specifying the name and address of the person authorized to make the drop; the date, time and place for which the drop is authorized to be made and the object authorized to be dropped.*
- b) *Any person who violates this Paragraph shall be guilty of a Class A Misdemeanor.*
- c) *This Paragraph does not prohibit the otherwise lawful use of aircraft for crop dusting and other activities in aid of agriculture. (Section 43b of the Act)*

Section 14.440 Acrobatic Flight

No pilot shall intentionally fly an aircraft in acrobatic flight carrying passengers unless all occupants are equipped with approved parachutes.

Section 14.450 Transportation of Explosives and Other Dangerous Articles

- a) No person piloting an aircraft shall permit explosives or other dangerous articles or material such as inflammable liquids, or solids, oxidizing material, corrosive liquid, inflammable solid; or tear gas to be carried in aircraft, unless carried and contained in such a manner as will render safe their transport. Small arms and ammunition for personal use consistent with Federal and State laws and regulations thereunto appertaining, necessary aircraft signaling devices, and equipment necessary to safe operation of the aircraft are permitted.
- b) Transportation of Narcotic Drugs, Marijuana, and Depressant or Stimulant Drugs or Substances. No person may operate a civil aircraft within this State with knowledge that narcotic drugs, marijuana, and depressant or stimulant drugs or substances as defined in Federal or State Statutes are carried in the aircraft, unless

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authorized by or under any Federal or State Statute or by any Federal or State agency.

Section 14.460 Spraying, Dusting, Seeding, Etc.

No person piloting an aircraft shall engage in aerial spraying, dusting, seeding, or any similar operation unless the Federal Aviation Administration shall have issued an agricultural aircraft operators certificate covering such operation and unless the aircraft being used shall have and the pilot shall have fully engaged at all times during such actual operation shoulder safety straps and that there shall be immediately available at the loading point an adequate fire extinguisher in proper working order. The operator of an aircraft engaging in Aerial Application shall carry on his person a permit issued by the State of Illinois, Department of Agriculture.

Section 14.470 Public Fly-In Events—Prevention of Accidents Due to Overcrowding of Landing Areas

Wherever and whenever a public fly-in event is staged or held at any commercial airport (other than those at which airport traffic control is established and in effect under one or more fully FAA certificated control tower operators) or at any restricted landing area:

- a) It shall be the responsibility of the holder of the Certificate of Approval issued by the Department covering the facility to be so used to:
 - 1) Provide, install, display and maintain clearly visible "Closed Runway" X markers (each of the four arms of each such X marker to be at least 30 feet long and at least 10 feet wide and of a color to contrast with the background on which installed).
 - A) At all times during the course of the event at or near each end of each landing strip or runway other than the active landing strip or runway to prevent mistaken or inadvertent use thereof for landing.
 - B) At or near each end of the active landing strip or runway when all aircraft have been received which can be accommodated and still afford the landing, take-off and taxiing space hereinafter specified, or where field, spectator, weather conditions or departure of aircraft on the ground shall in his judgment render further landing of aircraft hazardous;
 - 2) Provide, install, display and maintain at all times during the course of the event easily discernible markings on or adjacent to the highest point or surface of all objects in the approach and take-off zones of the active landing strip(s) or runway(s) used during the course of the event as may not be easily discernible to a pilot unfamiliar with the facility;
 - 3) Provide personnel to guide landed aircraft to and from the aircraft parking

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- area, and provide and designate, and not permit parking of aircraft, automobiles or other appurtenances in taxiing space as hereinafter specified from the landing strip(s) or runway(s) used during the course of the event for landing and taking-off of aircraft to the aircraft parking area to the point of take-off;
- 4) Provide and designate by readily discernible markings, and keep cleared of persons, vehicles, animals, aircraft other than those landing, taking-off or taxiing according to directions or any other object or thing which would constitute a hazard, landing strip(s) or runway(s) in use or as may be used for landings and take-offs during the course of the event having a clear minimum marked width of 200 feet, and taxiing space(s) as above specified, used, or as may be used as such during the course of the event, having a clear minimum width of 60 feet; in the event that any such landing strip or runway and any such taxiing space shall be approximately parallel there shall be a clear minimum distance of 50 feet between their adjacent edges; participating aircraft shall not be permitted to be parked closer than 50 feet to the edge-designating marker of a landing strip or runway used or designated for such use during the course of the event.
- b) It shall be the responsibility of the pilot of each aircraft participating in such event to:
- Look for and abide by any "Closed Runway" X markers as shall be displayed pursuant to a(1) above, and taxiing and parking directions;

Section 14.480 Applicability

The air safety rules and regulations contained in this Chapter shall apply to aircraft operated in the State of Illinois and the overlaying airspace thereof, excepting therefrom aircraft engaged in special flight operations, requiring deviation from this Chapter, which are conducted in accordance with the terms and conditions of a valid certificate of waiver issued by the Federal Aviation Administration.

**SUBPART E: REPORTING OF ACCIDENTS UNDER AIRCRAFT
FINANCIAL RESPONSIBILITY LAW****Section 14.510 Duty of Owner to Report**

The owner of every aircraft which is in any manner involved in an accident within the State in which any person is killed or injured or in which damage to the property of any one person, other than to his own property, in excess of \$100 is sustained, shall within 10 days after such accident, report the matter in writing to the Department. Such report shall be made on the form

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prescribed by the Department. Accident reports are required regardless of who was at fault. (Section 42a of the Act)

Section 14.520 Deposit of Security – When Required

If within 20 days after receipt of the accident report the Department does not have on file satisfactory evidence that the owner is exempt under the provisions of paragraph (c) below, he shall be notified to deposit security in the amount determined by the Department sufficient to satisfy any judgement in any suit arising out of the accident which may be recovered against the owner. Security in the amount specified by the Department shall be deposited within 10 days after the owner has been so notified and in no event more than 60 days after the accident report is received. Deposits shall be sent to the Finance Section, Division of Aeronautics, One Langhorne Bond Drive, Capital Airport, Springfield, Illinois 62706. Said deposits shall be in such form as the Department may require; e.g. cash, certified check, money order (drawn on the Springfield Postmaster) or proper security bond is acceptable. The persons depositing the security if other than the aircraft owner shall specify in writing the person or persons in whose behalf the deposit is made. (Section 42b of the Act)

Section 14.530 Exceptions to Requirements for Posting of Security

No deposit as required in Section 14.520 shall be required if:

- a) There was in effect at the time of such accident an aircraft liability policy on the aircraft involved with coverage of not less than \$25,000 for bodily injury to or death of one person, \$50,000 for bodily injury to or death of two or more persons and \$25,000 for damage to or destruction of property. Where the accident has resulted in bodily injury to or death of a passenger in the owner's aircraft, every such policy or bond is subject to a limit of not less than \$25,000 because of bodily injury to or death of one passenger in any one accident, and subject to same limit for one passenger, to a limit of not less than \$25,000 multiplied by the number of passengers sustaining bodily injury or death in such accident; (Section 42b of the Act)
- b) The owner holds a valid and current self-insurance certificate issued by the Department; (Section 42b (3) of the Act)
- c) Notice of a currently effective fleet policy is on file with this Department; (Section 42b of the Act)
- d) The owner has been released from liability by third parties; (Section 42c of the Act)
- e) The owner has obtained a favorable judgment, the time for appeal having expired; (Section 42c of the Act)
- f) The owner has entered into a duly acknowledged written agreement with injured

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parties providing for payment of agreed amount installments with respect to all claims for injuries or damages resulting from the accident; (Section 42c of the Act)

- g) The injury or property damage involved was sustained by no one other than the owner; (Section 42c of the Act)
- h) There has been submitted to the Department evidence satisfactory to the Department that the aircraft was being operated without the permission of the owner. (Section 42c of the Act)

Section 14.540 Reduction of Security

The Department may reduce the amount of security within six months after the date of the accident, if, in its judgment the amount ordered is excessive. (Section 42e of the Act)

Section 14.550 Custody and Disposition of Security

Security deposited with the Department shall be placed in the custody of the State Treasurer *and shall be applicable only to the payment of judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question.* (Section 42f of the Act)

Section 14.560 Penalties

- a) *Failure to report an accident as required in Section 14.510 shall constitute a Class A Misdemeanor, and in the event of injury or damage to the person or property of another in such accident, the Department shall suspend the aircraft certificates of the person failing to make such report, or the non-resident's operating privilege of such person, until such report has been filed and for such further period not to exceed thirty days as the Department may fix.* (Section 42j(a) of the Act)
- b) *Any person who gives information required in a report knowing or having reason to believe that such information is false, shall be guilty of a Class A Misdemeanor.* (Section 42j(b) of the Act)
- c) *Any person whose registration or non-resident's operating privilege has been suspended or revoked under this Act and who, during such suspension or revocation operates aircraft in the State or knowingly permits any aircraft owned by him to be operated by another in the State, except as permitted under this Act, shall be guilty of a Class A Misdemeanor.* (Section 42j(c) of the Act)
- d) *Any person willfully failing to return his registration as required by the Department shall be guilty of a Class A Misdemeanor.* (Section 42j(d) of the Act)

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- e) Failure to deposit security as required in Section 14.520 is punishable by suspension of aircraft registration certificates of all aircraft owned by a resident of this State and by suspension of flying privileges in this State if the owner resides outside this State.

Section 14.570 Self-Insurers

Any person in whose name more than 10 aircraft are registered may apply to the Department for certificate of self-insurance which certificate, the Department may issue if it is satisfied that the applicant is possessed and will continue to be possessed of ability to pay judgments obtained against him. (Section 42e of the Act)

Section 14.580 Fleet Policy

Any person owning more than 10 aircraft may through his insurance company file with the Department a notice of a currently effective fleet policy providing as minimums the coverages set forth in Section 14.530(a) above and thereby become exempt from the provisions of Section 14.520. In the event of alteration or cancellation of said policy a written notice thereof shall be filed with the Department both by the owner and by his insurer.

Section 14.585 Duration of Suspension

The Registration and non-resident's operating privilege suspended by the Department shall remain so suspended and shall not be renewed nor shall any such registration be issued to such person until:

- a) *Such person shall deposit or there shall be deposited in his behalf the security required under Section 14.520 or: (Section 42d of the Act)*
- b) *One year shall have elapsed following the date of such suspension and evidence satisfactory to the Department has been filed with it that during such period no action for damages arising out of the accident has been instituted; or (Section 42d of the Act)*
- c) *Evidence satisfactory to the Department has been filed with it of a release from liability, or a final adjudication of non-liability, or duly acknowledged written agreement, in accordance with Section 14.530(f) provided, however, in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the Department shall forthwith suspend the registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until (Section 42d of the Act)*
 - 1) such person deposits security in such amount as the Department may then

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- determine; or
- 2) *one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this State.* (Section 42d of the Act)

Section 14.590 Return of Security

- a) Security deposited with the Department or any balance thereof shall be returned to the depositor or his personal representative when satisfactory evidence has been filed with the Department that
 - 1) there has been a release from liability; or
 - 2) final adjudication of non-liability; or
 - 3) A duly acknowledged written agreement as set forth in Section 14.530(f), or
 - 4) whenever after the expiration of one year from the date of the accident or from the date of deposit of the security Department received satisfactory evidence that no action is pending and no unpaid judgment has been rendered in any action arising out of the accident reported.
- b) Before any action is taken by the Department respecting disposition of security, based upon a court adjudication of liability or non-liability, the party in whose favor such judgment was rendered shall procure from the clerk of the court two certified copies of such judgment and shall furnish the same to the Department together with an affidavit from the clerk of the court stating that no appeal has been filed or perfected. (Section 42f of the Act)

Section 14.595 Multiple Owners

Where an aircraft involved in an accident is owned by more than one person, the responsibility as to reporting and posting of security, where required, shall be joint and several and the failure of one such joint owner to report or to post security shall not relieve the other owner or owners.

Section 14.597 Exceptions

The Aircraft Financial Responsibility Law shall not apply with respect to any aircraft owned by the United States, this State or any political subdivision of this State or any municipality therein nor to any aircraft engaged principally in commercial flying constituting an act of interstate commerce. (Section 42k of the Act)

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Section 14.610 Operation Without Certificate of Approval Unlawful

It shall be unlawful for any municipality or other political subdivision, or officer or employee thereof, or for any person, company or association of persons to use or operate any airport for which a certificate of approval has not been issued by the Department: provided, that no certificate of approval shall be required for the use or operation of an airport which was licensed by the Illinois Aeronautics Commission and was in existence on or before July 1, 1945, and all representations, conditions, and restrictions incidental to the latter have been fulfilled and complied with. (Ill. Rev. Stat. 1983, ch. 15 ½, par. 22.47)

Section 14.620 Application for Certificate of Approval

Application for a certificate of approval of an airport shall be made on forms prescribed by the Department, in accordance with the provisions of Section 14.650 and shall be filed in the offices of the Department in Springfield.

Section 14.625 Airport Classification

Airports shall be classified as Ultralight-Stol, Residential, Basic Utility I, Basic Utility II, General Utility, Basic Transport, General Transport or Air Carrier. The minimum standards for said classification shall be in accordance with the standards and limitations shown in Table D. The letters "Stol" mean "short take-off and landing."

Section 14.630 Application for Transfer of Certificate of Approval

Certificates of approval of airports shall be issued in the name of the applicant and may be assigned or transferred, subject to the approval of the Department. Application for transfer of a certificate of approval of an airport shall be made on forms prescribed by the Department and shall be filed in the office of the Department in Springfield.

Section 14.640 Alteration or Extension of an Existing Airport Unlawful Without Certificates of Approval

No person shall make any alteration or extension of an airport without first having secured a certificate of approval from the Department approving such alteration or extension. Application for approval of an alteration or extension shall be made on forms prescribed by the Department and shall be filed in the offices of the Department in Springfield. The phrase, "alteration or extension", shall include any of the following:

- a) Any material change in the length, width or direction of runways or landing strips;
- b) Construction or installation of any building or other structure on the airport

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- property which would extend above an approach slope or a transition slope or turning zone;
- c) Planting or permitting to grow any growth or placement of any other obstacle on the airport property which would extend above an approach slope or a transition slope or turning zone.

Section 14.650 Standards for Issuing Certificate of Approval

In determining whether it shall issue a certificate of approval for any airport, or any alteration or extension thereof, the Department shall take into consideration such factors as its proposed location, size, and layout, the relationship of the proposed airport to the then current national airport plan, the then current federal airways system, the then current state airport plan, and the then current state airways system, whether there are safe areas available for expansion purposes, whether the adjoining area is free from obstructions based on a proper glide ratio, the nature of the terrain, the nature of the uses to which the proposed airport will be put, the possibilities for future development (Ill. Rev. Stat. 1983, ch. 15½, par. 22.48) and the minimum standards prescribed in this Part.

Section 14.655 Location

An airport shall be located a sufficient distance from every existing airport or restricted landing area to permit the safe operation of both at the same time without hazard from conflicting traffic patterns. The size of each airport and its potential type and volume of use shall be considered.

Section 14.660 Design and Layout

The minimum airport design and layout determinative in the issuance of the certificate of approval shall be in accordance with the standards and limitations shown in Table B and graphically illustrated in the drawing as set forth in Appendix B.

- a) Line of Sight. Runway grades, terrain, structures, and permanent objects must be such that there will be unobstructed line of sight from any point five feet above one runway centerline to a point five feet above an intersecting runway centerline, both points being within the area of the runway's visibility zone. The runway's visibility zone is an area formed by connecting points located 50 percent of the distance between runway end and runway intersection.
- b) Multi-Runway Airports. Relative to the foregoing minimum requirements for a mono-directional airport, should the applicant desire additional runways, the following shall apply: The Department shall not recognize any additional landing area as a runway or landing strip unless it provides at least 2000' effective length, 100' effective width, no longitudinal grade greater than 3%, and presents a surface

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which may be used for landing and take-off of aircraft without undue hazard.

Section 14.665 Obstructions

In order to be eligible for a certificate of approval under these rules an airport shall, initially and continue to be free of obstructions on all runways or landing strips within the glide ratio and height limitations shown in Appendix B. For the purpose of this paragraph operating railroads shall be considered an obstruction of 25' over the top of the nearest rail and public roads an obstruction of 15' over the nearest edge of the road, with the exception of interstate highways which shall be considered an obstruction of 17'.

Section 14.670 Airport Marking

Every airport shall be so marked that the usable landing area is clearly defined as observed from an altitude of 1500' above the ground. The ends of an effective runway or landing strip (based on a 20:1 approach over all obstructions) shall be clearly outlined. All obstructions such as pole lines or any other obstructions which will extend above a 20:1 approach slope measured from the actual physical end of the adjacent runway, which are difficult for a pilot unfamiliar with local conditions readily to observe from the air shall be clearly marked by painting or by other such marking as may be found necessary. All obstructions or field conditions which constitute a hazard to aircraft in the traffic pattern on the ground area, shall be clearly marked.

Section 14.675 Facilities

Every airport shall provide at least the following facilities:

- a) Hangar or office.
- b) Wind direction indicator.
- c) Fuel and oil facilities. (Optional for Ultralight-Stol, Residential, or Basic Utility)
- d) Sanitary drinking water.
- e) First-aid kit.
- f) Sanitary toilets.
- g) Adequate fire protection equipment.
- h) Auto parking area fenced to prevent overrunning of landing area and aircraft parking area by automobiles.
- i) Accessible telephone.
- j) Fencing of airport perimeter and spectator areas, sufficient to prevent persons and vehicles from interfering with aircraft operations.
- k) Adequate tie-down facilities.
- l) Circle marker where a non-standard traffic pattern is used.

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Section 14.680 Airports for Non-Conventional Aircraft

The minimum requirements for the establishment, management or operation of seaplane bases or landing facilities for seaplanes, amphibious planes, or non-conventional types of aircraft such as lighter-than-air aircraft, helicopters, gliders or autogyros shall be such as the Department may prescribe in this Part with reference to each application for the establishment, management or operation thereof.

- a) Heliports. The minimum requirements for the establishment, management or operation of heliports or landing facilities for rotary-wing aircraft shall be in accordance with the standards and limitations shown in Table C and subparagraphs of Section 14.680(a).
 - 1) Approach Zones.
 - A) In order to be eligible for a certificate of approval under these rules a heliport shall initially and continue to provide at least two approach zones which shall be free of obstructions within the ratios and height limitations shown in Appendix C. At least two of the approach zones shall be so located that the lines bisecting them shall form an arc of not less than 90 degrees at their intersection.
 - B) Each of said approach zones shall be trapezoidal, starting at a width of 200 feet and widening out to 1400 feet at a distance of 2400 feet from the take-off area or areas. In addition, every such heliport shall provide for approach and transitional slopes as shown in Appendix C. Curved approach and departure zones are also permissible provided that no curve shall commence within 300 feet of the approach or departure point, and such curve shall have a minimum radius of approximately 700 feet from the approach or departure point.
 - 2) Facilities. All the requirements of Section 14.675 shall apply to general heliports except Section 14.675(1). All the requirements of Section 14.675 apply to utility heliports except Sections 14.675(c) and (1). All the requirements of Section 14.675 apply to helistops except Sections 14.675(a), (c), (d), (e), (f), (g) and (h). In lieu of Section 14.675(1), it is required that every such general and utility heliport shall indicate the direction of its approach zones by suitable markings and shall provide an adequate aircraft parking area. Helistops are not required to provide aircraft parking. A helistop is a heliport which is exempted, pursuant to Section 14.680(a)(2), from meeting all the requirements of Section 14.675.
- b) Balloon Ports. The minimum requirements for the establishment, management, and operation of balloon ports shall be in accordance with the standards and limitations shown in the following subparagraphs and shall be designated as

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balloon ports.

- 1) Balloon Port Physical Standards. The minimum diameter of the launch circle shall be at least 200 feet.
 - 2) Minimum Departure Slope. In order to be eligible for a Certificate of Approval under these rules, a balloon port must initially have and continue to provide a 200' clear circular surface with a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360 degree circumference, except that all public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.
 - 3) Facilities. Every balloon port shall provide at least the following facilities:
 - A) Hangar or Office.
 - B) Wind direction and velocity indicator.
 - C) Sanitary drinking water.
 - D) First-aid kit.
 - E) Sanitary toilet.
 - F) Adequate fire protection equipment.
 - G) Auto parking area fenced to prevent autos from entering.
 - H) Accessible telephone.
 - I) Fencing of airport perimeter and spectator areas, sufficient to prevent persons and vehicles from interfering with aircraft operations.
- c) Seaplane Base.
- 1) Issuance of a certificate of approval to an operator of a seaplane base does not exempt the operator from compliance with rules promulgated by the Federal Aviation Administration (FAA) or the U.S. Coast Guard governing seaplane operators.
 - 2) Approaches and take-offs. All approaches to and take-offs from the water area shall be made in such a manner as to clear all structures on the land by at least 100 feet and wherever the area of the body of water will permit, such landing and take-offs shall be made at a distance of not less than 300 feet, both laterally and vertically, from any boat or person on the surface of the water, or as near to 300 feet as the area of the water will permit.

Section 14.685 Responsibility of Certificate Holder

- a) The holder of a certificate of approval of an airport or his authorized agent is authorized to enforce applicable State aeronautical laws and regulations.
- b) Within the meaning of this paragraph, any fixed base operator other than the certificate holder of an airport, who is based thereon, with the permission of the

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certificate holder, or the manager-employee of such certificate holder, shall be deemed by the Department to be the "authorized agent" of the certificate holder for the purpose of enforcing local, State or Federal laws, rules and regulations, unless the contrary is affirmatively demonstrated by such certificate holder.

- c) The certificate holder is authorized to and shall:
- 1) Immediately designate any field condition rendering transient aircraft landings and take-offs hazardous by displaying prominently an "X" of contrasting color having minimum dimensions as set forth in Appendix A.
 - 2) Supervise or cause the supervision of all aeronautical activity in connection with the airport in the interest of public safety, except such activity as may be controlled by a certified air-traffic control tower operator or proper control tower agency.
 - 3) Be in attendance or designate suitable personnel to be in attendance at the airport at all times during which it can normally be used or provide an available means of communication at the airport satisfactory to the Department. In the event that operating conditions render it impracticable to comply with the foregoing, it shall be satisfactory for the certificate holder or his authorized agent to post a prominent notice of the existing situations such as (Gone for the Day), (Telephone Available Inside) or whatever the existing situation may be and (Nearest Available Telephone At ____).
 - 4) Prescribe local field rules which may be reviewed, approved or disapproved by the Department in the interest of public safety.
 - 5) Follow, on the property subject to his control, such operating, maintenance and repair practices as will keep the landing area free from vegetative growth, ditches, washes, depressions, soft spots or other natural conditions, free from livestock running at large and free from other uses or practices, any of which conditions, livestock uses or practices constitute undue hazards to the operation of aircraft using the designated landing area.
 - 6) Notify the Department by the most expeditious means of any condition existing on the airport or in connection therewith or concerning any facilities ordinarily available thereat which might adversely affect the use of the airport, and to further notify the Department when the reported condition has ceased to exist.

AGENCY NOTE: Material change in conditions such as the erection of obstructions in the approach zones or adjacent to the runway or landing strip or soft terrain which would be hazardous for landing and take-off, would be examples of conditions which would be reported to the Department.

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- 7) Furnish the Department upon request with information concerning aircraft using the field as an operating base, persons exercising managerial or supervisory functions at the field, accidents and the nature and extent of aeronautical activity occurring at the field.
- 8) Prior to the issuance of an order by the Department closing an airport, obliterate all signs and markings which might indicate that the facility is still operative as an airport and in addition, unless the facility is or is proposed to be operated as a restricted landing area, place an "X" on the field of contrasting color having minimum dimensions as set forth in Appendix A.

Section 14.690 Posting of Rules

All current rules of the Department and all local flying rules, including a standard traffic pattern for the airport, or a traffic pattern approved by the Department shall be kept posted in a prominent place on the airport.

Section 14.695 Waivers

- a) The Department shall waive strict compliance with any paragraph or subparagraph of Subpart F of these regulations in connection with any particular application or request for a waiver if applicant demonstrates that said waiver would not adversely affect air traffic, interfere with future development of the airport or substantially impair the public's use of the airport. In determining whether or not a grant of waiver would adversely affect air traffic, interfere with future airport development or substantially impair the public use of the airport, the Department will consider, but is not limited to considering, the volume and type of aircraft using the airport, the type of navigational aids used at the airport, and length and width of existing runways, the current airport layout plan on file with the Department, whether or not the airport has instrument runways, the relationship of the airport to the current National and State Airway Plans, the nature of the terrain and the possibilities for future development.
- b) All requests for a waiver shall be on forms prescribed by the Department, shall be sworn to by the applicant and shall contain a clear concise statement of the facts together with a prayer that a certain regulation be waived. Requests for waivers may also be incorporated into an application for an airport or an alteration or extension of existing airport.

SUBPART G: RESTRICTED LANDING AREAS

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Section 14.710 Operation Without Certificate of Approval Unlawful

It shall be unlawful for any municipality or other political subdivision, or officer or employee thereof, or for any person, company, or association of persons to use or operate any restricted landing area for which a certificate of approval has not been issued by the Department; provided, that no certificate of approval shall be required for the use or operation of a restricted landing area which was licensed by the Illinois Aeronautics Commission and in existence on or before July 1, 1945. (Section 47 of the Act)

Section 14.720 Application for Certificate of Approval

Application for a certificate of approval of a restricted landing area shall be made on forms prescribed by the Department and shall be filed in triplicate in the offices of the Department in Springfield.

Section 14.730 Transfer of Certificates

Certificates of approval of restricted landing areas shall be issued in the name of the applicant and may be assigned or transferred subject to the approval of the Department. Application for transfer of a certificate of approval of a restricted landing area shall be made on forms prescribed by the Department and shall be filed in the office of the Department in Springfield.

Section 14.740 Alteration or Extension of an Existing Restricted Landing Area Unlawful Without Certificate of Approval

It shall be unlawful for any municipality or other political subdivision or officer or employee thereof, or for any person to make any material alteration or extension of an existing restricted landing area ... for which a certificate of approval has not been issued by the Department. Application for approval of an alteration or extension shall be made on forms prescribed by the Department and shall be filed in triplicate in the offices of the Department in Springfield. (Section 47 of the Act)

Section 14.750 Standards for Issuing Certificates of Approval

In determining whether it shall issue a certificate of approval for any ... restricted landing area, or any alteration or extension thereof, the Department shall take into consideration its proposed location, size and layout, the relationship of the proposed restricted landing area to the then current national airport plan, the then current Federal airways system, the then current State Airport Plan, and the then current State airways system, whether there are safe areas available for expansion purposes, whether the adjoining area is free from obstructions based on a proper

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glide ratio, the nature of the terrain, the nature of the uses to which any such proposed restricted landing area will be put, the possibilities for future development, and such other factors as, under the circumstances, it regards as having an important bearing thereon, and in accordance with the minimum standards hereafter prescribed. (Section 48 of the Act)

Section 14.760 Location

A restricted landing area shall be located a sufficient distance from every existing commercial airport or restricted landing area to permit the safe operation of both at the same time without hazard from conflicting traffic patterns. The size of each such commercial airport or restricted landing area and its potential type and volume of use shall be considered.

Section 14.765 Landing Area

A restricted landing area shall provide a landing area sufficient for a safe operation taking into consideration the type of aircraft proposed to be used and the skill of the pilots proposing to use the facility. In no case shall a proposed restricted landing area be approved unless it provides one or more landing strips or runways each of which shall be at least 1600' in length (15:1 approach slope) and at least 70' in width (4:1 transition slope), except that in the case of a restricted landing area to be used for rotary-wing aircraft the dimensions and slopes shall be as otherwise provided herein.

- a) obstruction and Landing Strip Marking. The ends of an effective landing strip (based on a 15:1 approach slope over all utility lines, railroads, public roads, and inhabited dwellings) shall be clearly outlined. For the purpose of this paragraph, operating railroads shall be considered an obstruction of 25 feet over the top of the nearest rail and public roads an obstruction of 15 feet over the nearest edge of the road, with the exception of interstate highways which shall be considered an obstruction of 17 feet.
- b) Restricted Landing Areas for Non-Conventional Aircraft. The minimum requirements for the establishment, management or operation of restricted landing area-seaplane bases or landing facilities for seaplanes, amphibious planes, or non-conventional types of aircraft such as lighter-than-air aircraft, balloons, gliders or autogyros shall be such as the Division may prescribe with reference to each application for the establishment, management or operation thereof, in the light of all the conditions and circumstances which exist in connection therewith.

Section 14.770 Responsibility of Certificate Holder

It shall be the responsibility of the holder of a restricted landing area certificate:

- a) To supervise or cause the supervision of all aeronautical activity in connection

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with and in conformity with the limitations herein prescribed for a restricted landing area.

- b) To maintain the landing area so as to permit a safe operation.
- c) To notify the Department by the most expeditious means of any condition existing on the restricted landing area or in connection therewith which might affect its safe use and to further notify the Department when the reported condition has ceased to exist.
- d) To furnish the Department, upon request, with information concerning the aircraft using the field as an operating base and the nature and extent of aeronautical activity occurring at the field.

Section 14.775 Restrictions on Use

- a) Except as provided in Section 14.780, the following operations shall not be conducted on a restricted landing area: carrying of passengers for hire other than for emergency medical services purposes or the carrying of passengers for hire under a continuing bilateral contract or contracts; student instruction; rental of planes; air meets or exhibitions; sale of gasoline and oil; or advertising for any of the above.
- b) The carrying of passengers for hire in a continuous flight from and to any one given location other than a certificated commercial airport is expressly prohibited unless in accordance with Section 14.780(b). Flight from Public Roads is also expressly prohibited.

Section 14.780 Exceptions

The Department may issue an order of approval for the following if a request is made at least fifteen (15) days before the intended operation or transaction and forms which shall thereupon be provided by the Department are properly completed prior to such operation or transaction:

- a) Student instruction, by approved flight school operators: provided, if the runways or landing strips are less than 2400' in effective length (15:1 clear approach slope) with a width of 70' (4:1 transition slope) but not less than 1900' in actual length, such landing area may be approved if the applicant demonstrates to the satisfaction of the Department that the flight equipment to be used will take off within 50% of the total landing strip length and clear all obstacles in the take-off path by 50'.
 - 1) Advertising for students will be permitted provided all requirements of this Section shall have been met.
 - 2) For the purpose of this regulation, in the case of a request for approval of conduct of flight instruction on or from a given restricted landing area or

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- areas, an approved flight school operator shall be defined as any individual or organization who shall furnish satisfactory evidence to the Department that he operates a bona fide flight training operation from a commercial airport within the State of Illinois during the period of the waiver for conducting flight instruction on a restricted landing area or areas.
- 3) The approved flight school operator shall be responsible for the utilization of properly certificated flight instructors and properly certificated and properly maintained aircraft.
 - 4) This entire demonstration will be based on normal operation of the aircraft to be used under average conditions of wind and temperature and an optimum air speed.
- b) The carrying of passengers for hire provided application is made by and the proposed operation is sponsored by and contracted for by a vocational association for the purpose of furthering investigation of a specific vocational objective unconnected with aeronautics in which the association is at the time of application actively interested and engaged, and provided further that the landing area must meet the requirements as set out in Section 14.780(a). If the area proposed for such use is not already certificated as a Restricted Landing Area, the Department may, upon application being made on forms prescribed by the Department specifically for such purpose, issue a Temporary Certificate as a restricted landing area therefor. No landing or take-offs are permitted from any areas that do not meet the minimums for restricted landing areas or such area that is as necessitated or published by the aircraft manufacturer whichever is the greater.
 - c) Sale of petroleum products provided they are sold only to aircraft regularly based at the restricted landing area or, in the case of emergencies, to transient aircraft, and provided further that the gasoline so dispensed is stored in a fueling facility equipped with sumps and nozzle screen. The dispenser must have immediately available a water detecting paper, compound, salve or other means of detecting the presence of water.

Section 14.785 Illinois Aeronautical Chart

No restricted landing area will be included by the Department unless the certificate holder thereof shall have made affirmative application for such inclusion to the Department, provided that any such application shall certify to the fact that the physical characteristics, location, and orientation thereof as the same shall have existed at the time of certification or as of the time the alteration or extension thereof shall have been approved by the Department remains and will remain unchanged unless and until any change thereof has been approved by the Department.

Section 14.790 Restricted Landing Area – Heliport

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A restricted landing area utilized for the operation of rotary-wing aircraft shall be designated as a restricted landing area – heliport, and shall provide a touchdown area of sufficient dimensions to accommodate the operational characteristics of the type and size of rotary-wing aircraft to be operated from said restricted landing area. A circular area having a minimum diameter of twice the diameter of the rotor system of any rotary-wing aircraft to be operated from said restricted landing area, and having as its center a point which is coincident to the center of the touchdown area, shall be free of all obstructions.

Section 14.792 Restricted Landing Area – Heliport Approach Zones

Every such restricted landing area utilized for the operation of rotary-wing aircraft shall provide at least two approach zones, which approach zones shall have an intersecting arc of not less than 90 degrees and shall have a glide slope not exceeding 5:1 in the case of aircraft of a weight of 3000 pounds or less and a glide slope not exceeding 8:1 in the case of aircraft having a weight of over 3000 pounds. Each such approach zone shall be at least 100' wide with a 2:1 side slope.

Section 14.795 Subchapter g to Apply to Restricted Landing Area – Heliports

All provisions and requirements of Subchapter g shall apply to restricted landing area – heliports unless otherwise provided.

Section 14.797 Restricted Landing Area – Balloon Ports

In order to be eligible for a certificate of approval under these rules, a restricted landing area – balloon port must have a clear circular area at least 100' in diameter with departure slopes of at least 1:1 throughout its 360 degree circumference as measured from the nearest edge of the circle, except that all public utility lines of all types, towers of all types, and inhabited buildings and dwellings shall be cleared by at least 5:1 as measured from the nearest edge of the circular area.

- a) Every restricted landing area – balloon port shall provide at least the following facilities:
Wind direction and velocity indicator.
- b) All provisions and requirements of Subpart G shall apply to restricted landing area – balloon ports unless otherwise provided.

Section 14.799 Waivers

- a) The Department may, in its discretion, waive strict compliance with any paragraph or subparagraphs of Subpart G of these regulations or connection with

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any particular application or Petition for a Waiver subject to the conditions hereinafter set forth.

- b) All Petitions for a Waiver shall be on forms prescribed by the Division of Aeronautics, shall be sworn to by the applicant and shall contain a clear concise statement of the facts together with a prayer that a certain regulation be waived. Requests for Waivers may also be incorporated into an application for a restricted landing area or for an extension or alteration of an existing restricted landing area.
- c) Waiver to permit student instruction may be issued by Order of the Division provided Notice of the Division's intent to issue such Waiver be given and an opportunity afforded to persons, municipalities, or any political subdivision affected thereby to request a public hearing as to the validity or reasonableness of said Order. Said notice and hearing shall be in accordance with the procedures set forth in Section 60 of the Illinois Aeronautics Act pertaining to "Order Without Prior Hearing".

SUBPART H: SPECIAL PURPOSE AIRCRAFT

Section 14.810 Operation Without Certificate of Registration Unlawful

It shall be unlawful for any municipality or other political subdivision, or officer or employee thereof, or for any person, company, or association of persons to operate a "Special Purpose Aircraft" to or from an uncertificated area without first having applied for and received a Certificate of Registration as a "Special Purpose Aircraft" from the Division of Aeronautics where provided for hereinafter. (Section 42 of the Act)

Section 14.820 Special Purpose Aircraft Designation

The following aircraft are hereby designated "Special Purpose Aircraft":

- a) Gas and hot air balloons.
- b) Sailplanes, gliders and other powerless, heavier than air, aircraft.
- c) Agricultural Aircraft during the time they are being used solely for agricultural purposes such as crop dusting, crop spraying, or planting.
- d) Helicopters. A helicopter cannot conduct more than 25 operations (take-offs or landings) in a period of three consecutive months or 50 operations in a period of one year from the same uncertified area.
- e) Seaplanes. A seaplane cannot conduct more than 25 operations (take-offs or landings) in a period of three consecutive months or 50 operations in a period of one year from the same uncertificated area.

Section 14.830 Registration

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Aircraft designated as "Special Purpose Aircraft" under Section 14.820 above, operating to or from uncertificated areas in the State of Illinois shall be registered as "Special Purpose Aircraft" with the Division of Aeronautics, Department of Transportation of the State of Illinois; said registration shall be made on forms prescribed by the Division of Aeronautics, the name of the owner of the certificated area from which the "Special Purpose Aircraft" has its principal base of operations, together with any other supporting information and documents as may be required from time to time by the Division for the registration of a "Special Purpose Aircraft" under the provisions of Section 14.820. No aircraft shall be considered a "Special Purpose Aircraft" until the Division of Aeronautics of the Department of Transportation has issued a Certificate of Registration to the owner of said aircraft. The Certificate of Registration shall be carried in the said "Special Purpose Aircraft" at all time while the same is being operated in the State of Illinois as a "Special Purpose Aircraft".

Section 14.840 Exemption from Registration

Aircraft designated as "Special Purpose Aircraft" under the provisions of Section 14.820(a) and (b) which are owned by non-residents and based outside the State of Illinois are exempt from the special purpose aircraft registration requirements during such time that said aircraft are engaged in air exhibitions or contests provided said aircraft shall comply with all other applicable paragraphs of these Rules.

Section 14.850 Compliance with Aircraft Registration

Regardless of any other provisions in this Subpart H, no aircraft shall be registered as a "Special Purpose Aircraft" unless said aircraft is properly registered as required by the Illinois Revised Statutes, Chapter 15 ½, par. 22.42 as amended from time to time.

Section 14.860 Principal Base of Operations

All "Special Purpose Aircraft" with their principal base in the State of Illinois must have as their principal base of operations an Airport, Balloon Port, Heliport, Seaplane Base, or a restricted landing area, a restricted landing area-heliport, restricted landing area balloon port, or restricted landing area-seaplane base, which has been issued a Certificate of Approval by the Department.

Section 14.865 Liability

The pilot in command and the owner of a "Special Purpose Aircraft" operating to or from an uncertificated area shall be responsible for and by so operating, does assume the responsibility and liability which may arise out of such operations, and these regulations shall not be

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interpreted to nor do they give the pilot in command and/or the owner of a "Special Purpose Aircraft" the right to trespass upon the land of another. (Section 47 of the Act)

Section 14.870 Prohibitions on Use

Aircraft designated as "Special Purpose Aircraft" under Section 14.820 (b), (c), (d) and (e) may not utilize the privileges accorded to that designation when they are being used for:

- a) Flight Instruction; or
- b) Maintenance test flights.

Section 14.875 Proximity

No aircraft designated as "Special Purpose Aircraft" under Sections 14.820 (b), (c), (d) and (e) shall take-off or land within 1,000 feet of a public or private school and/or church, while occupied, or any public assembly.

Section 14.880 Glider – Sailplane Operations

Aircraft designated as "Special Purpose Aircraft" pursuant to the provisions of Section 14.820 (b) may utilize an uncertificated area for landings but are expressly prohibited from taking-off from any uncertificated area.

Section 14.885 Balloon Flight and Operations

Gas and hot air balloons properly registered with the Division of Aeronautics may operate within the State of Illinois from uncertificated areas other than their principal base of operations provided that the pilot in command and/or the owner adheres to all regulations contained in Subpart H of the Rules of the Bureau of Aviation Safety, Division of Aeronautics which shall remain in full force and effect and shall be applicable to said operations unless specifically excepted therefrom pursuant to other regulations contained herein and further provided that said balloon and the pilot in command and/or owner thereof shall be subject to all Federal Aviation Regulations that apply to said flight and/or operations.

- a) Gas and hot air balloons properly registered with the Division of Aeronautics as "Special Purpose Aircraft" as provided herein by Section 14.830 may take-off and/or land on uncertificated areas provided that the area from which they are taking-off or the area upon which they are landing shall be an area with not less than 300' in diameter of totally unobstructed area, and said unobstructed area shall have at least a departure slope of one to one throughout its entire three hundred foot diameter, except all public utility lines of any type, towers of all types, buildings, dwellings and structures of any and all types shall be cleared by at least

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5:1 slope as measured from the nearest edge of said area. No gas or hot air balloon shall take-off or land on any city, county or State-owned property within the State of Illinois without prior permission from said city, county or State. When balloons are landing or taking-off from uncertificated areas as permitted herein, they shall upon departure, ascend at a rate of not less than 250' per minute until a safe minimum altitude is attained appropriate to the area in which the flight is being conducted and pursuant to Federal Aviation Regulation minimums. When landing on an uncertificated area, said approach shall be made at no more than a 5:1 ratio, and said balloon shall not descend below applicable FAA minimums on its approach until said balloon is within 5000' of said uncertificated landing area.

- b) Properly registered balloon operating within the State of Illinois which take-off and/or land on uncertificated areas as permitted herein, shall be responsible for crowd control associated with the balloon operation near the take-off and landing area so as to prevent any public hazard or public nuisance.

Section 14.890 Saving Clause

The registration of an aircraft as a "Special Purpose Aircraft" and any other provisions contained herein except aircraft owned or operated by the United State Government, the State of Illinois and political subdivisions thereof, and shall in no way nullify any State laws which presently prohibit the landing or taking-off of aircraft from any public highway, and said restrictions shall apply to aircraft registered as "Special Purpose Aircraft"; further, these regulations shall not be interpreted nor are they intended to interfere with any city, village, or county ordinances which may restrict the uncertificated area from which an aircraft may take-off and/or land within the jurisdiction of said local governmental agency.

SUBPART I: PRACTICE AND PROCEDURE

Section 14.902 Purpose and Applicability

- a) This Subpart serves as a guideline for the conduct of proceedings before the Division of Aeronautics. Because the Division functions under several statutes and because the procedural requirements of those statutes are not always consistent, this Subpart must be flexible and must vest significant discretion in how a proceeding is to be conducted in the Director of Aeronautics or the Administrative Law Judge ("ALJ") assigned.
- b) This Part applies only to non-contested cases such as hearings relating to the promulgation of airport hazard zoning regulations and the issuance (cf., involuntary revocation) of certificates for airports and restricted landing areas. Hearings for a

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"contested case," as that term is defined in the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100], will be conducted in accordance with applicable requirements of the IAPA, regulations of the Illinois Department of Transportation, and the procedures established by the Illinois Aeronautics Act [620 ILCS 5].

Section 14.905 Filing of Documents

Documents required to be filed with the Illinois Department of Transportation, Division of Aeronautics, shall be filed with the Director of the Division unless an administrative law judge ("ALJ") is involved. If an ALJ is involved, all materials shall be filed with the ALJ. Such documents shall be deemed filed when they are actually received and accompanied by the filing fee, if one is required.

Section 14.910 Formal Specifications

All documents filed with the Division shall be typewritten or printed. Typewritten documents shall be on strong, durable paper not larger than 8 ½ by 11 inches, except that tables, maps, and other documents may be larger if necessary and if folded to the size of the document to which they are attached. Text shall be double-spaced except for footnotes and long quotations, which may be single-spaced. Type smaller than elite shall not be used. The left margin shall not be less than 1 ½ inches and all other margins at least one inch. If the document is bound, it shall be bound on the left side.

Section 14.915 Reproduction of Documents

Papers may be reproduced by any duplicating process, provided all copies are clear and legible. Appropriate notes or other indications shall be used, so that the existence of any matters shown in color on the original will be accurately indicated on all copies.

Section 14.920 Copies

- a) Unless otherwise specified, an executed original and one true copy of each document shall be filed. Copies of signed documents shall show the date and signature(s) appearing on the original.
- b) Copies of the Department's records may be obtained, upon written request and payment of the actual costs of copying, pursuant to the Freedom of Information Act [5 ILCS 140].

Section 14.925 Verification of Documents

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Unless otherwise required by applicable rules or regulations, every document in the nature of a pleading, including motions and answers thereto but excepting briefs and assignments of error, shall be dated, signed and verified substantially in the following form:

VERIFICATION

I have read and am familiar with the contents of the foregoing document and the attached exhibits, if any. I intend and desire that in granting or denying the relief requested, the Department shall place full and complete reliance upon the accuracy of each and every statement made in that document. I have diligently attempted to ascertain the truth of all such statements. Every statement contained in this document is true and not misleading, to the best of my knowledge and belief.

DATE: _____

SIGNATURE**Section 14.930 Identity of Filer**

All documents shall identify the name, telephone number, and post office address of the person filing the document.

Section 14.935 Informal Documents

Pleadings and comments may be submitted in letter form by any public body or civic organization; provided that an original and one (1) true copy is submitted.

Section 14.940 Amendment of Documents

- a) A pleading may be amended prior to the filing of a responsive pleading, or if no reply is filed, prior to the publishing either of a notice of hearing on the subject matter of the pleading or of the order. Thereafter, amendments may be made only with leave of the Director or ALJ.
- b) All amendments shall be consecutively numbered, commencing with Amendment No. 1, and shall identify the document being amended.

Section 14.945 Responsive Documents

Answers to applications, complaints, petitions, motions, or other documents or orders instituting

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proceedings may be filed by any interested person. Protests or memoranda of opposition or support permitted by this Subpart may be filed in lieu of answers or combined with answers.

Section 14.950 Service of Documents

- a) The Division. Formal complaints, notices, and orders shall be served by the Division.
- b) The Parties. Petitions, informal complaints, motions, answers, protests, and memoranda shall be served by the party filing the same on all other parties and on each person known to have a substantial interest in the proceeding. Responsive documents shall be served on all parties.
- c) How Service May be Made. Service may be made by first class, registered, or certified mail; by electronic means (e.g., telefax); or by personal delivery.
- d) Proof of Service. Any document required to be served by this Part, shall contain a certificate of mailing or personal delivery executed by the person serving the document.
- e) Date of Service. Whenever proof of service is made, the date of mailing or the date of personal delivery shall be the date of service.

Section 14.955 Appearances

- a) Who May Appear. Any party to a proceeding may appear and be heard in person or by attorney. A corporation, association, or public body or agency (including the Department) may appear and present evidence by any bona fide officer, employee, or representative.
- b) Right to Counsel. Any party to any proceeding governed by this Subpart I may be accompanied, represented, and advised by counsel and may be examined by his own counsel.

Section 14.960 Informal Participation in Hearing Cases

In any proceeding which is to be determined after notice and hearing, any interested person may appear and present evidence which is relevant to the issues. Such evidence shall be presented in either oral or written form as the ALJ, in his sole discretion, may direct. With the consent of the ALJ, such person may cross-examine witnesses and be cross-examined and within the time fixed, submit written statements or a brief to the ALJ with respect to the issues, which shall be filed and served as required of intervenors.

Section 14.965 Formal Participations

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Any person may file an application for leave to intervene in a proceeding, which application shall show a statutory right or a substantial interest in the proceeding. A person permitted to intervene in a proceeding thereby becomes a party to the proceeding for all purposes. No decision granting or denying intervention shall be deemed to constitute an expression of the Division with respect to the substantive right of the intervenor.

Section 14.970 Computation of Time

In computing any period of time prescribed or allowed by this Subpart, notice, order, or regulation of the Division, the ALJ or any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Division, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. When the period of time prescribed is seven days or less, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

Section 14.975 Extensions of Time

The Division or the ALJ assigned to any proceeding, may extend the time for taking any action without notice before the expiration of the prescribed period, or, on written motion, permit the act to be done after the expiration of the specified period when such action would be conducive to the ends of justice or not adverse to the public interest.

Section 14.980 Motions

An application to the Division or the ALJ for an Order or ruling not otherwise specifically provided for shall be by written motion, except during hearing when it may be made orally. After a proceeding is assigned to an ALJ, all motions relating to procedural matters shall be addressed to the ALJ and no interlocutory appeal of his decision will be entertained. The ALJ may, in his discretion, refer any motion to the Director for decision. All motions shall be made at an appropriate time and served on all participants to the proceeding. This Section does not apply to motions for rehearing, reargument, or reconsideration.

Section 14.985 Answers to Motions

Within 10 days after a motion is served, or such other period as the Division or the ALJ may fix, a participant in the proceeding may file an answer. Replies to answers shall not be allowed, but all new matter contained in the answer shall be deemed controverted.

Section 14.990 Subpoenas

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- a) Issuance. Subpoenas for the attendance of witnesses, or for the production of books, papers, accounts, or documents at a hearing in a proceeding pending before the Division may be issued by the Director or by the ALJ assigned to the proceeding, either sua sponte or on the written motion of a party showing good cause for the issuance of the subpoena.
- b) Motion. Motion for Subpoenas shall be verified and shall specify the books, papers, accounts, or documents desired and the material and relevant facts to be proved by them. No subpoena shall be issued unless it is first determined that the matter sought is relevant, material and necessary and that compliance with the subpoena will not result in harassment or undue hardship, inconvenience, or expense to the party subpoenaed.
- c) Service. Service of Subpoenas and payment of witness fees and expenses shall be made in the manner prescribed by the Illinois Supreme Court Rules, the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, pars. 1-101 et seq.) [735 ILCS 5], and Section 47 of the Fees and Salaries Act (Ill. Rev. Stat. 1991, ch. 53, par. 65) [55 ILCS 45/47].

Section 14.995 Administrative Law Judge ("ALJ")

- a) Qualification. An ALJ must have knowledge of, and be willing to act consistent with, the policies of the Division of Aeronautics.
- b) Duties and Authority. The ALJ shall have the following powers, in addition to any other specified in this Subpart:
 - 1) To give notice concerning and to hold hearings;
 - 2) To administer oaths and affirmations;
 - 3) To examine witnesses;
 - 4) To issue subpoenas and to take or cause depositions to be taken;
 - 5) To rule upon offers of proof and to receive relevant evidence;
 - 6) To regulate the course and conduct of the hearing;
 - 7) To determine the form in which evidence shall be submitted and the number of copies to be supplied and served;
 - 8) To hold conferences, before or during the hearing, for the settlement or simplification of issues;
 - 9) To rule on motions and to dispose of procedural requests or similar matters;
 - 10) To grant extensions of time on any matter connected with the hearing;
 - 11) To take any other action authorized by this Part, or by any Illinois aeronautics statute;
 - 12) To waive, or otherwise grant a variance from, such procedural

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requirements as may be helpful to avoid an impracticable or unduly harsh consequence and which would not result in harm, cost, or inconvenience to other persons; and

- 13) To rule on requests for protective orders which would prevent the disclosure of proprietary or personal information whose disclosure would not be a public benefit.

Section 14.997 Hearings

- a) Notice. The ALJ to whom the case is assigned or the Division shall give the parties reasonable notice of the time and place for a hearing or of the change in the date and place of a hearing and the nature of such hearing.
- b) Evidence. Evidence presented at the hearing shall be given under oath unless waived by the ALJ and shall be limited to material evidence relevant to the issues in the proceedings. Neither the Division nor the ALJ shall be bound by the technical rules of evidence or pleading, and no informality in any proceeding in the manner of content or testimony taken in a proceeding shall invalidate any agency order, decision, or ruling made, approved, or confirmed by the Division.
- c) Administrative Notice. The Division will take notice of its orders, decisions, rules and regulations, and of any fact of which the courts and administrative agencies of the State of Illinois may take official notice.
- d) Limitation of Witnesses. The ALJ may limit the number of witnesses whose testimony is merely cumulative. The ALJ shall excuse, and remove if necessary, witnesses not offering relevant and material evidence.
- e) Construction. Rules with respect to evidence shall be applied toward the end that all needful and proper evidence shall be conveniently, inexpensively, and speedily heard while preserving the substantial rights of the parties and the witnesses.
- f) Objections to Evidence. Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the ALJ. Rulings on such objections shall be a part of the transcript, to the extent that a transcript may exist.
- g) Exceptions. Formal exceptions to the rulings of the ALJ made during the course of the hearing are unnecessary. For all purposes for which an exception otherwise would be taken, it is sufficient that a party, at the time of the ruling of the ALJ is made or sought, makes known the action he desires the ALJ to take or his objection to an action taken, and his grounds therefor.
- h) Offers of Proof. Any offer of proof made in connection with an objection taken to any ruling of the ALJ rejecting or excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be

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- adduced by such testimony, and if the excluded evidence consists of evidence in documentary or written form or reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.
- i) Substitution of Copies for Original Exhibits. In his discretion, the ALJ may permit a party to withdraw original documents offered in evidence and substitute true copies in lieu thereof.
 - j) Record of Hearings. The ALJ shall determine whether the hearing shall be recorded electronically or whether a reporter shall record and prepare a transcript of the hearing. The ALJ shall make necessary arrangements for recording the hearing. If the record is made electronically, the unaltered tape or other recording medium shall be kept for three years. The tape shall be transcribed when the Division determines that it is necessary to do so (for example, for an appeal). A statutory requirement that testimony at a hearing be taken down by a stenographer shall be satisfied by recording the testimony electronically and preparing a transcript from the electronic recording. The failure to have a stenographer prepare a transcript shall not invalidate a hearing.
 - k) Corrections to Transcript. Changes in the official transcript may be made only when errors affecting substance are found. A motion to correct a transcript may be filed within 10 days after notice of official transcript is sent to a party and before an order is entered. If no objection is received, the transcript shall be automatically corrected. If an objection is received, the ALJ shall enter an Order on the motion.
 - l) Briefs and Arguments. The ALJ may permit oral argument to be presented to him at the close of the hearing. Briefs and written argument may be submitted to him if permitted by him in his discretion and within the time prescribed by him. Copies of briefs and written arguments shall be served on all parties.

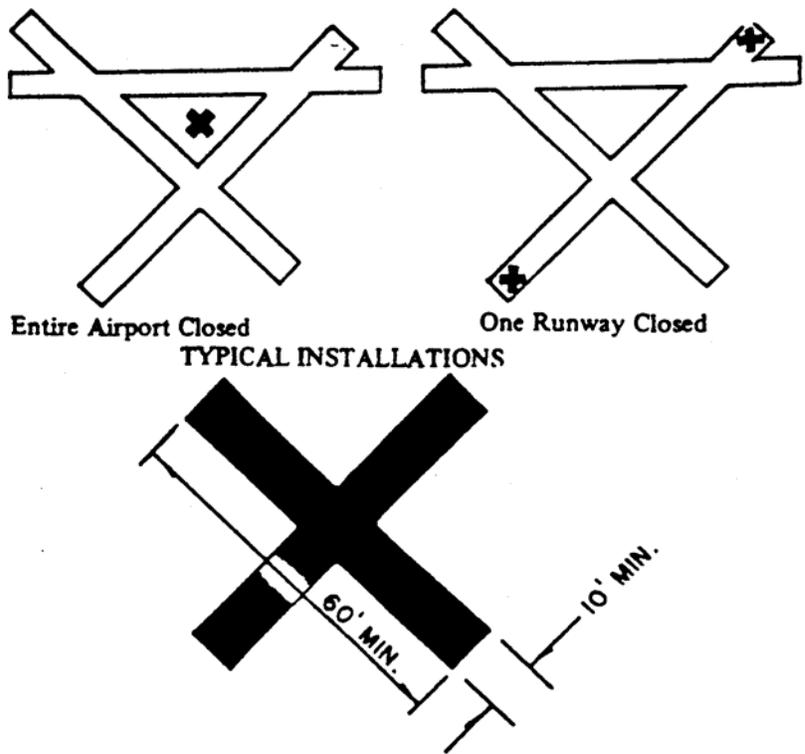
Section 14.998 Petition for Rehearing

Within thirty days after the service of any ruling, order, or decision of the Department based upon a hearing, any party or person affected thereby may apply for a rehearing thereof in respect of any matter connected therewith specified in such application for rehearing. Petitions for rehearing shall be in writing, and shall state specifically the grounds relied upon for such rehearing, and shall be accompanied by proof of service thereof upon all the parties and persons affected thereby.

Section 14.999 Judicial Review (Repealed)

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Section 14.APPENDIX A Closed Airport and Closed Runway Marker

Detail of Closed Airport and Runway Marker

GENERAL NOTES

- a. The marker should be constructed of durable waterproof material and it should be as large as possible but not smaller than shown in the detail. In areas where snow is expected the marker should be constructed so that it will shed snow.
- b. Color or marker material (natural or applied) should provide maximum contrast with background areas.
- c. The marker should be installed at a suitable height above the ground to prevent it from becoming obscured by vegetation, water, or earth.
- d. Where a paved runway is closed, the marker may be painted on the runway provided it

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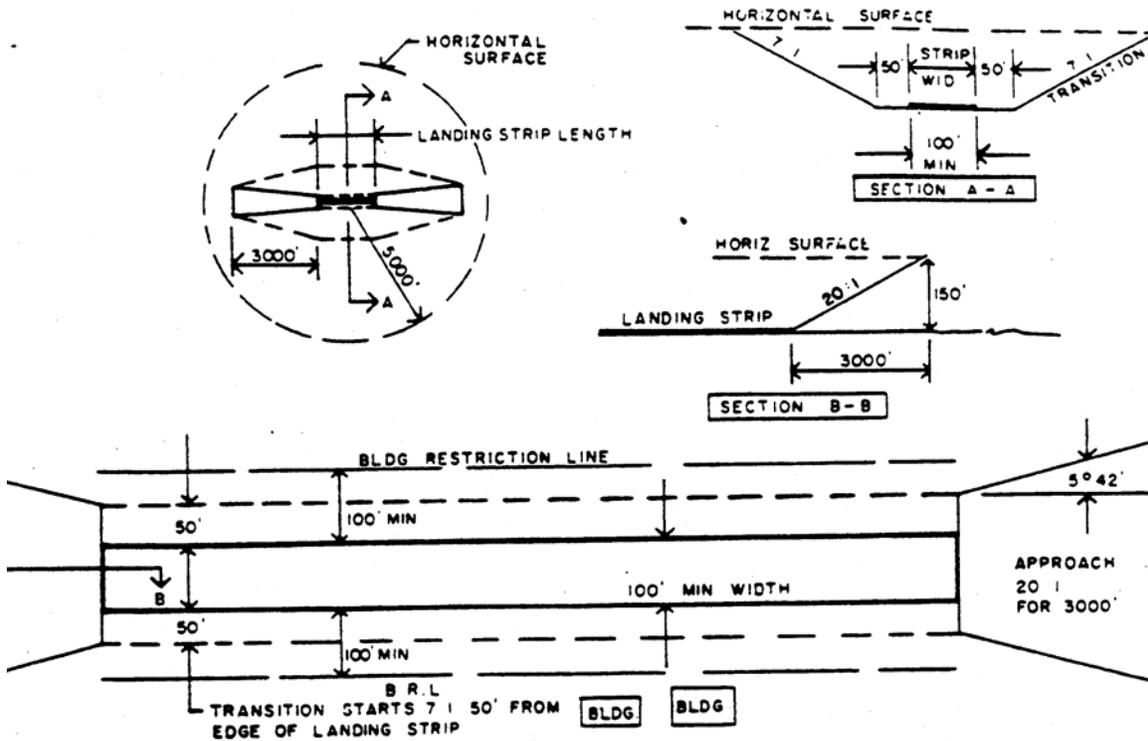
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will not become obscured as noted above.

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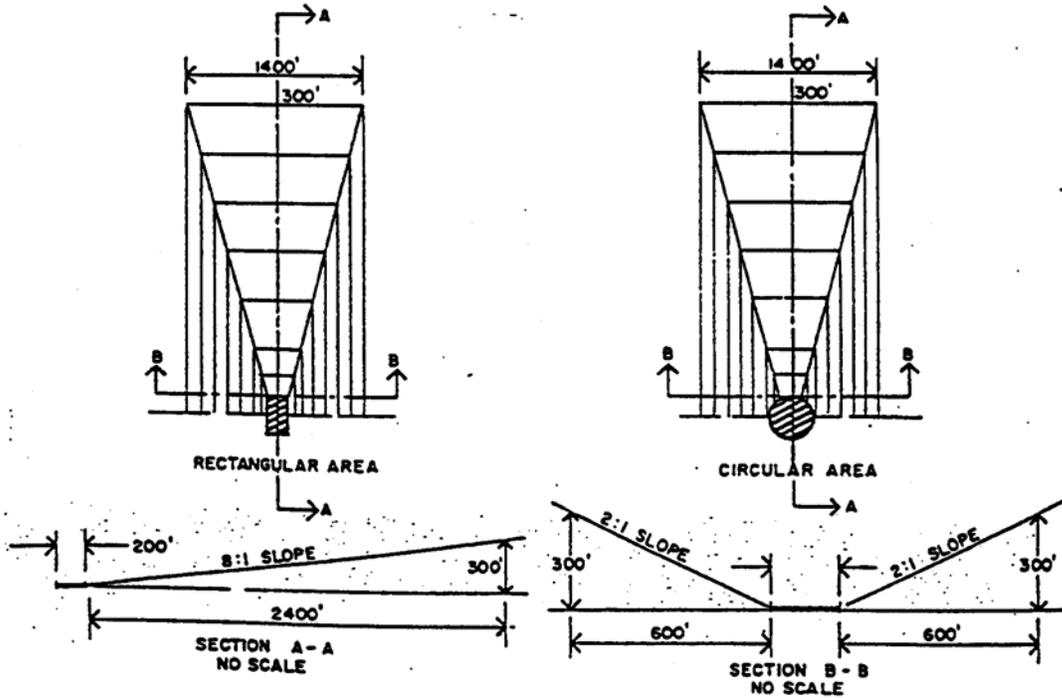
Section 14.APPENDIX B Mono-Directional Airport Minimum Standards



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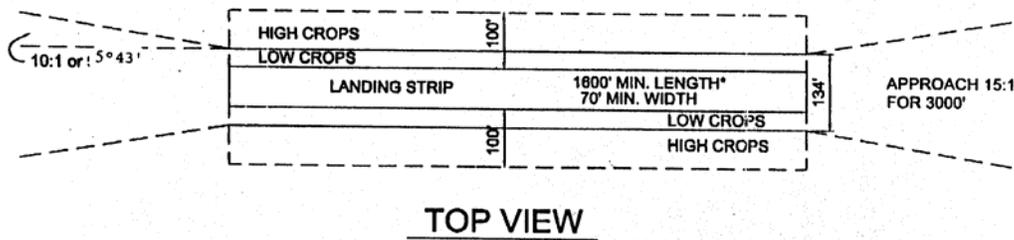
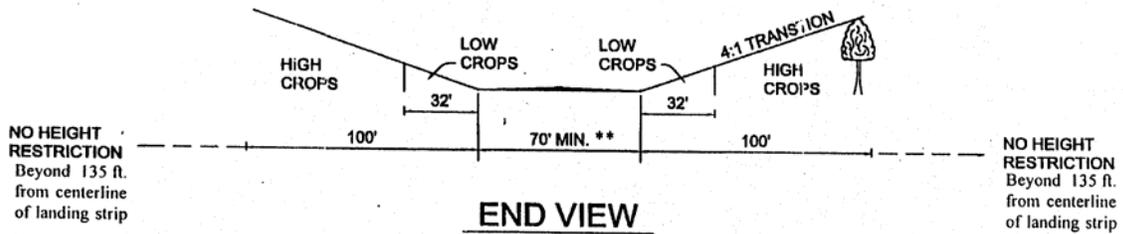
Section 14.APPENDIX C Approach Zones for Heliports Including Glide and Transition Slopes



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Section 14.APPENDIX D Restricted Landing Area Farming and Obstruction Standards Plat



* - Minimum required effective length may have been less than 1,600' at time of certification

**Minimum required width UNLESS high crops are adjacent to edge of landing strip. Only crops permitted adjacent to landing strip are those that do not penetrate the 4:1 side transition.

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Section 14. TABLE A Visual Flight Rules**VISUAL FLIGHT RULES**

Altitude	Flight visibility	Distance from clouds
1,200 feet or less above the surface (regardless of MSL altitude).		
Within controlled airspace -----	3 statute miles-----	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Outside controlled airspace -----	1 statute mile except as provided in Par. 10f.(2)-----	Clear of clouds.
More than 1,200 feet above the surface but less than 10,000 feet MSL. Within controlled airspace -----	3 statute miles-----	500 feet below. 1,000 feet above 2,000 feet horizontal.
Outside controlled airspace -----	1 statute mile-----	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5 statute miles-----	1,000 feet below. 1,000 feet above. 1 mile horizontal

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Section 14. TABLE B Airport Physical StandardsMinimum Clearance Standards on Airports

	Runway Center Line to Taxiway Center Line	Center Line of Parallel Runways for Contact Operations	Center Line of Parallel Taxiways	Center Line of Taxiways to Aircraft Parking Area	Center Line of Taxiway to Obstruction
Mono-directional Airport	150'	150'	100'	100'	75'

Minimum Airport Field Standards

<u>Minimum Widths</u>			<u>Maximum Grades (Percent)</u>		
<u>Landing strip</u>	<u>Runway</u>	<u>Taxiway</u>	<u>Effective¹</u>	<u>Longitudinal</u>	<u>Transverse</u>
100'	50'	20'	2%	3%	3%

NOTE: ¹The effective runway or landing strip gradient is determined by dividing the maximum difference in runway or landing strip centerline elevation by the total length of the runway. In no case shall there be any two (2) points on the landing strip such that an aircraft on any one point of the landing area is not visible from any other point on the landing area except on airports where positive traffic control is exercised at all times during flight operations by a FAA certified air traffic (Control Tower) operator.

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Section 14. TABLE C Heliport Physical Standards

Type	Landing Area
General	Two (2) times the length of the largest helicopter using the facility.
Utility	One and one-half (1½) times the length of the largest helicopter using the facility.
Helistop	One and one-half (1½) times the length of the largest helicopter using the facility.

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Section 14. TABLE D Airport Classification Standards

Type	Function	Minimum Length	Minimum Width	Minimum Lighting*	Minimum Terminal Navigational Aids
Ultralight/Stol	Open to ultra-light vehicles & Stol vehicles only	1000'	100'	None	None
Residential	Open to residents and invitees	2200'	100'	None	None
Basic Utility	Private airstrip (open to the public)				
I	Accommodates 75% of propeller aircraft under 12,500 lbs.	2200'	100'	NONE NONE	NONE
II	Accommodates 95% of propeller aircraft under 12,500 lbs.	2700'	100'	LITL LTRL	NDB
General Utility	Accommodates most propeller aircraft under 12,500 lbs.	3200'	100'	MITL, MIRL REIL, VASI II	NDB
Basic Transport	Accommodates most turbo powered aircraft under 60,000 lbs. (i.e. bus. jets)	4500'	100'	MIRL, MITL, REIL, VASI II	VOR, LDM, Localizer
General Transport	Accommodates mixed operation including business jets up to 150,000 lbs. Commuter & local scheduled air carriers	5100'	100'	MIRL, MITL, VASI IV, ALS	ILS
Air Carrier	Airports used by Civil Aeronautics	6000'	100'	MIRL, ILS CAT I, MALSF,	VOR-DME

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Board – certified air
carriers

VASI IV, REILS

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*

ALS – Approach Light Systems
CAT I – Category I (Category of Aircraft)
DME – Distance Measurement Equipment
ILS – Instrument Landing System
LDM – Landing Descent Minimums
LIRL – Low Intensity Runway Lights
LITL – Low Intensity Taxiway Lights
MALSF – Medium Intensity Approach Lighting System
with Sequenced Flashers
MIRL – Medium Intensity Runway Lights
MITL – Medium Intensity Taxiway Lights
NDB – Non-directional Beacon
REIL – Runway End Identification Lights
VASI II – Visual Approach Slope Indicators – 2
VASI IV – Visual Approach Slope Indicators – 4
VOR – Visual Omni Range

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1) Heading of the Part: Aviation Safety

2) Code Citation: 92 Ill. Adm. Code 14

3) Section Numbers:

Proposed Action:

14.100	New Section
14.105	New Section
14.110	New Section
14.115	New Section
14.120	New Section
14.130	New Section
14.200	New Section
14.210	New Section
14.220	New Section
14.230	New Section
14.300	New Section
14.310	New Section
14.320	New Section
14.330	New Section
14.400	New Section
14.410	New Section
14.420	New Section
14.430	New Section
14.440	New Section
14.450	New Section
14.460	New Section
14.500	New Section
14.510	New Section
14.520	New Section
14.530	New Section
14.540	New Section
14.550	New Section
14.560	New Section
14.570	New Section
14.580	New Section
14.600	New Section
14.610	New Section
14.620	New Section
14.630	New Section
14.640	New Section

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14.700	New Section
14.710	New Section
14.720	New Section
14.730	New Section
14.740	New Section
14.750	New Section
14.760	New Section
14.770	New Section
14.800	New Section
14.810	New Section
14.820	New Section
14.830	New Section
14.840	New Section
14.850	New Section
14.860	New Section
14.870	New Section
14.880	New Section
14.900	New Section
14.910	New Section
14.920	New Section
14.930	New Section
14.940	New Section
14.950	New Section
14.960	New Section
14.1000	New Section
14.1010	New Section
14.1020	New Section
14.1030	New Section
14.1100	New Section
14.1105	New Section
14.1110	New Section
14.1115	New Section
14.1120	New Section
14.1125	New Section
14.1130	New Section
14.1135	New Section
14.1140	New Section
14.1145	New Section
14.1150	New Section
14.1155	New Section

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14.1160	New Section
14.1165	New Section
14.1170	New Section
14.1175	New Section
14.1180	New Section
14.1185	New Section
14.1190	New Section
14.1195	New Section
14.1196	New Section
14.Appendix A	New
Illustration A	New
Illustration B	New
Illustration C	New
Illustration D	New
Illustration E	New
Illustration F	New
Illustration G	New
Illustration H	New
Illustration I	New
Illustration J	New
14.Appendix B	New
Table A	New
Table B	New
14.Appendix C	New
Illustration A	New
14.Appendix D	New
Table A	New
14.Appendix E	New
Illustration A	New
Illustration B	New
Illustration C	New
Illustration D	New
14.Appendix F	New
Table A	New
14.Appendix G	New
Illustration A	New
Illustration B	New
Illustration C	New
Illustration D	New
Illustration E	New

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Illustration F	New
Illustration G	New
14.Appendix H	New
Table A	New
Table B	New
Table C	New

- 4) Statutory Authority: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department, through its Division of Aeronautics, is proposing to adopt a new, reorganized and updated Part on Aviation Safety while simultaneously proposing to repeal the current rules, notice and text of which appears elsewhere in this issue of the *Illinois Register*. Following is a Section by Section analysis of the differences between the new rules and the repealed rules.

Section 14.100 Purpose and Applicability

This new Section has been added to provide an overview of the Part and to state how the Division of Aeronautics (the Division) will apply and interpret the Part. Additionally, the Division's contact numbers and addresses are contained in this new Section.

Section 14.105 Definitions

The Division added the following new definitions to the Part.

Act, Aerobatic Flight, Airplane, Applicant, Certificate Holder, Certificate of Approval, Certificate of Registration, Department, Design Helicopter/VTOL Aircraft, Displaced Threshold, Division, FAA, FAR, Final Approach and Takeoff Area (FATO), Flight Instruction, Fly-In Event, Heliport/Vertiport, Helistop/Vertistop, Hospital Heliport/Vertiport, Modification, Notice, Nuisance, Order, Pilot, Pilot-in-Command, Private-Use, Public-Use, Rotorcraft, Runway Protection Zone, Runway Safety Area, Sea Lane, Seaplane, Special Purpose Aircraft, STOL, STOL Operation, Stopway, Threshold, TLOF, Ultralight, Ultralight Trainer, Vertiport, VTOL, Wind Indicator

The Division omitted the following definitions because they are not used in the text of the new Part.

Air Instruction, Student Instruction, Air School, Aeronautics Instructor, Flying Club,

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Navigable Air Space, Airport Protection Privileges, Acrobatic Flight, Horizontal Plane, Approach Plane, Transition Plane, Inner Area, Outer Area, Turning Zone, Outer Limits of Turning Zone

Finally, some definitions have been modified in the new Part for purposes of accuracy.

Section 14.110 Operation Without Certificate of Approval Unlawful

This Section will replace Section 14.610, Operation Without Certificate of Approval Unlawful (under Subpart F: Airports), and Section 14.710, Operation Without Certificate of Approval Unlawful (under Subpart G: Restricted Landing Areas), in the repealed Part. This Section is better suited at Subpart A: General Provisions.

Section 14.115 Application Process for Original Certificate of Approval

This new Section replaces the following Sections in the repealed Part: Section 14.620, Application for Certificate of Approval; Section 14.650, Standards for Issuing Certificate of Approval; Section 14.720, Application for Certificate of Approval; and Section 14.750, Standards for Issuing Certificate of Approval. The new Section is written to more clearly state the requirements for obtaining a Certificate of Approval and is better suited to Subpart A: General Provisions since it applies to all airports and RLAs regardless of classification.

Section 14.120 Transfer/Modification/Rescission of Certificate of Approval

This new Section replaces Section 14.630, Application for Transfer of Certificate of Approval; Section 14.640, Alteration or Extension of an Existing Airport Unlawful Without Certificates of Approval; Section 14.730, Transfer of Certificates; and Section 14.740, Alteration or Extension of an Existing Restricted Landing Area Unlawful Without Certificate of Approval, in the repealed Part. The new Section is written to more clearly state the requirements for obtaining a transfer/modification/rescission of a Certificate of Approval and is better suited to Subpart A: General Provisions since it applies to all airports and RLAs regardless of classification.

Section 14.130 Waivers

This Section replaces Section 14.695 and Section 14.799 covering waivers in the repealed Part. The waiver provisions have been moved to Subpart A: General Provisions and additional language has been added to clarify under what conditions the Division may waive strict compliance with this Part.

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Section 14.200 Registration of Aircraft

This Section replaces Section 14.210, Annual Registration of Pilots Required, in the repealed Part. No substantive changes were made other than to the title of the Section.

Section 14.210 Time and Manner of Registration

This Section replaces Section 14.220, Time and Manner of Registration, in the repealed Part. This Section is reformatted and minor grammatical changes have been made to improve the flow of the text. A provision requiring registration within 30 days of establishing residency in Illinois has been added, as well as a provision requiring registration every two years instead of annually.

Section 14.220 Exhibition of Certificates and Decals

This Section replaces Section 14.230, Exhibition of Federal Aircraft Certificates and Certificate of Registration thereof, in the repealed Part. This Section includes a provision covering the submission of a five-dollar fee to obtain a duplicate Certificate of Registration or Decal.

Section 14.230 Exceptions to Registration Requirements

This Section replaces Section 14.240, Exceptions to Registration Requirements, in the repealed Part. A new subsection referencing ultralights and ultralight trainers has been added to reflect a change in the definition of aircraft. A subsection in the repealed Part – Section 14.240(e) referencing aircraft regulated by the Illinois Aeronautics Board - has not been included because the Board no longer exists.

Section 14.300 Registration of Airman

This Section replaces Section 14.310, Annual Registration of Pilots Required, in the repealed Part. The substance between the old and new Sections is essentially the same.

Section 14.310 Time and Manner of Registration

This Section replaces Section 14.320, Time and Manner of Registration, in the repealed Part. This Section is reformatted and minor grammatical changes have been made to improve the flow of text. A new provision requiring registration within 30 days after establishing residency in Illinois has been added, as well as a provision requiring registration every two years instead of annually.

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Section 14.320 Exhibition of Certificates

This Section replaces Section 14.330, Exhibition of Federal Pilot Certificates and Certificate of Registration thereof, in the repealed Part. This Section is essentially the same as the repealed Section except the Division has added a nominal fee of \$3.00 as payment for a duplicate Certificate of Registration in the event of loss or destruction or correction of the original Certificate.

Section 14.330 Exceptions to Registration Requirements

This Section replaces Section 14.340, Exceptions to Registration Requirements, in the repealed Part. A provision encouraging but not requiring registration of pilots and flight instructors engaged in the flight of ultralights and ultralight trainers has been added to the new Part. The provision for persons operating model aircraft was deleted and subsection (d) in the repealed Section has also been deleted.

Section 14.400 Applicability

This new Section, under Subpart D: Air Safety, replaces Section 14.480, Applicability, in the repealed Part. A reference to Special Purpose Aircraft and ultralights has been added to the Section. A new provision has also been added that states that the authority of local officials is not limited by the Division's rules on Aviation Safety in taking appropriate action to stop, prevent or penalize persons for or from creating a nuisance.

Section 14.410 Responsibility and Authority of Pilot

This Section replaces Section 14.410 of the same name in the repealed Part. Subsection (c) of this Section has been renamed (from "Acrobatic" to Aerobatic") and is more precisely written in the new Part. At subsection (d), Minimum Safe Altitudes, provisions have been added covering locations over areas other than congested areas. Subsection (d)(2) in the repealed Part on special flight characteristics of helicopters has been deleted. Subsection (e) covering aircraft lights has been changed to include specifications on the type and color of lights to be displayed between sunset and sunrise and vice versa. Additionally, the Division has included a provision that gives the pilot-in-command the option not to display the anti-collision lights between sunrise and sunset for safety reasons. At subsection (g)(1), a reference to O'Hare International Airport has been deleted. Subsection (i) in the repealed Part, concerning aircraft principally engaged in interstate commerce, has been deleted in the new Part because, under 14 CFR 91, pilots are prohibited from operating in Class B airspace (at large airports like O'Hare and St. Louis Regional, for example).

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Section 14.420 Use of Liquor, Narcotics and Drugs

This Section replaces Section 14.420 of the same name in the repealed Part. An additional restriction has been added to the new Part concerning blood alcohol content to be consistent with the FAA.

Section 14.430 Transportation of Explosives, Dangerous Articles or Illegal Substances

This Section replaces Section 14.450, Transportation of Explosives and Other Dangerous Articles, in the repealed Part. This Section is substantively the same as the repealed Section.

Section 14.440 Dropping Objects from Aircraft

This Section replaces Section 14.430 of the same name in the repealed Part. A new requirement to apply for a dropping permit within 14 days of the date of the scheduled drop has been added to this Section. Subsection (b) in the repealed Part, pertaining to enforcement of the requirements in the Section, has been removed.

Section 14.450 Fuel Requirements for Flight in VFR Conditions

This is a new Section added for safety reasons and for consistency with FAA regulations.

Section 14.460 Fuel Requirements for Flight in IFR Conditions

This is a new Section added for safety considerations and for consistency with FAA regulations.

Subpart E in the repealed Part titled: Reporting of Accidents Under Aircraft Financial Responsibility Law has been deleted from the new Part because of statutory changes to the Act.

Subpart E: Airports

This new Subpart replaces Subpart F: Airports in the repealed Part. Section 14.610, Operation Without Certificate of Approval Unlawful, has been moved to Section 14.110 in the new Part. Section 14.680, Airports for Non-Conventional Aircraft, is now Subpart F in the new Part and covers non-conventional aircraft. Section 14.690, Posting of Rules, in the

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repealed Part was removed entirely. Section 14.695, Waivers, in the repealed Part has been moved to Section 14.130 in the new Part.

Section 14.500 Airport Classification

This Section replaces Section 14.625, Airport Classification, in the repealed Part. It has been rewritten to establish only two types of airport classifications, public-use or private-use. It also incorporates Ultralight/STOL airports into the definition of “airport” for purposes of Subpart E. Finally, this Section establishes that all of Subpart E applies to airports.

Section 14.510 Application for Certificate of Approval

This new Section replaces Section 14.620, Application for Certificate of Approval; Section 14.630, Application for Transfer of Certificate of Approval; Section 14.640, Alteration or Extension of an Existing Airport Unlawful Without Certificates of Approval; Section 14.650, Standards for Issuing Certificate of Approval; and Section 14.655, Location, in the repealed Part. This new Section prescribes the conditions requiring submission of an application for certification to the Division. It also references Section 14.115 and Section 14.120 that describe the application process in detail.

Section 14.520 Design and Layout Requirements

This Section replaces Section 14.660, Design and Layout, in the repealed Part. It references new Illustrations that describe minimum design and layout requirements for airports. No dimensional standards have been changed.

Section 14.530 Obstructions

This Section replaces Section 14.665, Obstructions, in the repealed Part. Language referencing specific obstructions such as railroads and highways has been incorporated into Section 14.Appendix A, Illustrations A and C.

Section 14.540 Airport Marking

This Section replaces Section 14.670, Airport Markings, in the repealed Part. Minor grammatical changes were made to the text. This new Section references Section 14.Appendix A, Illustrations F and G that have been added to describe how an airport is to be marked.

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Section 14.550 Facilities

This Section replaces Section 14.675, Facilities, in the repealed Part. A list of the required facilities is now included in a new Table (Section 14.Appendix B, Table A) that differentiates between public and private airports.

Section 14.560 Responsibility of a Public-Use Airport Certificate HolderSection 14.570 Responsibility of a Private-Use Airport Certificate Holder

These two Sections replace Section 14.685, Responsibility of Certificate Holder, in the repealed Part. Separate Sections were written to differentiate between the requirements for public-use and private-use airports – the primary difference being that public-use airports must have authorized personnel present during normal business hours.

Section 14.580 Restrictions on Use

This new Section has been added to reference a new Table (Section 14.Appendix B, Table B) that lists activities that are allowed at airports. Commercial parachute operations at Ultralight/STOL Airports are prohibited.

Subpart F: Airports for Non-Conventional Aircraft has been added to replace Section 14.680, Airports for Non-Conventional Aircraft; and Section 14.797, Restricted Landing Area – Balloon Ports, in the repealed Part.

Section 14.600 Airport Classification

This Section defines the different types of aircraft that are considered non-conventional and the airports that are designated for their use. It also establishes that all of Subpart F applies to airports for non-conventional aircraft.

Section 14.610 Application for Certificate of Approval

This new Section prescribes the conditions requiring submission of an application for certification to the Division for the operation of an airport for non-conventional aircraft. It also references Section 14.115 and Section 14.120 that describe the application process in detail.

Section 14.620 Public-Use of Airports for Non-Conventional Aircraft

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This Section prescribes the minimum standards, facilities and responsibilities of the certificate holder for a public-use airport for non-conventional aircraft.

Section 14.630 Private-Use Airports for Non-Conventional Aircraft

This Section prescribes the minimum standards, facilities and responsibilities of the certificate holder for a private-use airport for non-conventional aircraft.

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Section 14.640 Restrictions on Use

This Section references a new Table (Section 14.Appendix D, Table A) that includes a list of activities allowed at airports for non-conventional aircraft.

Subpart G: Restricted Landing Areas

This new Subpart replaces Subpart G: Restricted Landing Areas in the repealed Part. Section 14.765, Landing Area; Section 14.785, Illinois Aeronautical Chart; Section 14.790, Restricted Landing Area – Heliport; Section 14.792, Restricted Landing Area – Heliport Approach Zones; Section 14.797, Restricted Landing Area – Balloon Ports; and Section 14.799, Waivers, in the repealed Part have all been deleted from the new Part; however, the provisions have been incorporated into various Sections within the new Part.

Subpart 14.700 Restricted Landing Area Classification

This new Section has been added to classify RLAs as private-use only.

Section 14.710 Application for Certificate of Approval

This Section replaces Section 14.720, Application for Certificate of Approval; Section 14.730, Transfer of Certificates; Section 14.740, Alteration or Extension of an Existing Restricted Landing Area Unlawful Without Certificate of Approval; Section 14.750, Standards for Issuing Certificates of Approval; Section 14.760, Location; and some of the provisions in Section 14.765, Landing Area, in the repealed Part. This Section prescribes the circumstances requiring submission of an application for certification to the Division. It also references Section 14.115 and Section 14.120 that describe the application process in detail.

Section 14.720 Design and Layout Requirements

This Section replaces some provisions in Section 14.765, Landing Area, in the repealed Part. It references Section 14.Appendix E, Illustrations A and B that have been added to prescribe the minimum design and layout requirements for restricted landing areas. The minimum width requirement has changed from 70' to 100'. A restriction prohibiting the growth of high crops within 32' of the edge of a landing area has been deleted.

Section 14.730 Obstructions

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This Section replaces some provisions in Section 14.765, Landing Area, in the repealed Part. A provision has been added to this Section stating that an RLA must be continuously maintained free of obstructions. The Section also references Section 14.Appendix E, Illustration A, that has been added to describe obstruction clearances.

Section 14.740 Facilities

This Section replaces Section 14.797(a), Restricted Landing Area – Balloon Ports, in the repealed Part. This Section now includes the minimum requirements for displaced threshold markers. The Section references Section 14.Appendix E, Illustration C that has been added to describe the marking of thresholds and/or displaced thresholds for RLAs.

Section 14.750 Responsibility of a Restricted Landing Area Certificate Holder

This Section replaces Section 14.770, Responsibility of Certificate Holder, in the repealed Part. Grammatical changes were made to improve the flow of text. Language has been added to insure that Division personnel will be able to make contact with an RLA operator or designee. This provision will facilitate the implementation of any Transportation Security Administration requirements.

Section 14.760 Fly-In Events, Prevention of Accidents Due to Overcrowding of Landing Areas

This new Section has been added to establish the Division's policy governing fly-in events at RLAs. This Section covers the responsibilities of the Certificate Holder as well as the pilot of each aircraft participating in the event.

Section 14.770 Restrictions on Use

This Section replaces Section 14.775, Restrictions on Use, and Section 14.780, Exceptions, in the repealed Part. This Section refers to the new Table (Section 14.Appendix F, Table A) that lists activities that are allowed at RLAs.

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Section 14.800 Heliport/Vertiport Classification

This new Section replaces some of the provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. It, among other things, establishes that heliports/vertiports are classified as either public-use or private-use.

Section 14.810 Application for Certificate of Approval

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. This Section prescribes circumstances requiring submission of an application for certification to the Division. It also references Section 14.115 and Section 14.120 that describe the application process in detail.

Section 14.820 Design and Layout Requirements

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. Provisions have been rewritten relevant to heliports - specifically, that every heliport must have two defined approach / takeoff paths a minimum of 90° apart. Additionally, this Section references Section 14.Appendix G, Illustrations A, B and C and Section 14.Appendix H, Table A, that prescribe minimum design and layout requirements for heliports / vertiports.

Section 14.830 Obstructions

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. This Section provides that a heliport must be continually free of obstructions to be eligible for a Certificate of Approval under this Part.

Section 14.840 Heliport Marking

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. The Section references Section 14.Appendix G, Illustrations E, F and G that have been added to prescribe marking at heliports.

Section 14.850 Facilities

This Section replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. It references Section 14.Appendix H, Table B that lists requirements for heliports.

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Section 14.860 Responsibility of a Public-Use Heliport Certificate HolderSection 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport and Hospital Heliport Certificate Holder

These Sections replace Section 14.685, Responsibility of Certificate Holder, in the repealed Part. Separate Sections have been written for public-use and private-use heliports because public-use heliports are required to have authorized personnel present during normal business hours.

Section 14.880 Restrictions on Use

This new Section references a new Table (Section 14.Appendix H, Table C) that lists activities that are allowed at heliports.

Subpart I: Special Purpose Aircraft

This Subpart replaces Subpart H: Special Purpose Aircraft in the repealed Part. Section 14.870, Prohibitions on Use, and Section 14.875, Proximity, in the repealed Part have been deleted from the new Part.

Section 14.900 Special Purpose Aircraft Designation

This Section replaces Section 14.820, Special Purpose Aircraft Designation, in the repealed Part. Provisions concerning the number of operations allowed have been moved to Section 14.950 in the new Part.

Section 14.910 Registration of Special Purpose Aircraft

This Section replaces Section 14.810, Operation Without Certificate of Registration Unlawful, and Section 14.830, Registration, in the repealed Part. Minor changes have been made to the text.

Section 14.920 Exemption from Registration

This Section replaces Section 14.840, Exemption from Registration, in the repealed Part. Minor changes have been made to the text.

Section 14.930 Compliance with Aircraft Registration

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This Section replaces Section 14.850, Compliance with Aircraft Registration, in the repealed Part. Minor changes have been made to the text.

Section 14.940 Liability

This Section replaces Section 14.865, Liability, in the repealed Part. A provision has been added to the new Part concerning property owner liability to invitees for damages.

Section 14.950 Special Purpose Aircraft Operations

This Section replaces Section 14.860, Principal Base of Operations; Section 14.880, Glider-Sailplane Operations; and Section 14.885, Balloon Flight and Operations, in the repealed Part. A provision has been added to cover Helicopter/VTOL Aircraft Operations.

Section 14.960 Saving Clause

This Section replaces Section 14.890, Saving Clause, in the repealed Part. A new provision covering aircraft being used for medical emergencies has been added to the new Part.

Subpart J: Ultralights and Ultralight Trainers

This is a new Subpart added to include a new class of aircraft not in existence since the last revision to the repealed Part.

Section 14.1000 Registration for Ultralights and Ultralight Trainers

This Section encourages registration of ultralight aircraft with the Division.

Section 14.1010 Liability

This Section prescribes the liability of the pilot-in-command and the property owner where ultralight aircraft may land.

Section 14.1020 Ultralight/Ultralight Trainer Operations

This Section prescribes the areas where ultralight aircraft are allowed to operate.

Section 14.1030 Saving Clause

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This Section prohibits ultralight aircraft from landing or taking-off from any public highway except for those ultralights owned or operated by the government.

Subpart K: Practice and Procedure

This Subpart replaces the Subpart of the same name in the repealed Part. However, Section 14.915, Reproduction of Documents; Section 14.930, Cover Page; and Section 14.935, Informal Documents, in the repealed Part have not been included in the new Part. The changes to Subpart K in the new Part are as follows:

At Section 14.1196, Administrative Review, a provision has been added regarding the appeal of a final decision.

Section 14.Appendix A, Illustrations A-J

These new Illustrations have been added to replace Appendices A and B and Table B in the repealed Part. The Illustrations describe the minimum dimensional standards, the separation and gradient standards, the line of sight requirements, airport markings, displaced threshold markings and closed airport and runway markings for airports.

Section 14.Appendix B, Table A

This new Table replaces Section 14.675, Facilities, in the repealed Part.

Section 14.Appendix B, Table B

This new Table has been added to establish activities that are allowed at airports.

Section 14.Appendix C, Illustration A

This new Illustration prescribes the minimum standards for airports used for non-conventional aircraft.

Section 14.Appendix D, Table A

This new Table has been added to establish activities that are allowed at airports for non-conventional aircraft.

Section 14.Appendix E, Illustration A

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This Illustration replaces Section 14.Appendix D in the repealed Part. It prescribes the minimum dimensional and obstruction clearance standards for RLAs.

Section 14.Appendix E, Illustration B

This Illustration has been added to prescribe the minimum separation and gradient standards for RLAs.

Section 14.Appendix E, Illustration C

This Illustration has been added to prescribe the markings of displaced thresholds at RLAs.

Section 14.Appendix E, Illustration D

This Illustration replaces Section 14.Appendix A in the repealed Part. The Illustration depicts the marking of runways when the RLA and its runways are closed.

Section 14.Appendix F, Table A

This Table replaces Section 14.780, Exceptions, in the repealed Part. The Table lists activities that are allowed at airports.

Section 14.Appendix G, Illustrations A-C

These three Illustrations have been added to replace Section 14.Table C in the repealed Part. The Illustrations prescribe the minimum dimensional standards for heliports.

Section 14.Appendix G, Illustration D

This Illustration has been added to prescribe obstruction clearances required for heliports.

Section 14.Appendix G, Illustration E

Section 14.Appendix G, Illustrations F-G

These Illustrations have been added to prescribe the marking of heliports.

Section 14.Appendix H, Table A

This Table replaces Table C in the repealed Part. It lists minimum standards for heliports.

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Section 14.Appendix H, Table B

This Table replaces some provisions in Section 14.680, Airports for Non-Conventional Aircraft, in the repealed Part. It lists the minimum facilities required at the various heliports.

Section 14.Appendix H, Table C

This Table has been added to list activities that are allowed at heliports.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Any local municipality desiring to obtain a Certificate of Approval for an airport will be required to comply with this new Part. This new Part will not require a municipality to do more but, rather, is a clarification of current practice. A new Subpart has been added addressing the issuance of a Certificate of Approval for heliports. This new Subpart, while not new with respect to current practice, clarifies and consolidates the provisions on helicopter operations for ease of comprehension.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. Roger Finnell, Acting Chief
Bureau of Aviation Safety
Illinois Department of Transportation
Division of Aeronautics
#1 Langhorne Bond Drive
Springfield, Illinois 62707
(217)785-8514

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JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: A small business desiring to establish an airport or heliport may be impacted by this Part.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting or bookkeeping by the Certificate Holder is necessary - no change from current practice.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

The full text of the Proposed Rules begins on the next page:

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SUBCHAPTER b: AERONAUTICS

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AVIATION SAFETY

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14.105	Definitions
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14.460 Fuel Requirements for Flight in IFR Conditions

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14.520 Design and Layout Requirements
14.530 Obstructions
14.540 Airport Marking
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14.580 Restrictions on Use

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14.700 Restricted Landing Area Classification
14.710 Application for Certificate of Approval
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14.730 Obstructions
14.740 Facilities
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14.770 Restrictions on Use

SUBPART H: HELIPORTS/VERTIPOINTS

Section

14.800 Heliport/Vertiport Classification
14.810 Application for Certificate of Approval
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14.830 Obstructions

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- 14.840 Heliport Marking
- 14.850 Facilities
- 14.860 Responsibility of a Public-Use Heliport Certificate Holder
- 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport, and Hospital Heliport Certificate Holder
- 14.880 Restrictions on Use

SUBPART I: SPECIAL PURPOSE AIRCRAFT

Section

- 14.900 Special Purpose Aircraft Designation
- 14.910 Registration of Special Purpose Aircraft
- 14.920 Exemption from Registration
- 14.930 Compliance with Aircraft Registration
- 14.940 Liability
- 14.950 Special Purpose Aircraft Operations
- 14.960 Saving Clause

SUBPART J: ULTRALIGHTS AND ULTRALIGHT TRAINERS

Section

- 14.1000 Registration for Ultralights and Ultralight Trainers
- 14.1010 Liability
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SUBPART K: PRACTICE AND PROCEDURE

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- 14.1100 Purpose and Applicability
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14.ILLUSTRATION E	Public or Private Heliport (Non-Hospital) Typical Heliport Marking
14.ILLUSTRATION F	Rooftop or Elevated Hospital Heliport Typical Heliport Marking
14.ILLUSTRATION G	Surface Hospital Heliport Typical Heliport Marking
14.APPENDIX H	Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use
14.TABLE A	Heliport Standards
14.TABLE B	Facility Requirements
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AUTHORITY: Implementing and authorized by the Illinois Aeronautics Act [620 ILCS 5].

SOURCE: Part repealed at 27 Ill. Reg. _____, effective _____; New Part adopted at 27 Ill. Reg. _____, effective _____.

For purposes of this Part, the singular shall include the plural, the plural the singular and the masculine the feminine.

SUBPART A: GENERAL PROVISIONS

Section 14.100 Purpose and Applicability

- a) This Part sets forth the standards for the creation, classification, modification, operation and certification of public and private aircraft landing areas, and it also regulates airmen and aircraft.
- b) This Part applies to all manned aircraft, including those not required to be registered with or approved by the Federal Aviation Administration (the FAA).

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- c) The Department of Transportation (the Department) will apply and interpret this Part, whenever practicable, in a manner consistent with the federal government and with other states.
- d) All forms referenced in this Part may be obtained by contacting the Division of Aeronautics (the Division) by phone at 217-785-8516, by writing to or visiting the Division at 1 Langhorne Bond Drive, Capital Airport, Springfield, IL 62707, by e-mail at Aero@nt.dot.state.il.us or by accessing the Division's web site at www.dot.state.il.us.

Section 14.105 Definitions

For purposes of this Part, the words, terms and phrases listed shall have the meanings ascribed to them as follows:

"Act" means the Illinois Aeronautics Act [620 ILCS 5].

"Administrator" as used, except as otherwise specifically provided in 14 CFR 1, effective October 1, 2002, shall mean the Administrator of the FAA or an officer or employee of the Administrator of the FAA designated by him in writing for the purpose specified in that designation.

"Aerobatic Flight" means maneuvers intentionally performed by an aircraft involving an abrupt change in attitude or an abnormal attitude or acceleration not necessary for normal flight.

"Aeronautics" means transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports, restricted landing areas, or other air navigation facilities and air instruction. (See Section 2 of the Act.)

"Air Navigation" means the operation or navigation of aircraft in the airspace over this State, or upon any airport or restricted landing area within this State. Air Navigation does not mean the taxiing of aircraft on the ground for repositioning or maintenance purposes. (See Section 10 of the Act.)

"Air Navigation Facility" means any facility other than one owned or controlled by the federal government, used in, available for use in, or designed for use in, aid of air navigation, including airports, heliports/vertiports, restricted landing areas,

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and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instruments or devices used or useful as an aid, or constituting an advantage or convenience, to the safe takeoff, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, heliport/vertiport, or restricted landing area, and any combination of any or all such facilities. (See Section 9 of the Act.)

"Aircraft" means any device used or designed to carry humans in flight as specified by the Division in this Part. All devices required to be licensed as "aircraft" by the FAA on the effective date of this Part are "aircraft." The Division has, by Subpart J of this Part, specified the extent to which aircraft not required to be licensed by the FAA are subject to the provisions of this Part. (See Section 3 of the Act.)

"Airman" means any individual who operates or is licensed to operate an aircraft in flight. Airman as used in this Part also means pilot. (See Section 12 of the Act.)

"Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings (14 CFR 1, effective October 1, 2002.)

"Airport" means any area of land, water or both, except a restricted landing area, that is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo; and, all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether established before or after the effective date of this Part. (Various airport classifications may be found in Subpart E, Subpart F and Subpart H of this Part.) (See Section 6 of the Act.)

"Airport Hazard" means any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or takeoff at any airport or restricted landing area or is otherwise hazardous to the landing or takeoff of aircraft. (See Section 22 of the Act.)

"Applicant" means, but is not limited to, the person, trust, company, governmental body, corporation, limited liability company or association to whom a Certificate of Approval may be issued.

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"Certificate Holder" means, but is not limited to, the person, trust, company, governmental body, corporation, limited liability company or association to whom a Certificate of Approval has been issued.

"Certificate of Approval" means a certificate issued by the Division approving the operation of an airport or restricted landing area as specified by the Division.

"Certificate of Registration" means a certificate issued by the Division indicating that, for purposes of Subpart B of this Part, an individual has registered his FAA license, certificate or permit with the Division for his aircraft; and, for purposes of Subpart C of this Part, means a certificate issued by the Division indicating that an individual has registered his current and appropriate FAA issued pilot certificate with the Division.

"Civil Aircraft" means any aircraft other than a public aircraft. (See Section 5 of the Act.)

"Department" means the Illinois Department of Transportation.

"Design Helicopter/VTOL Aircraft" means a generic rotorcraft/vertical takeoff or landing (VTOL) aircraft that reflects the maximum size of all helicopters/VTOL aircraft expected to operate at the heliport/vertiport.

"Displaced Threshold" means a threshold that has been displaced to provide for obstruction clearance. The portion of runway behind a displaced threshold may be available for takeoffs in either direction or landings from the opposite direction.

"Division" means the Illinois Department of Transportation, Division of Aeronautics, 1 Langhorne Bond Drive, Capital Airport, Springfield, IL 62707-8415.

"FAA" means the Federal Aviation Administration.

"Final Approach and Takeoff Area" or "FATO" means a defined object-free area over which the final phase of the approach to a hover, or a landing, is completed and from which the takeoff is initiated.

"Flight Instruction" means the imparting of aeronautical knowledge by a FAA authorized flight instructor specifically involving the actual flight of an aircraft, or

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by a FAA sanctioned flight instructor involving the actual flight of an Ultralight training aircraft.

"Fly-In Event" means any congregation of aircraft, other than based aircraft, in excess of six aircraft.

"Heliport/Vertiport" means a generic reference to the area of land, water or structure used, or intended to be used, for the landing and takeoff of helicopters/VTOL aircraft, together with associated buildings and facilities.

"Helistop/Vertistop" means a minimally developed helicopter/VTOL aircraft facility for boarding and discharging passengers or cargo. The heliport/helistop, vertiport/vertistop relationship is comparable to a bus terminal - bus stop relationship with respect to the extent of services provided or expected.

"Hospital Heliport/Vertiport" means a heliport/vertiport limited to serving only helicopters/VTOL aircraft engaged in air ambulance, or hospital related functions.

"IFR" means instrument flight rules.

"Landing Strip" means a portion of the usable area within an airport boundary that either in its natural state or as a result of construction work is suitable for the landing and takeoff of aircraft.

"Modification" means any change to the Certificate of Approval as originally issued by the Division, including, but not limited to, extension or alteration of the airport or restricted landing area, change in ownership, change in classification or change in status.

"Municipality" means any county, city, village or town of this State and any other political subdivision, public corporation, authority, or district in this State, or any combination of two or more of the same that is or may be authorized by law to acquire, establish, construct, maintain, improve and operate airports and other air navigation facilities. (See Section 20 of the Act.)

"Notice" means a legal document prepared by the Division, to be published in a newspaper in the county in which the airport or restricted landing area sought to be established, altered or extended is, or is proposed to be located, indicating that the Division intends to enter an Order regarding the application for the proposed

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airport or restricted landing area, or the alteration or extension thereof. (See Section 60 of the Act.)

"Nuisance" means operating an aircraft in an annoying or vexatious manner.

"Operation of Aircraft or Operate Aircraft" means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft. Any person who causes or authorizes such use of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft. Operation of aircraft does not mean ground movement for repositioning or maintenance purposes. (See Section 11 of the Act.)

"Order" means a legal document prepared by the Division, to be published in a newspaper in the county in which the airport or restricted landing area sought to be established, altered or extended is, or is proposed to be located, that may either grant or deny an application for a Certificate of Approval. If granted, the Order allows the applicant to begin construction of the proposed airport or restricted landing area, or the alteration or extension thereof. (See Section 60 of the Act.)

"Person" means, but is not limited to, any individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, joint venture, public service corporation or body politic; and includes any trustee, receiver, assignee or other similar representative. (See Section 17 of the Act.)

"Pilot" means airman.

"Pilot-in-Command" means the person who has final authority and responsibility for the operation and safety of the flight; and, has been designated as pilot-in-command before or during the flight; and, holds the appropriate category, class and type rating, if appropriate, for the conduct of the flight.

"Private Use" means that an airport is not open to the general public. Use is limited to the Certificate Holder and any other users as authorized by the Certificate Holder.

"Public Aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia,

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but not including any government aircraft engaged in carrying persons or property for commercial purposes. (See Section 4 of the Act.)

"Public Use" means that an airport is open to the general public.

"Restricted Landing Area (RLA)" means any area of land, water, or both that is used or is made available for the landing and takeoff of aircraft that is intended for private use. (See Section 8 of the Act.)

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors (14 CFR 1, effective October 1, 2002.)

"Runway" means the paved, hard surfaced or stabilized central portion of a landing strip.

"Runway Protection Zone" means a defined area off the end of a runway that is clear of incompatible objects and activities.

"Runway Safety Area (RSA)" means a defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an undershoot, overshoot, or excursion from the runway.

"Sea Lane" means a water landing and departure surface.

"Seaplane" means all aircraft designed for water operations and includes amphibious aircraft when they are operating on water.

"Special Purpose Aircraft" means the following: manned balloons, lighter-than-air aircraft, seaplanes, sailplanes, gliders and other powerless aircraft, heavier-than-air aircraft, agricultural aircraft during the time used solely for agriculture applications, helicopters/VTOL aircraft, and any other aircraft as designated by the Division. Use and limitations provisions for special purpose aircraft are contained in Subpart I of this Part.

"State" or "this State" means the State of Illinois. (See Section 7 of the Act.)

"STOL" means short takeoff and landing.

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"STOL Operation" means the operation of an aircraft, at some weight within its approved operating weight, in compliance with applicable federal STOL standards, characteristics and airworthiness.

"Stopway" means a defined rectangular surface beyond the end of a runway, prepared or suitable for use in lieu of a runway, to support an airplane without causing structural damage to the airplane during an aborted takeoff.

"Threshold" means the beginning of that portion of runway available for landing. In some instances the landing threshold may be displaced.

"TLOF" means Touch Down and Lift-off Area, commonly referred to as a helipad and normally centered in a Final Approach and Takeoff Area (FATO).

"Ultralight" means any aircraft intended to be used by a single occupant for recreation or sport purposes only, does not have an airworthiness certificate, weighs less than 155 pounds if non-powered, or if powered, weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation, has fuel capacity not exceeding five U.S. gallons, is not capable of more than 55 knots calibrated air speed at full power in level flight and has a power-off stall speed that does not exceed 24 knots calibrated air speed.

"Ultralight Trainer" means any aircraft that does not have an airworthiness certificate, is used or intended to be used in the air for training Ultralight pilots, and meets the requirements for operating under an FAA approved Ultralight training exemption.

"Vertiport" means, for the purposes of this Part, a heliport.

"VFR" means visual flight rules.

"VTOL" means aircraft capable of vertical takeoff and landing operations.

"Wind Indicator" means tetrahedron, wind tee or wind cone (windsock).

Section 14.110 Operation Without Certificate of Approval Unlawful

It shall be unlawful for any municipality or other political subdivision, or officer or employee thereof, or for any person, company or association of persons to use or operate any airport or

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restricted landing area for which a Certificate of Approval has not been issued by the Division; provided, that no Certificate of Approval shall be required for an airport or restricted landing area which was in existence and approved by the Illinois Aeronautics Commission, whether or not being operated on or before July 1, 1945, and all representations, conditions and restrictions incidental to the latter have been fulfilled and complied with. (See Section 47 of the Act.)

Section 14.115 Application Process for Original Certificate of Approval

An applicant for an original Certificate of Approval for a new airport or RLA must complete the following process before a Certificate of Approval will be issued by the Division. All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).

- a) The applicant must personally contact the Division either by phone at 217-785-8516, in writing at 1 Langhorne Bond Drive, Capital Airport, Springfield, IL 62707, or by e-mail at Aero@nt.dot.state.il.us initial inspection of the site proposed to be used for the airport or RLA.
- b) The applicant must include proof of continuing property interests in, and authority to operate, the requested airport or RLA on the subject property as evidenced by:
 - 1) the approval of the property owner (i.e., a letter with the property owner's signature) if not the same as the applicant, or
 - 2) a copy of the deed or long-term lease.
- c) Division personnel will visit the proposed site, as early as Division priorities will allow, to determine if the minimum standards for the operation of an airport or RLA, as prescribed in either Section 14.510(a), 610(a), 710(a) or 810(a), can be achieved.
 - 1) After an initial inspection has been performed and the site is determined to be acceptable under this Part, an Application for Certificate of Approval form (Form AER 2059 for an airport or RLA or Form AER 2060 for a heliport) must be completed and signed, along with FAA Forms 7480-1 (Notice of Landing Area Proposal) and 7480-2 (Sketch), and the originals mailed or hand-delivered to the Division at the address noted in Section 14.100(d).
 - 2) If the proposed site is not acceptable, under this Part, Division personnel will advise the applicant as to what can be done to achieve an acceptable site (e.g., cut trees, clear brush) or suggest an alternative site.
- d) The Division will submit FAA Forms 7480-1 and 7480-2 to the FAA for an airspace determination. Once the Division has received a favorable airspace determination from the FAA (in approximately 30-60 days), the applicant will be notified in writing and the Division will proceed in processing the application for Certificate of Approval. If the FAA issues a non-favorable airspace

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determination, the applicant will be notified in writing as to what criteria needs to be met to receive a favorable determination (e.g., pattern agreement with another airport or RLA, cut trees).

- e) The Division will publish a Notice in the local newspaper, within the county of the proposed site of the airport or RLA, indicating that the Division intends to publish an Order granting or denying a Certificate of Approval, with a copy simultaneously mailed to the applicant. All interested persons may, prior to the publication of the Order in the newspaper, file objections to or comments on the proposed Order by writing to the Division, at the address noted in Section 14.100(d), within 15 days after the date of publication of the Notice in the newspaper. The Division will consider any comments or opposition received within the 15-day period prior to making a decision to grant or deny a Certificate of Approval and prior to publishing the Order. (See Section 60 of the Act.)
- f) If no comments or opposition to the proposed airport or RLA are received by the Division within the 15-day period, the Division will publish an Order in the local newspaper, within the county of the proposed site of the airport or RLA approving the construction, with a copy simultaneously mailed to the applicant. The Order will include the terms and restrictions (e.g., number of based aircraft, restrictions on use) associated with the issuance of the Certificate of Approval, as well as providing information as to a completion date for construction and for the final inspection of the airport or RLA that must occur before the Certificate of Approval will be issued. (See Section 60 of the Act.)
- g) After the Order is published, interested persons may write or e-mail comments to the Division, or request a hearing in writing (see Subpart K), at the address noted in Section 14.100(d), as to the validity or reasonableness of the Order. Comments will be accepted for a 15-day period after publication of the Order in the local newspaper. Unless the Division finds that a hearing is necessary or that a longer period of time is appropriate, the Order will be effective 20 days after publication in the local newspaper. A Certificate of Approval may be issued anytime after the effective date of the Order. The Division will consider all comments received within the 15-day period prior to making a decision whether to grant or deny a Certificate of Approval. (See Section 60 of the Act.)
- h) After publication of the Order, if a hearing is requested, the Division will schedule it at the earliest date possible in the county seat of the county where the proposed airport or RLA is to be located. All interested persons will be notified in writing at least 10 days prior to the scheduled date of the hearing. After the hearing has been held, the Division will issue a Supplemental Order indicating the findings and conclusions of the hearing and whether the original Order will stand or whether it will be modified. A copy of the Supplemental Order will be mailed to the applicant as well as to the person or persons requesting the hearing.

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- i) The applicant will have 18 months from the effective date of the Order to complete construction of the airport or RLA. The applicant shall contact the Division in writing or by phone, as noted in Section 14.100(d), within 30 days after the completion of construction of the airport or RLA to schedule a final inspection with the Division. If the requirements of this Part have been met upon completion of construction and final inspection, the Division will issue a Certificate of Approval for the operation of the airport or RLA to the applicant.
- j) If the applicant is unable to complete construction of the airport or RLA, or, if the requirements of this Part have not been met within 18 months of the effective date of the Order, the applicant may request in writing, at the address noted in Section 14.100(d), an extension of time of the expiration date noted in the Order. The applicant must state the reasons for requesting the extension of time (e.g., weather delays, financial reasons) in the written request. The Division may grant or deny an extension of time based on whether the applicant has shown good cause to justify the request. If an extension of time is granted, the additional period of time allowed will be at the Division's discretion. If a request for an extension of time is denied, or if the minimum standards of this Part cannot be met, the application for a Certificate of Approval becomes null and void on the date the Order expires.

Section 14.120 Transfer/Modification/Rescission of Certificate of Approval

All forms referenced in this Section may be obtained from the Division as noted in Section 14.100(d).

- a) Transfer of Certificate of Approval. Any applicant desiring to have an airport or RLA Certificate of Approval transferred to his name must complete the following process.
 - 1) Complete and sign an Application to Transfer Certificate of Approval form (Form AER 2058). This application must also be signed by the present Certificate Holder (if available) and notarized. An original application must be mailed or delivered to the Division at the address noted in Section 14.100(d).
 - 2) Include proof that the applicant has the authority to operate the requested airport or RLA on the subject property as evidenced by:
 - A) the written approval of the prior Certificate Holder or, if deceased, executor or administrator of the estate, or
 - B) a copy of the deed or long-term lease.
 - 3) Division personnel will visit the airport or RLA, as early as Division priorities will allow, to determine whether it meets the minimum standards found in this Part, or, whether it meets the minimum standards in effect at

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the time of certification for the operation of an airport or RLA, before a transfer will be approved.

- A) If the Division finds that the minimum standards have been met, the Division will issue an Order approving the transfer of the Certificate of Approval that will become effective immediately, with a copy simultaneously mailed to the applicant along with a new Certificate of Approval. No Notice is required for this action and the Order is not required to be published in the newspaper.
 - B) If the minimum standards of this Part have not been met, or, if the airport or RLA is not in compliance with the minimum standards in effect at the time of certification, the Division will advise the applicant as to what corrective measures need to be taken to achieve compliance (e.g., cut trees, clear brush). Once the Division has determined that standards have been met, the Division will issue an Order approving the transfer of the Certificate of Approval that will become effective immediately, with a copy simultaneously mailed to the applicant along with a new Certificate of Approval.
- b) Modification of Certificate of Approval. No person shall make an extension or alteration to an existing airport or RLA that will require a modification of the Certificate of Approval without first having secured an Order from the Division approving the extension or alteration. Extensions or alterations will be considered in accordance with the applicable standards provided in either Section 14.510(a), 610(a), 710(a) or 810(a).
- 1) The Certificate Holder shall complete an Application for Approval of Extension or Alteration to an Airport or RLA form (Form AER 2057) and shall state the nature of the proposed extension or alteration to the airport or RLA in the application. An extension or alteration requiring a modification to the Certificate of Approval includes, but is not limited to the following:
 - A) Construction, realignment, alteration or activation of any runway or other aircraft landing or takeoff area on an airport or RLA, or a taxiway associated with a landing or takeoff area on an airport or RLA, that causes any material change in the length, width or direction of any runway, other aircraft landing or takeoff area, or taxiway on an airport or RLA.
 - B) Change of any traffic pattern or traffic pattern altitude or direction.
 - C) Construction or installation of any building or other structure on the airport or RLA property that would extend above an approach slope, transition slope or turning zone.

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- D) Planting or permitting to grow any vegetation or placement of any other obstacle on the airport or RLA property that would extend above an approach slope, transition slope or turning zone.
 - E) Discontinuance of any runway or other aircraft landing or takeoff area of an airport or RLA, as such, or any taxiway associated with a landing or takeoff area of an airport or RLA, for a period of one year or more.
 - F) Change in status of an airport or RLA from private-use to public-use, or change in status of any airport from public-use to private-use or RLA.
- 2) If the extension or alteration is such that a FAA Form 7480-1 must be submitted to the FAA for airspace approval (the requirements are listed on the instruction sheet for the Form 7480-1), the Division will submit the form on behalf of the applicant.
 - 3) Once the Division has received a favorable airspace determination from the FAA (in approximately 30-60 days), if required, the applicant will be notified in writing and the Division will proceed in processing Form AER 2057. If the FAA issues a non-favorable airspace determination, the applicant will be notified in writing as to what criteria needs to be met to receive a favorable determination (e.g., obstruction removed).
 - 4) The Division will publish a Notice in the local newspaper, within the county where the airport or RLA is located, indicating that the Division intends to publish an Order granting or denying the modification to the Certificate of Approval, with a copy of the Notice simultaneously mailed to the applicant. All interested persons may, prior to the publication of the Order in the newspaper, file objections to or comments on the proposed Order by writing to the Division, at the address noted in Section 14.100(d), within 15 days after the date of publication of the Notice in the newspaper. The Division will consider any comments or opposition received within the 15-day period prior to making a decision to grant or deny a modification of the Certificate of Approval and prior to publishing the Order. (See Section 60 of the Act.)
 - 5) If no comments or opposition to the proposed extension or alteration of the airport or RLA are received by the Division within the 15-day period, the Division will publish an Order in the local newspaper, within the county where the airport or RLA is located, approving the proposed extension or alteration of the airport or RLA and the modification of the Certificate of Approval, with a copy simultaneously mailed to the applicant. The Order will include a description of the proposed extension or alteration, any terms and restrictions (e.g., runway orientation, length) associated with the

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issuance of a modified Certificate of Approval, a completion date for the extension or alteration, and a provision that a final inspection of the airport or RLA is to be conducted prior to the issuance of the modified Certificate of Approval.

- 6) After the Order is published, interested persons may write or e-mail comments to the Division, or request a hearing in writing (see Subpart K), at the address noted in Section 14.100(d), as to the validity or reasonableness of the Order. Comments will be accepted for a 15-day period after publication of the Order in the local newspaper. Unless the Division finds that a hearing is necessary or that a longer period of time is appropriate, the Order will be effective 20 days after publication in the local newspaper. A modified Certificate of Approval may be issued to the Certificate Holder anytime after the effective date of the Order. The Division will consider any comments received within the 15-day period prior to making a decision to grant or deny a modified Certificate of Approval. (See Section 60 of the Act.)
- 7) If a hearing is requested, the Division will schedule it at the earliest date possible in the county seat of the county where the airport or RLA is located. All interested persons will be notified in writing at least 10 days prior to the scheduled date of the hearing. After the hearing has been held, the Division will issue a Supplemental Order indicating the findings and conclusions of the hearing and whether the original Order will stand or whether it will be modified. A copy of the Supplemental Order will be mailed to the Certificate Holder as well as to the person or persons requesting the hearing.
- 8) The Certificate Holder will have 18 months from the effective date of the Order to complete the extension or alteration of the airport or RLA. The Certificate Holder shall contact the Division in writing or by phone, as noted in Section 14.100(d), within 30 days after the completion of the extension or alteration of the airport or RLA to schedule a final inspection with the Division. If the minimum standards of this Part have been met upon completion of the extension or alteration and final inspection, the Division will issue a modified Certificate of Approval to the Certificate Holder for the operation of the airport or RLA that includes any extension or alteration made to the airport or RLA.
- 9) If the Certificate Holder is unable to complete the extension or alteration of the airport or RLA within 18 months of the effective date of the Order, the Certificate Holder may request in writing, at the address noted in Section 14.100(d), an extension of time of the expiration date in the Order. The Certificate Holder must state the reasons for requesting the extension

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of time (e.g., delay in starting the project, weather delays) in the written request. The Division may grant or deny an extension of time based on whether the Certificate Holder has shown good cause to justify the request. If an extension of time is granted, the additional period of time allowed will be at the Division's discretion. If the request for an extension of time is denied, the application for the extension or alteration to the airport or RLA becomes null and void on the date the Order expires.

- 10) The Division may initiate the modification of a Certificate of Approval if it finds, upon inspection, that the airport or RLA is not being operated in accordance with this Part or with the standards in effect at the time the original Certificate of Approval was issued for the airport or RLA. Modifications will be made after the issuance of a Notice, Order and opportunity to be heard as outlined in subsections (b)(4), (5), (6) and (7) of this Section.
- c) Rescission of Certificate of Approval. The Certificate Holder, the property owner, and the Division each have the authority to request that a Certificate of Approval to operate an airport or RLA in Illinois be rescinded. Additionally, rescission may be accomplished by Operation of Law as provided in subsection (c)(4) of this Section.
 - 1) Rescission by Certificate Holder. The Certificate Holder shall submit a completed Rescission of Certificate of Approval form (Form AER 2548) authorizing the closing of an airport or RLA and requesting that the Division rescind the Certificate of Approval. The form shall include the reason(s) for the rescission. A voluntary rescission by the Certificate Holder requires that the Division issue an Order of Rescission and mail a copy to the Certificate Holder. No Notice is required. The Order is not required to be published in the local newspaper but will be entered into the Division's records.
 - 2) Rescission by Property Owner. The owner of the property that an airport or RLA is located upon shall submit a completed Rescission of Certificate of Approval form authorizing the closing of an airport or RLA and requesting that the Division rescind the Certificate of Approval. The form shall include the reason(s) for the rescission, as well as a notarized statement indicating that the Certificate Holder no longer has the authority to operate the airport or RLA on the subject property. A voluntary rescission by the property owner requires the Division to issue an Order of Rescission and mail copies to the property owner and the Certificate Holder. No Notice is required. The Order is not required to be published in the local newspaper but will be entered into the Division's record.

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- 3) Rescission by the Division. The Division will rescind a Certificate of Approval if it finds that an airport or RLA is not being operated in accordance with this Part, or is not safe or is not being maintained or operated safely. The abandonment of an airport or RLA for a period of two consecutive years shall be just cause for the Division to rescind a Certificate of Approval. Any rescission by the Division will be after the issuance of a Notice, Order and an opportunity to be heard as outlined in subsections (b)(4), (5), (6) and (7) of this Section. (See Section 49 of the Act.)
- 4) Rescission by Operation of Law. Each Certificate of Approval will automatically expire, with no further action required, upon the death of the Certificate Holder or dissolution of the corporation, Limited Liability Company (LLC), Limited Liability Partnership (LLP), Association, etc. holding the Certificate of Approval, unless the Division receives an Application to Transfer Certificate of Approval form (Form AER 2058) and the airport or RLA is in compliance with the minimum standards of this Part.

Section 14.130 Waivers

- a) The Division may waive strict compliance with any portion of this Part in connection with any particular application or request for a waiver, if the applicant demonstrates that the waiver:
 - 1) is necessary;
 - 2) will not adversely affect air traffic;
 - 3) will not interfere with future development of the airport or RLA;
 - 4) will not substantially impair the safety of the public's use of the airport; and
 - 5) will not diminish the safety of those using or living near the airport or RLA (i.e., the applicant must produce documentation indicating that the aircraft he proposes to utilize at the airport or RLA only requires a short strip for takeoff and landing, thereby allowing a waiver of the minimum length requirements).
- b) In evaluating a request for a waiver, the Division will consider, but is not limited to considering:
 - 1) the volume and type of aircraft using the airport or RLA;
 - 2) the navigational aids;
 - 3) the length and width of the landing strip;
 - 4) the instrument approaches;

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- 5) the function of the airport or RLA in the current national and State airport and airway plan;
 - 6) the nature of the terrain;
 - 7) the possibilities for future development;
 - 8) the proximity to neighbors;
 - 9) the population density; and
 - 10) the pattern agreements.
- c) The applicant must complete and sign an Application for Waiver form (Form AER 2056) that shall be submitted with the application for Certificate of Approval for an airport or RLA, or for an extension or alteration of an existing airport or RLA, in accordance with Section 14.115 and Section 14.120. The Application for Waiver must contain clear and concise statements of the facts together with a request that a certain regulation be waived.
- d) An Application for Waiver will be checked for accuracy by Division personnel and must be approved by the Bureau Chief of Aviation Safety and the Director of the Division. The applicant will be notified by the Division either in writing or by telephone, as soon as Division priorities will allow, as to whether the Application for Waiver has been approved.
- e) All decisions either approving or disapproving requests for waivers are final and are reviewable pursuant to Section 14.1196, Administrative Review.

SUBPART B: AIRCRAFT REGISTRATION

Section 14.200 Registration of Aircraft

Except as provided in Section 14.230, no person shall operate, or authorize to be operated, any civil aircraft in Illinois unless that aircraft has an appropriate effective license, airworthiness certificate or permit issued by the FAA for which a certificate of registration has been issued by the Division that is in full force and effect. (See Section 43 of the Act.)

Section 14.210 Time and Manner of Registration

All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).

- a) Except as provided in Section 14.230, all holders of Federal Aircraft Certificates for aircraft engaged in air navigation in Illinois shall complete an Application for Registration of Federal Aircraft Certificate form (Form AER 2048) within 30 days after establishing residency in Illinois or within 30 days after purchasing an aircraft. Each completed application shall contain at least the same information that is shown on the Federal Aircraft Certificate.

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- b) The fee for the registration or transfer of registration of each Federal Aircraft Certificate is \$20.00 when paid within the first year of the current biennial registration cycle. Persons who register within the second year of the current biennial cycle must pay \$10.00. Remittance shall be payable to the State Treasurer of Illinois and shall be included at the time the application for registration is submitted to the Division. (See Section 42 of the Act.)
- c) The Division will then issue a biennial Certificate of Registration and a Decal that are required to be carried at all times in or on an aircraft engaged in air navigation in Illinois (see Section 14.220) and that will automatically expire upon transfer of ownership of the aircraft or on the date indicated on the Certificate of Registration. The Certificate of Registration and Decal will be mailed to the registrant as early as Division priorities allow. Each biennial registration cycle begins January 1 of all even years and expires December 31 of the following odd year. Renewal notices are mailed at the beginning of each cycle.
- d) No formal hearing will be held concerning an application for a Certificate of Registration. If additional information is needed, the Division may inquire about or investigate an application.

Section 14.220 Exhibition of Certificates and Decal

- a) Each Federal Aircraft Certificate and the Certificate of Registration and Decal issued by the Division shall be carried at all times in or on the aircraft engaged in air navigation in Illinois. Each certificate must be posted where it may be readily seen by passengers or inspectors (i.e., on the pocket of the kick panel) and must be presented for inspection upon demand by any passenger, any peace officer of this state, any officer or authorized employee or designee of the Division, or any official, manager or person in charge of any airport or RLA in Illinois upon which the aircraft lands. The Decal issued by the Division shall be affixed to the aircraft as prescribed in the instructions (above or near the "N" number on the right side of the aircraft) included with the Decal. (See Section 45 of the Act.)
- b) In the event of loss, mutilation, correction (i.e., name change) or destruction of a Certificate of Registration or Decal, the owner of a registered aircraft may obtain a duplicate from the Division upon notifying the Division in writing and submitting a payment of \$5.00 made payable to the State Treasurer of Illinois.

Section 14.230 Exceptions to Registration Requirements

Sections 14.200, 210 and 220 do not apply to subsections (a) - (f) of this Section provided the aircraft complies with all other applicable Sections of this Part.

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- a) An aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of the licensed aircraft.
- b) An aircraft owned by a non-resident person of the state of Illinois lawfully entitled to operate the aircraft in the state of his or its residence.
- c) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce.
- d) An aircraft while being transported in the possession of, or while being demonstrated to a potential buyer by a bonafide aircraft manufacturer, distributor or dealership.
- e) Ultralights and Ultralight Trainers (although the Division encourages registration).
- f) Publicly owned aircraft including military aircraft. (See Section 44 of the Act.)

SUBPART C: AIRMAN REGISTRATION

Section 14.300 Registration of Airman

Except as provided in Section 14.330, no person shall engage in the operation of an aircraft in Illinois unless he has obtained from the Division an effective registration of his current and appropriate airman certificate as issued by the FAA. No person shall engage in the operation of aircraft in Illinois unless current and qualified under 14 CFR 61, effective October 1, 2002. (See Section 43 of the Act.)

Section 14.310 Time and Manner of Registration

All forms referenced in this Section may be obtained from the Division at the address noted in Section 14.100(d).

- a) Except as provided in Section 14.330, all holders of Federal Airman Certificates engaged in the operation of aircraft in Illinois shall complete a Biennial Application for Registration of Federal Airman Certificate form (Form AER 1967) within 30 days after establishing residency in Illinois. Each completed application shall contain at least the same information that is shown on the Federal Airman Certificate, including all ratings attached to the certificate.
- b) The fee for the registration of each Federal Airman Certificate is \$10.00 when paid within the first year of the current biennial registration cycle. Persons who register within the second year of the current biennial cycle must pay \$5.00. Remittance shall be payable to the State Treasurer of Illinois and shall be included at the time the application for registration is submitted to the Division. (See Section 42 of the Act.)

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- c) The Division will then issue a biennial Certificate of Registration that will automatically expire on the date indicated on the Certificate of Registration. The Certificate of Registration will be mailed to the registrant as early as Division priorities allow. Each biennial registration cycle begins January 1 of all even years and expires December 31 of the following odd year. Renewal notices are mailed at the beginning of each cycle.
- d) No formal hearing will be held concerning an application for a Certificate of Registration. If additional information is needed, the Division may inquire about or investigate an application.

Section 14.320 Exhibition of Certificates

- a) The Federal Airman Certificate and the Division's Certificate of Registration shall be kept in the personal possession of the pilot when he is operating an aircraft in Illinois. Both certificates must be presented for inspection upon demand by any passenger, any peace officer of this state, any officer or authorized employee or designee of the Division, or any official, manager or person in charge of any airport or RLA in Illinois upon which the airman lands. (See Section 45 of the Act.)
- b) In the event of loss, mutilation, correction (e.g., name change) or destruction of a Certificate of Registration, an airman may obtain a duplicate from the Division upon notifying the Division in writing and submitting a payment of \$3.00 made payable to the State Treasurer of Illinois.

Section 14.330 Exceptions to Registration Requirements

Sections 14.300, 310 and 320 do not apply to:

- a) A pilot operating military or public aircraft or any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of the licensed aircraft.
- b) Any person piloting an aircraft that is equipped with fully functioning dual controls, when a licensed instructor is in full charge of one set of controls and the flight is solely for instruction, or for the demonstration of the aircraft to a bonafide potential buyer.
- c) A non-resident, operating aircraft in Illinois lawfully entitled to operate aircraft in the state of his residence.
- d) Pilots and flight instructors solely engaged in the flight of Ultralights and Ultralight Trainers (although the Division encourages registration).

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- e) A pilot operating or taking part in the operation of an aircraft engaged solely in commercial flying constituting an act of interstate or foreign commerce. (See Section 44 of the Act.)

SUBPART D: AIR SAFETY

Section 14.400 Applicability

This Subpart D applies to aircraft operated in the state of Illinois and the overlying airspace, except for aircraft engaged in special flight operations requiring deviation from this Subpart D that are conducted in accordance with the terms and conditions of a valid certificate of waiver issued by the FAA. For information on Special Purpose Aircraft and Ultralights, see Subparts I and J respectively. This Subpart D does not limit the authority of local officials to take appropriate action to stop, prevent or penalize individuals for or from creating a nuisance. Normal operations, however, do not constitute a nuisance.

Section 14.410 Responsibility and Authority of Pilot

The pilot-in-command of the aircraft shall be directly responsible for its operation and shall have final authority as to the operation of the aircraft. In emergency situations that require immediate decisions and actions (e.g., engine failure), the pilot-in-command may deviate from this Subpart D to the extent required for safety considerations. When emergency authority is exercised, the pilot-in-command, upon request of the Division, shall file a written report that, at a minimum, describes the circumstances of the emergency and how the pilot-in-command deviated from this Subpart D.

- a) Careless or Reckless Operation
 - 1) No pilot shall operate an aircraft in a careless or reckless manner so as to endanger the person or property of another.
 - 2) Examples of careless or reckless aircraft operation that may endanger the person or property of another are:
 - A) Buzzing, diving on, or flying in close proximity to livestock, homes, any structure, aircraft, vehicle, vessel, person or group of persons.
 - B) Operating the aircraft at an insufficient altitude so as to endanger a person or property on the surface or passengers within the aircraft.
 - C) Lacking vigilance by the pilot to observe and avoid other air traffic.
 - D) Knowingly and substantially violating airport traffic rules established by the FAA or the airport owner.
 - E) Operating an aircraft without meeting the FAA's minimum qualifications and currency requirements for pilots.

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- b) Proximity of Aircraft. No pilot shall operate an aircraft in proximity to or on a course relative to other aircraft so as to create a collision hazard. No aircraft shall be operated in formation flight except by pre-arrangement between the pilot-in-command of each aircraft. No pilot shall operate an aircraft in formation flight when passengers are carried for hire.
- c) Aerobatic Flight
- 1) No pilot shall intentionally fly an aircraft in aerobatic flight unless each occupant is equipped with a FAA approved parachute. Aerobatic flight relating to this Part means:
 - A) A bank in excess of 60° relative to the horizon; or
 - B) A nose up or nose down attitude in excess of 30° relative to the horizon.
 - 2) No pilot shall engage in aerobatic flight under the following conditions:
 - A) Over congested areas of cities, towns, settlements, or over an open-air assembly of persons.
 - B) Within any FAA designated airway or within the lateral boundaries of the surface areas of Class B, Class C, Class D or Class E airspace designated for an airport.
 - C) When the flight visibility is less than three statute miles.
 - D) Below an altitude of 1,500 feet above the surface.
 - 3) Subsection (c)(1) of this Section does not apply to:
 - A) Flight tests for pilot certification or rating; or
 - B) Spins and other flight maneuvers required by FAA regulations for any certificate or rating when given by:
 - i) An authorized flight instructor; or
 - ii) An airline transport pilot instructing in accordance with 14 CFR 61, effective October 1, 2002.
- d) Minimum Safe Altitudes. Except when necessary for takeoff or landing, and except as permitted by a FAA low flying waiver, no pilot shall operate an aircraft below the following altitudes at the following locations:
- 1) Anywhere. An altitude that will permit, in the event of the failure of a power unit, an emergency landing without hazard to a person or property on the surface.
 - 2) Over a Congested Area. Over any congested area of a city, town or settlement, or over any open-air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. Helicopters and aircraft having similar flight characteristics may be flown at less than the minimum prescribed in this subsection (d)(2) if such operations are conducted without hazard to or disturbance of persons or property on the surface and in accordance with subsection (d)

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of this Section. However, the Division, in the interest of safety, may prescribe specific routes and altitudes for the operations, with which Special Purpose Aircraft shall conform.

- 3) Over an Area Other Than Congested Area. At an altitude of 500 feet above the surface, except over open water or sparsely populated areas. In these cases, the aircraft shall not be operated closer than 500 feet to any person, vessel, vehicle or structure. Helicopters may be flown at less than the minimums prescribed in this subsection (d)(3) if the operations are conducted without hazard to a person or property on the surface, and in accordance with subsection (d) of this Section.
- e) Aircraft Lights
- 1) Between sunset and sunrise, all aircraft in flight or operated on the ground, or under way on the water, shall display position lights and approved aviation red or aviation white anti-collision lights if so equipped.
 - 2) Between sunrise and sunset, all aircraft in flight shall display approved aviation red or aviation white anti-collision lights. However, the anti-collision lights need not be lighted if the pilot-in-command determines, due to operating conditions and in the interest of safety, the lights need not be on.
- f) Visual Flight Rules (VFR) – Basic VFR Weather Minimums
- 1) Except as provided in 14 CFR 91.155(b) or 14 CFR 91.157, effective October 1, 2002, no pilot may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed in 14 CFR 91.155(a), effective October 1, 2002.
 - 2) When the visibility is less than one statute mile, a helicopter may be operated outside Class E airspace at 1,200 feet or less above the surface, if operated at a speed that allows the pilot adequate opportunity to see any air traffic or other obstruction in time to avoid a collision.
 - 3) Except as provided in subsection (g) of this Section, no pilot may operate an aircraft beneath the ceiling within the lateral boundaries of Class E airspace designated to the surface for an airport, under VFR, when the ceiling is less than 1,000 feet.
 - 4) Except as provided in subsection (g) of this Section, no person may takeoff or land an aircraft, or enter the traffic pattern of an airport, under VFR, within the lateral boundaries of the surface areas of Class B, Class C, Class D or Class E airspace designated for an airport unless:
 - A) Ground visibility at that airport is at least three statute miles; or
 - B) If ground visibility is not reported at that airport, flight visibility during landing or takeoff, or while operating in the traffic pattern, is at least three statute miles.

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- 5) For the purposes of subsection (f) of this Section, an aircraft operating at the base altitude of Class E airspace is considered to be within the airspace directly below that area.
- g) Visual Flight Rules – Special VFR Weather Minimums.
- 1) When a pilot has received an appropriate Air Traffic Control (ATC) clearance, the special weather minimums of this subsection (g)(1), instead of those contained in subsection (f) of this Section, apply to the operation of an aircraft under VFR by that pilot in a Class B, Class C, Class D or Class E airspace designated for an airport.
 - 2) No pilot may operate an aircraft, other than a helicopter, under special VFR clearance, unless one statute mile of flight visibility and clear of clouds is maintained.
 - 3) Except for helicopters, no pilot may operate an aircraft under special VFR clearance between sunset and sunrise, unless that person meets the requirements for instrument flight under 14 CFR 61, effective October 1, 2002, and the aircraft is equipped as required in 14 CFR 91.205(d), effective October 1, 2002.
- h) VFR Cruising Altitude or Flight Level. Except while holding in a holding pattern of two minutes or less, or while turning, each pilot operating an aircraft under VFR in level cruising flight, more than 3,000 feet above the surface, shall maintain the appropriate altitude prescribed below.
- 1) When operating below 18,000 feet mean sea level (MSL) and:
 - A) On a magnetic course of zero degrees through 179 degrees, any odd thousand foot MSL altitude + 500 feet (such as 3,500, 5,500 or 7,500); or
 - B) On a magnetic course of 180 degrees through 359 degrees, any even thousand foot MSL altitude + 500 feet (such as 4,500, 6,500 or 8,500).
 - 2) VFR Flight above 18,000 feet MSL is prohibited throughout the conterminous United States.

Section 14.420 Use of Liquor, Narcotics and Drugs

- a) No person may act as a pilot or required crewmember of a civil aircraft:
- 1) within eight hours after the consumption of any alcoholic beverage;
 - 2) while under the influence of alcohol;
 - 3) while using any drug that affects his faculties in any way contrary to safety; or
 - 4) while having .04 percent by weight or more alcohol in the blood. (See Section 43(d) of the Act.)

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- b) Except in an emergency, no pilot of a civil aircraft may allow a person who appears to be under the influence of intoxicating liquors or drugs (except a medical patient under proper care) to be carried as a passenger in that aircraft.

Section 14.430 Transportation of Explosives, Dangerous Articles or Illegal Substances

- a) No person piloting an aircraft shall permit explosives or other dangerous articles or material such as flammable liquids or solids, oxidizing materials, corrosive liquids or solids, or tear gas to be carried in aircraft, unless carried, contained and transported in a safe (by federal standards) manner. Small arms and ammunition for personal use consistent with applicable federal and State laws, necessary aircraft signaling devices and equipment necessary for the safe operation of the aircraft are permitted.
- b) The transportation of illegal substances is prohibited.

Section 14.440 Dropping Objects from Aircraft

- a) No person, while operating or riding in any type of aircraft, shall cause to be dropped any object used to publicize or advertise any product, service, activity or event; including circulars, posters, handbills or other advertising matter.
- b) No person, owner or lessee, while operating or riding in any type of aircraft, may cause to be dropped any other object, unless he applies for and receives a dropping permit from the Division. Permit forms can be obtained by contacting the Division at the address noted in Section 14.100(d).
 - 1) The completed permit form must be received within 14 days prior to the date of the scheduled drop.
 - 2) The permit form must specify the name and address of the person who will be authorized to make the drop, as well as the date, time and place for the drop and the object to be dropped.
 - 3) Approval is contingent upon whether the drop will constitute a safety hazard. If approved, the permit will be mailed to the person making the request before the day of the scheduled drop. (See Section 43(b) of the Act.)
- c) This Section does not prohibit the otherwise lawful use of aircraft for agricultural applications, fire suppression or pest control. The operator of an aircraft engaging in aerial applications shall carry on his person a permit issued by the State of Illinois, Department of Agriculture. (See Section 43(b) of the Act.)

Section 14.450 Fuel Requirements for Flight in VFR Conditions

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- a) No pilot shall begin a flight in an airplane under VFR conditions unless, considering wind and forecast weather conditions, there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed:
 - 1) during the day, to fly after that for at least 30 minutes; or
 - 2) at night, to fly after that for at least 45 minutes.
- b) No pilot shall begin a flight in a rotorcraft under VFR conditions unless, considering wind and forecast weather conditions, there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 20 minutes.

Section 14.460 Fuel Requirements for Flight in IFR Conditions

- a) Except as provided in subsection (b) of this Section, no pilot shall operate a civil aircraft in Instrument Flight Rule (IFR) conditions unless it carries enough fuel, considering weather reports and forecasts, and weather conditions, to:
 - 1) complete the flight to the first airport of intended landing; and
 - 2) fly from that airport to the alternate airport; and
 - 3) fly after that for 45 minutes at normal cruising speed or, for rotorcraft, fly after that for 30 minutes at normal cruising speed.
- b) Subsection (a)(2) of this Section does not apply if:
 - 1) 14 CFR 97, effective October 1, 2002, prescribes a standard instrument approach procedure for the first airport of intended landing; and
 - 2) for at least one hour before and one hour after the estimated time of arrival at the airport, the weather reports or forecasts, or any combination of them indicate:
 - A) the ceiling will be at least 2,000 feet above the airport elevation; and
 - B) visibility will be at least three statute miles.

SUBPART E: AIRPORTS

Section 14.500 Airport Classification

Airports and Ultralight/Short Takeoff and Landing (STOL) Airports shall be classified as public-use or private-use. For purposes of this Subpart E, the word "airport" includes Ultralight/STOL airports. The minimum standards for the establishment, management or operation of airports shall be in accordance with this Subpart E, including the minimum dimensional standards for airports as shown in Section 14.Appendix A, Illustrations A, B, C and D.

Section 14.510 Application for Certificate of Approval

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- a) New Airports. The Division will issue a Certificate of Approval for an airport in accordance with Section 14.115, taking into consideration:
 - 1) the airport's proposed location;
 - 2) the airport's size and layout;
 - 3) the relationship of the proposed airport to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed airport will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart E, including Section 14.Appendix A, Illustrations A, B, C and D. (See Section 48 of the Act.)
- b) Transfer of Certificate of Approval. The Division will issue a new Certificate of Approval for the transfer of an airport in accordance with Section 14.120(a).
- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of an airport extension or alteration that requires a modification of the Certificate of Approval in accordance with Section 14.120(b).

Section 14.520 Design and Layout Requirements

The minimum airport design and layout requirements shall be in accordance with subsections (a) and (b) of this Section, and with the standards and limitations shown in Section 14.Appendix A, Illustrations A, B, C and D.

- a) Multiple Runway Airport. Relative to the minimum standards for an airport, the Division will not recognize any additional landing area as a runway or landing strip, unless the proposed second or additional landing area has a runway length of at least 80% of the effective length of the primary runway, or unless it is a designated STOL runway. To be a designated STOL runway, it must meet the criteria as prescribed in Section 14.Appendix A, Illustrations C and D.
- b) Line of Sight (LOS). Runway grades, terrain, structures, and permanent objects must be such that there will be an unobstructed LOS from any point five feet above one runway centerline to a point five feet above an intersecting runway centerline, both points being within the area of the runway's visibility zone. The runway's visibility zone is an area formed by connecting points located 50% of the distance between runway ends and the runway intersection. Additionally, LOS between same runway ends from a point five feet above the ends must be maintained. (See Section 14.Appendix A, Illustration E.)

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Section 14.530 Obstructions

In order to be eligible for a Certificate of Approval under this Part, an airport must initially and continually be free of obstructions (e.g., buildings, trees, power poles, etc.) on all runway or landing approach/departure surfaces. Glide ratios and height limitations are shown in Section 14.Appendix A, Illustrations A and C.

Section 14.540 Airport Marking

- a) Every airport shall be marked so that the usable landing area is clearly defined as observed from an altitude of 1500' above ground level (AGL) in accordance with Section 14.Appendix A, Illustrations F and G.
- b) Airports that have a non-standard traffic pattern are required to have a segmented circle with traffic arms. Section 14.Appendix A, Illustration H depicts the dimensional standards for a segmented circle.
- c) Displaced thresholds (based on a 20:1 approach over all obstructions) shall be clearly marked in accordance with Section 14.Appendix A, Illustration I.
- d) All obstructions, such as pole lines that extend above a 20:1 approach slope measured from the physical end of the runway, that are difficult for pilots to observe readily from the air shall be clearly marked.
- e) All obstructions or field conditions that constitute a hazard to aircraft on the ground, shall be clearly marked and visible from the air (e.g., yellow tape, orange cones).

Section 14.550 Facilities

Every airport shall provide at least the minimum facilities as prescribed in Section 14.Appendix B, Table A.

Section 14.560 Responsibility of a Public-Use Airport Certificate Holder

The holder of a Certificate of Approval for a public-use airport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous (e.g., rough terrain, soft ground) by prominently displaying an "X" as set forth in Section 14.Appendix A, Illustration J; and, also, by notifying the appropriate Federal Aviation Administration Flight Service Station (FAA-

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FSS) of those conditions. All other hazardous conditions (e.g., snow or ice on runway) should be reported immediately or NOTAMED (Notice to Airmen) to the FAA-FSS.

- b) Supervise or cause the supervision of all aeronautical activity in connection with the airport in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
- c) Have authorized personnel in attendance at the airport at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
- d) Ensure that the airport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the airport number, an answering device at the airport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- e) Prescribe local airport rules that will be reviewed and approved, prior to their adoption, by the Division.
- f) Develop and follow, on the property subject to his control, operational maintenance and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- g) Furnish the Division, upon request, with information concerning aircraft using the airport as an operating base, persons exercising managerial or supervisory functions at the airport, accidents, and the nature and extent of aeronautical activity occurring at the airport.
- h) Obliterate all signs and markings that might indicate that the airport is still operating, prior to the Division issuing an Order closing the airport, in accordance with Section 14.120(c). Place an "X" on the field, as set forth in Section 14.Appendix A, Illustration J, unless the airport is, or is proposed to be, operated as an RLA.

Section 14.570 Responsibility of a Private-Use Airport Certificate Holder

The holder of a Certificate of Approval for a private-use airport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

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- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by prominently displaying an "X" as set forth in Section 14.Appendix A, Illustration J.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the airport in the interest of safety.
- c) Ensure that the airport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the airport number, an answering device at the airport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- d) Prescribe local airport rules that will be reviewed and approved, prior to their adoption, by the Division.
- e) Develop and follow, on the property subject to his control, operational maintenance and repair practices that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- f) Furnish the Division, upon request, with information concerning aircraft using the airport as an operating base, persons exercising managerial or supervisory functions at the airport, accidents, and the nature and extent of aeronautical activity occurring at the airport.
- g) Obliterate all signs and markings that might indicate that the airport is still operating, prior to the Division issuing an Order closing the airport, in accordance with Section 14.120(c). Place an "X" on the field, as set forth in Section 14.Appendix A, Illustration J, unless the airport is, or is proposed to be, operated as an RLA.

Section 14.580 Restrictions on Use

For restrictions on use see Section 14.Appendix B, Table B.

SUBPART F: AIRPORTS FOR NON-CONVENTIONAL AIRCRAFT

Section 14.600 Airport Classification

Airports designated as seaplane bases or landing areas for seaplanes, or for non-conventional types of aircraft such as lighter-than-air aircraft or balloons shall be classified as public-use or private-use. The minimum standards for the establishment, management or operation of airports for non-conventional aircraft shall be in accordance with this Subpart F, including the minimum dimensional standards as shown in Section 14.Appendix C, Illustration A.

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Section 14.610 Application for Certificate of Approval

Issuance of a Certificate of Approval to an operator of an airport for non-conventional aircraft does not exempt the operator from compliance with all applicable federal, State and local regulations.

- a) New Airports. The Division will issue a Certificate of Approval for an airport for non-conventional aircraft in accordance with Section 14.115, taking into consideration:
 - 1) the airport's proposed location;
 - 2) the airport's size and layout;
 - 3) the relationship of the proposed airport to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed airport will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart F, including Section 14.Appendix C, Illustration A. (See Section 48 of the Act.)
- b) Transfer of Certificate of Approval. The Division will issue a new Certificate of Approval for the transfer of an airport in accordance with Section 14.120(a).
- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of an airport extension or alteration that requires a modification to the Certificate of Approval in accordance with Section 14.120(b).

Section 14.620 Public-Use of Airports for Non-Conventional Aircraft

- a) Balloon Port.
 - 1) Physical Standards. The diameter of the launch circle shall be a minimum of 300 feet, as shown in Section 14.Appendix C, Illustration A.
 - 2) Minimum Departure Slope. A balloon port must provide a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360° circumference. All public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.
 - 3) Facilities. Every balloon port shall provide:
 - A) Wind direction/velocity indicator (must be lighted for night use).
 - B) Adequate fire protection equipment.

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- C) Accessible telephone.
 - D) Potable water during business hours.
 - E) Sanitary restroom facilities.
 - F) First-aid kit.
- 4) Responsibility of a Public-Use Balloon Port Certificate Holder.
- A) Supervise or cause the supervision of all aeronautical activity in connection with the balloon port in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
 - B) Have authorized personnel in attendance at the balloon port at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
 - C) Ensure that the balloon port has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, an answering device at the balloon port number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided for in Section 14.115(a), within 10 days of the change.
 - D) Prescribe local balloon port rules that will be reviewed and approved, prior to their adoption, by the Division.
 - E) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
 - F) Furnish the Division, upon request, with information concerning aircraft using the balloon port as an operating base, persons exercising managerial or supervisory functions at the balloon port, accidents, and the nature and extent of aeronautical activity occurring at the balloon port.
- b) Seaplane Base.
- 1) Physical Standards for Water Lane. Water landing and departure surfaces must be a minimum of 400 feet in width, as shown in Section 14.Appendix C, Illustration A.

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- 2) Water Lane Length and Minimum Clearances. The water lane length for all approaches to and takeoff from the water shall be sufficient to allow for a 100' clearance over all structures on land and water.
- 3) Facilities. Every seaplane base shall provide:
 - A) Wind direction/velocity indicator (must be lighted for night use).
 - B) One 20# fire extinguisher (two with sale of fuel).
 - C) Accessible telephone.
 - D) Docking or beaching facility.
 - E) Accessible emergency personal flotation device (life ring or preserver).
 - F) Potable water.
 - G) Sanitary restrooms.
 - H) First-aid kit.
 - I) Segmented circle with arms where a non-standard traffic pattern is used.
 - J) Fuel.
- 4) Responsibility of a Public-Use Seaplane Base Certificate Holder.
 - A) Notify the appropriate FAA-FSS of hazardous conditions.
 - B) Supervise or cause the supervision of all aeronautical activity in connection with the seaplane base in the interest of public safety, except activity that may be controlled by an authorized air traffic control facility.
 - C) Have authorized personnel in attendance at the seaplane base at all times during normal business hours (i.e., 8:00 AM to 5:00 PM). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
 - D) Ensure that the seaplane base has a phone number by Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, an answering device at the seaplane base number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided for in Section 14.115(a), within 10 days after the change.
 - E) Prescribe local seaplane base rules that will be reviewed and approved, prior to their adoption, by the Division.

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- F) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- G) Furnish the Division, upon request, with information concerning aircraft using the seaplane base as an operating base, persons exercising managerial or supervisory functions at the seaplane base, accidents, and the nature and extent of aeronautical activity occurring at the seaplane base.

Section 14.630 Private-Use of Airports for Non-Conventional Aircraft

- a) Balloon Port.
 - 1) Physical Standards. The diameter of the launch circle shall be a minimum of 300 feet, as shown in Section 14. Appendix C, Illustration A.
 - 2) Minimum Departure Slope. A balloon port must provide a 1:1 departure slope as measured from the nearest edge of the circle throughout its entire 360° circumference. All public utility lines, towers of all types, and inhabited buildings or dwellings must be cleared by at least 5:1 as measured from the nearest edge of the circle.
 - 3) Facilities. Every balloon port shall provide a wind direction/velocity indicator (must be lighted for night use).
 - 4) Responsibility of a Private-Use Balloon Port Certificate Holder.
 - A) Supervise or cause the supervision of all aeronautical activity in connection with the balloon port in the interest of safety.
 - B) Ensure that the balloon port has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, an answering device at the balloon port number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
 - C) Prescribe local balloon port rules that will be reviewed and approved, prior to their adoption, by the Division.
 - D) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that

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the landing area and approaches are free from hazards to the operation of aircraft.

- E) Furnish the Division, upon request, with information concerning aircraft using the balloon port as an operating base, persons exercising managerial or supervisory functions at the balloon port, accidents, and the nature and extent of aeronautical activity occurring at the balloon port.
- b) Seaplane Base.
- 1) Physical Standards. Water landing and departure surfaces must be a minimum of 400 feet in width, as shown in Section 14.Appendix C, Illustration A.
 - 2) Minimum Clearances. All approaches to and departures from the water area shall be sufficient to clear all structures on the land or in the water by at least 100 feet.
 - 3) Facilities. Every seaplane base shall provide a wind direction/velocity indicator (must be lighted for night use).
 - 4) Responsibility of a Private-Use Seaplane Base Certificate Holder:
 - A) Supervise or cause the supervision of all aeronautical activity in connection with the seaplane base in the interest of safety.
 - B) Ensure that the seaplane base has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, an answering device at the seaplane base number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
 - C) Prescribe local seaplane base rules that will be reviewed and approved, prior to their adoption, by the Division.
 - D) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
 - E) Furnish the Division, upon request, with information concerning aircraft using the seaplane base as an operating base, persons exercising managerial or supervisory functions at the seaplane base, accidents, and the nature and extent of aeronautical activity occurring at the seaplane base.

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Section 14.640 Restrictions on Use

For restrictions on use see Section 14.Appendix D, Table A.

SUBPART G: RESTRICTED LANDING AREAS

Section 14.700 Restricted Landing Area Classification

Restricted Landing Areas (RLAs) shall be classified as private-use only. For the purposes of this Subpart G, the word RLA includes RLAs utilizing aircraft having STOL capabilities. An RLA shall provide a landing area sufficient for a safe operation, taking into consideration the type of aircraft to be used and the skill level of the pilots using the RLA. The minimum standards for the establishment, management or operation of RLAs shall be in accordance with this Subpart G, including the minimum dimensional standards as shown in Section 14.Appendix E, Illustrations A and B.

Section 14.710 Application for Certificate of Approval

- a) New RLAs. The Division will issue a Certificate of Approval for an RLA in accordance with Section 14.115, and, taking into consideration:
 - 1) the RLA's proposed location;
 - 2) the RLA's size and layout;
 - 3) the relationship of the proposed RLA to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed RLA will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart G, including Section 14.Appendix E, Illustrations A and B. (See Section 48 of the Act.)
- b) Transfer of Certificate of Approval. The Division will issue a new Certificate of Approval for the transfer of an RLA in accordance with Section 14.120(a).
- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of an RLA extension or alteration that requires a modification of the Certificate of Approval in accordance with Section 14.120(b).

Section 14.720 Design and Layout Requirements

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The minimum RLA design and layout requirements shall be in accordance with the standards and limitations shown in Section 14.Appendix E, Illustrations A and B.

Section 14.730 Obstructions

Minimum RLA obstruction clearance standards shall be in accordance with Section 14.Appendix E, Illustration A. In order for an RLA to be eligible for a Certificate of Approval under this Part, an RLA must initially and continually be free of obstructions (e.g., trees, power lines) on all runways or landing strips within the glide ratio and height limitations shown in Section 14.Appendix E, Illustration A.

Section 14.740 Facilities

Every RLA shall provide:

- a) Wind direction/velocity indicator (must be lighted for night use); and
- b) Clearly marked thresholds and/or displaced thresholds visible from 1500' above ground level (AGL) as shown in Section 14.Appendix E, Illustration C.

Section 14.750 Responsibility of a Restricted Landing Area Certificate Holder

The holder of a Certificate of Approval for an RLA or his authorized agent has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by prominently displaying an "X" as set forth in Section 14.Appendix E, Illustration D.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the RLA in the interest of safety.
- c) Maintain the landing area and approaches so as to permit safe operation in accordance with original certification standards.
- d) Ensure that the RLA has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at this number, a reliable secondary number where the Certificate Holder or his designee can be reached shall be available. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- e) Furnish the Division, upon request, with information concerning aircraft using the RLA as an operating base, persons exercising managerial or supervisory functions

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at the RLA, accidents and the nature and extent of aeronautical activity occurring at the RLA.

- f) Obliterate all signs and markings that might indicate that the RLA is still operating as such, prior to the Division issuing an Order closing the RLA, in accordance with Section 14.120(c).

Section 14.760 Fly-In Events, Prevention of Accidents Due to Overcrowding of Landing Areas

- a) Whenever a fly-in event (more than six aircraft) is staged or held at any RLA, it shall be the responsibility of the Certificate Holder to:
 - 1) Provide, install, display and maintain clearly visible "Closed Runway" X markers, in accordance with Section 14. Appendix E, Illustration D (each of the four arms of each such X marker must be at least 60 feet long and at least 10 feet wide and of a color (preferably yellow) to contrast with the background on which it is installed).
 - A) Keep X markers in place at all times during the course of the event at or near each end of each landing strip or runway, other than the active landing strip or runway, to prevent mistaken or inadvertent use for landing.
 - B) Keep X markers in place at or near each end of the active landing strip or runway when all aircraft that can be accommodated have landed; or, where field, spectator, weather conditions or departure of aircraft on the ground shall render further landing of aircraft hazardous.
 - 2) Provide personnel to guide landed aircraft to and from the aircraft parking area and provide, designate and regulate parking of aircraft, automobiles or other vehicles in a safe manner.
 - 3) Provide and designate by readily discernible markings, landing strips or runways and taxiing space for landings and takeoffs, and aircraft movement on the ground during the course of the event. Landing strips or runways and taxiing space must be kept clear of persons, vehicles, animals and aircraft on the ground that are not taking off, landing or taxiing. In the event that any landing strip or runway, and any taxiing space, shall be approximately parallel, there shall be a clear minimum distance of 100 feet between their adjacent edges. Participating aircraft shall not be permitted to park closer than 100 feet to the edge-designating marker of a landing strip or runway used or designated for such use during the course of the event.

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- b) It shall be the responsibility of the pilot of each aircraft participating in a fly-in event to look for and abide by:
 - 1) any restrictions displayed;
 - 2) "Closed Runway" X markers; and
 - 3) all taxiing and parking directions.

Section 14.770 Restrictions on Use

For restrictions on use see Section 14.Appendix F, Table A.

SUBPART H: HELIPORTS/VERTIPOINTS

Section 14.800 Heliport/Vertiport Classification

Heliports and Vertiports shall be classified as public-use or private-use. They may be designated as a Hospital Heliport, Helistop, Heliport, Vertiport or Vertistop. For purposes of this Subpart H, the word "heliport" includes vertiports, vertistops and helistops. The minimum standards for the establishment, management or operation of heliports shall be in accordance with this Subpart H, including the minimum dimensional standards shown in Section 14.Appendix G, Illustrations A, B and C and Section 14.Appendix H, Table A.

Section 14.810 Application for Certificate of Approval

- a) New Heliports. The Division will issue a Certificate of Approval for a heliport in accordance with Section 14.115, and, taking into consideration:
 - 1) the heliport's proposed location;
 - 2) the heliport's size and layout;
 - 3) the relationship of the proposed heliport to the then current State and Federal Airport and Airways System;
 - 4) whether there are safe areas available for expansion purposes;
 - 5) whether the adjoining areas are free from obstructions based on a proper glide ratio;
 - 6) the nature of the terrain;
 - 7) the nature of the uses to which the proposed heliport will be put;
 - 8) the possibilities for future development; and
 - 9) the minimum standards contained in this Subpart H, including Section 14.Appendix G, Illustrations A, B and C and Section 14.Appendix H, Table A. (See Section 48 of the Act.)
- b) Transfer of Certificate. The Division will issue a new Certificate of Approval for the transfer of a heliport in accordance with Section 14.120(a).

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- c) Modification of Certificate of Approval. The Division will issue a new Certificate of Approval after completion of a heliport extension or alteration that requires a modification to the Certificate of Approval in accordance with Section 14.120(b). For purposes of this Section the phrase, "extension or alteration" shall include the following:
- 1) physical relocation of the FATO by more than 100' laterally or 25' vertically from the original certificated location;
 - 2) change in any approach/takeoff path by more than 30 degrees; or
 - 3) construction of one or more additional FATOs or TLOFs. (See Section 47 of the Act.)

Section 14.820 Design and Layout Requirements

Every heliport is required to have two defined approach/takeoff paths a minimum of 90° apart. Minimum heliport design and layout requirements shall be in accordance with the standards and limitations shown in Section 14.Appendix G, Illustrations A, B and C, and described in Section 14.Appendix H, Table A.

Section 14.830 Obstructions

Minimum heliport obstruction clearance standards shall be in accordance with Section 14.Appendix G, Illustration D. In order to be eligible for a Certificate of Approval under this Part, a heliport must initially and continually be free of obstructions (e.g., power poles, trees, fencing, etc.) on all approach/takeoff paths within the glide ratio and height limitations shown in Section 14.Appendix G, Illustration D.

Section 14.840 Heliport Marking

Every heliport shall be marked so that the usable landing area is clearly defined as observed from an altitude of 500' AGL, in accordance with Section 14.Appendix G, Illustrations E, F and G.

Section 14.850 Facilities

Every heliport shall provide at least the minimum facilities as prescribed in Section 14.Appendix H, Table B.

Section 14.860 Responsibility of a Public-Use Heliport Certificate Holder

The holder of a Certificate of Approval for a public-use heliport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of

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this Part. In addition to maintaining the terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by displaying prominently a contrasting "X" over the FATO/TLOF, that is visible from a minimum of 500' AGL, and notify the appropriate FAA-FSS.
- b) Supervise or cause the supervision of all aeronautical activity in connection with, and in conformity with, the limitations prescribed in this Subpart H for a heliport.
- c) Have authorized personnel in attendance at the heliport at all times during published business hours (excluding helistops). In the event that it is impractical to comply with the foregoing, the Certificate Holder or his agent shall post a prominent notice of the existing situation and provide a telephone number for assistance.
- d) Ensure that the heliport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the heliport number, an answering device at the heliport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided for in Section 14.115(a), within 10 days after the change.
- e) Prescribe local heliport rules that will be reviewed and approved, prior to their adoption, by the Division.
- f) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the landing area and approaches are free from hazards to the operation of aircraft.
- g) Furnish the Division, upon request, information concerning aircraft using the heliport as an operating base, persons exercising managerial or supervisory functions at the heliport, accidents, and the nature and extent of aeronautical activity occurring at the heliport.
- h) Obliterate all signs and markings that might indicate that the heliport is still operating, prior to the Division issuing an Order closing the heliport, in accordance with Section 14.120(c).

Section 14.870 Responsibility of a Private-Use Heliport, Restricted Landing Area Heliport, and Hospital Heliport Certificate Holder

The holder of a Certificate of Approval for a private-use heliport, restricted landing area heliport or hospital heliport, or his authorized agent, has the responsibility to enforce applicable federal, State and local aeronautical laws, and regulations of this Part. In addition to maintaining the

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terms and conditions outlined in the Certificate of Approval and its supporting Order, the Certificate Holder or his agent must:

- a) Immediately designate any condition that may render an aircraft landing or takeoff hazardous by displaying prominently a contrasting "X" over the FATO/TLOF, that is visible from a minimum of 500' AGL.
- b) Supervise or cause the supervision of all aeronautical activity in connection with the heliport in the interest of safety.
- c) Ensure that the heliport has a phone number by which Division personnel can reach the Certificate Holder or his designee. In the event that the Certificate Holder or his designee is not available at the heliport number, an answering device at the heliport number shall provide a message identifying a reliable secondary number where the Certificate Holder or his designee can be reached. It is mandatory that any change in Certificate Holder/designee address or phone number be reported to the Division in writing, by phone or e-mail at the address provided in Section 14.115(a), within 10 days after the change.
- d) Prescribe local heliport rules that will be reviewed and approved, prior to their adoption, by the Division.
- e) Develop and follow, on the property subject to his control, operational maintenance and repair practices, that will ensure that the heliport and approaches are free from hazards to the operation of aircraft.
- f) Furnish the Division, upon request, with information concerning aircraft using the heliport as an operating base, persons exercising managerial or supervisory functions at the heliport, accidents, and the nature and extent of aeronautical activity occurring at the heliport.
- g) Obliterate all signs and markings that might indicate that the heliport is still operating, prior to the Division issuing an Order closing the heliport, in accordance with Section 14.120(c).

Section 14.880 Restrictions on Use

For restrictions on use see Section 14.Appendix H, Table C.

SUBPART I: SPECIAL PURPOSE AIRCRAFT

Section 14.900 Special Purpose Aircraft Designation

The following aircraft are designated as Special Purpose Aircraft:

- a) Seaplanes, non-conventional type of aircraft such as lighter-than-air aircraft, or manned balloons.
- b) Sailplanes, gliders and other powerless, heavier-than-air aircraft.

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- c) Agricultural aircraft during the time they are being used solely for agricultural aerial applications.
- d) Helicopters/VTOL Aircraft.
- e) Any other aircraft as designated by the Division.

Section 14.910 Registration of Special Purpose Aircraft

- a) It shall be unlawful for any person to operate an aircraft designated as a Special Purpose Aircraft, under Section 14.900, to or from an uncertificated area in the state of Illinois, without first receiving a Certificate of Registration as a Special Purpose Aircraft from the Division. Application shall be made on forms prescribed by the Division, and shall include the name of the owner of the certificated area to be used for the Special Purpose Aircraft. Additionally, any other supporting information and documentation, as may be required from time to time by the Division for the registration of a Special Purpose Aircraft under Section 14.900, shall be submitted to the Division with the application. No aircraft shall be considered a Special Purpose Aircraft until the Division has issued a Certificate of Registration to the owner of the aircraft. The Certificate of Registration shall be carried in the Special Purpose Aircraft at all times while it is being operated in the State of Illinois as a Special Purpose Aircraft. (See Section 47 of the Act.)
- b) The certificate of registration is non-transferable either as to the applicant or the aircraft and authorizes only those uses proposed in the application. The certificate shall be valid for as long as the applicant owns the aircraft identified in the application, provided the aircraft's Federal Aircraft Certificate is properly registered annually with the state of Illinois in accordance with Subpart B.

Section 14.920 Exemption from Registration

Aircraft designated as Special Purpose Aircraft under the provisions of Section 14.900, that are owned by non-residents and based outside the State of Illinois, are exempt from the Special Purpose Aircraft registration requirements provided the aircraft complies with all other applicable Sections of this Subpart I, except Section 14.930.

Section 14.930 Compliance with Aircraft Registration

Regardless of any other provisions in this Subpart I, no aircraft shall be designated as a Special Purpose Aircraft unless the aircraft is properly registered with the Division, in accordance with Subpart B, as required by the Act. (See Section 43 of the Act.)

Section 14.940 Liability

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The pilot-in-command and/or owner of a Special Purpose Aircraft, operating to or from an uncertificated area shall be responsible for, and by so operating shall assume, the responsibility for any liability that may arise out of these operations. This Part shall not be interpreted as, nor does it give the pilot-in-command of the aircraft the right to trespass upon the property of another. The foregoing does not relieve a property owner from liability to invitees for damage arising from defects for which they have actual or constructive knowledge.

Section 14.950 Special Purpose Aircraft Operations

- a) Gliders/Sailplanes. Gliders/Sailplanes may utilize an uncertificated area for landings, but are expressly prohibited from taking off from an uncertificated area.
- b) Balloons. Manned balloons and other lighter-than-air aircraft, properly registered with the Division, may operate within the state of Illinois from uncertificated areas provided the pilot-in-command and/or the owner adheres to all of the requirements contained in this Part. Further, balloons, their pilots and/or owners, must comply with all of the requirements of 14 CFR 91, effective October 1, 2002, applicable to special purpose aircraft flight and/or operations.
- c) Helicopters/VTOL Aircraft. A helicopter cannot conduct more than 50 operations (takeoffs or landings) in a period of three consecutive months or 100 operations in a period of one year from the same uncertificated area. The same uncertificated area shall not be used for more than one year. An uncertificated area is defined as any location within a 2000' radius of the first point of landing.

Section 14.960 Saving Clause

The registration of an aircraft as a Special Purpose Aircraft and any other provisions contained in this Part shall in no way nullify any state laws that presently prohibit the landing or takeoff of aircraft from any public highway. These restrictions shall apply to aircraft registered as Special Purpose Aircraft, except aircraft owned or operated by the United States government, the state of Illinois and political subdivisions, and aircraft being used for medical emergencies. This Subpart I is not intended to interfere with any city, village or county ordinances.

SUBPART J: ULTRALIGHTS AND ULTRALIGHT TRAINERS

Section 14.1000 Registration for Ultralights and Ultralight Trainers

Registration of Ultralights and Ultralight Trainers (and pilots of such aircraft) with the Division is encouraged but not required.

Section 14.1010 Liability

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The pilot-in-command and/or owner of an ultralight aircraft, operating to or from an uncertificated area shall be responsible for, and by so operating shall assume, the responsibility for any liability that may arise out of these operations. This Part shall not be interpreted as, nor does it give the pilot-in-command of the aircraft the right to trespass upon the property of another. The foregoing does not relieve a property owner from liability to invitees for damage arising from defects for which they have actual or constructive knowledge.

Section 14.1020 Ultralight/Ultralight Trainer Operations

- a) Ultralights. Ultralight aircraft may operate from all certificated airports in Illinois subject to the rules and/or ordinances prohibiting such operation as adopted by the airport owner. The landing and takeoff of Ultralights will be permitted in uncertificated areas anywhere except the following:
 - 1) within four nautical miles of any airport;
 - 2) within two nautical miles of a RLA; or
 - 3) within one nautical mile of a heliport; unless, a Certificate of Approval has been issued. The flight over any congested area of a city, town or settlement, or over any open-air assembly of persons is prohibited.
- b) Ultralight Trainers. The landing and takeoff of Ultralight Trainers shall be limited to airports approved for flight instruction by the Division. The flight of Ultralight Trainers over any congested area of a city, town or settlement, or over any open-air assembly of persons is prohibited.

Section 14.1030 Saving Clause

The designation of aircraft as Ultralights or Ultralight Trainers, and any other provisions contained in this Subpart J, shall in no way nullify any state laws that presently prohibit the landing or takeoff of Ultralights or Ultralight Trainers from any public highway. These restrictions shall apply to aircraft designated as Ultralights or Ultralight Trainers, except those Ultralights or Ultralight Trainers owned or operated by the United States government, the state of Illinois and political subdivisions, and Ultralights or Ultralight Trainers being used for medical emergencies. This Part shall not be interpreted nor is it intended to interfere with any city, village or county ordinances that may restrict the uncertificated area from which an Ultralight or Ultralight Trainer may takeoff and/or land within the jurisdiction of the local governmental agency.

SUBPART K: PRACTICE AND PROCEDURE

Section 14.1100 Purpose and Applicability

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- a) This Subpart serves as a guideline for the conduct of proceedings before the Division of Aeronautics. Because the Division functions under several statutes and because the procedural requirements of those statutes are not always consistent, this Subpart must be flexible and must vest significant discretion in how a proceeding is to be conducted by the Director of Aeronautics or the Administrative Law Judge ("ALJ") assigned.
- b) This Part applies only to non-contested cases such as hearings relating to the promulgation of airport hazard zoning regulations and the issuance (cf., involuntary revocation) of certificates for airports and restricted landing areas. Hearings for a "contested case", as that term is defined in the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100], will be conducted in accordance with applicable requirements of the IAPA, regulations of the Illinois Department of Transportation, and procedures established by the Illinois Aeronautics Act [620 ILCS 5].

Section 14.1105 Filing of Documents

Documents required to be filed with the Illinois Department of Transportation, Division of Aeronautics, shall be filed with the Director of the Division unless an Administrative Law Judge (ALJ) is involved. If an ALJ is involved, all materials shall be filed with the ALJ. Such documents shall be deemed filed when they are actually received and accompanied by the filing fee, if one is required.

Section 14.1110 Formal Specifications

All documents filed with the Division shall be typewritten or printed. Typewritten documents shall be on strong, durable paper not larger than 8½ by 11 inches, except that tables, maps and other documents may be larger if necessary, and if folded to the size of the document to which they are attached. Text shall be double-spaced except for footnotes and long quotations, which may be single-spaced. Type smaller than elite shall not be used. The left margin shall not be less than 1½ inches and all other margins at least one inch. If the document is bound, it shall be bound on the left side.

Section 14.1115 Copies

- a) Unless otherwise specified, an executed original and one true copy of each document shall be filed. Copies of signed documents shall show the date and signature(s) appearing on the original.
- b) Copies of the Division's records may be obtained, upon written request and payment of the actual costs of copying, pursuant to the Freedom of Information Act [5 ILCS 140].

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Section 14.1120 Verification of Documents

Unless otherwise required by applicable rules or regulations, every document in the nature of a pleading, including motions and answers thereto but excepting briefs and assignments of error, shall be dated, signed and verified substantially in the following form:

VERIFICATION

I have read and am familiar with the contents of the foregoing document and the attached exhibits, if any. I intend and desire that in granting or denying the relief requested, the Division shall place full and complete reliance upon the accuracy of each and every statement made in that document. I have diligently attempted to ascertain the truth of all such statements. Every statement contained in this document is true and not misleading, to the best of my knowledge and belief.

DATE: _____

SIGNATURE**Section 14.1125 Identity of Filer**

All documents shall identify the name, telephone number, and post office address of the person filing the document.

Section 14.1130 Amendment of Documents

- a) A pleading may be amended prior to the filing of a responsive pleading, or if no reply is filed, prior to the publishing either of a Notice of Hearing on the subject matter of the pleading or of the Order. Thereafter, amendments may be made only with leave of the Director or the ALJ.
- b) All amendments shall be consecutively numbered, commencing with Amendment No. 1, and shall identify the document being amended.

Section 14.1135 Responsive Documents

Answers to applications, complaints, petitions, motions, or other documents or Orders instituting proceedings may be filed by any interested person. Protests or memoranda of opposition or support permitted by this Subpart may be filed in lieu of answers or combined with answers.

Section 14.1140 Service of Documents

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- a) The Division. Formal complaints, Notices and Orders shall be served by the Division.
- b) The Parties. Petitions, informal complaints, motions, answers, protests and memoranda shall be served by the party filing the same on all other parties and on each person known to have a substantial interest in the proceeding. Responsive documents shall be served on all the parties.
- c) How Service may be Made. Service may be made by first class, registered, or certified mail; by electronic means (e.g., telefax), or by personal delivery.
- d) Proof of Service. Any document required to be served by this Part, shall contain a certificate of mailing or personal delivery executed by the person serving the document.
- e) Date of Service. Whenever proof of service is made, the date of mailing or the date of personal delivery shall be the date of service.

Section 14.1145 Appearances

- a) Who May Appear. Any party to a proceeding may appear and be heard in person or by attorney. A corporation, association, or public body or agency (including the Division) may appear and present evidence by any bona fide officer, employee or representative.
- b) Right to Counsel. Any party to any proceeding governed by this Subpart K may be accompanied, represented and advised by counsel, and may be examined by his own counsel.

Section 14.1150 Informal Participation in Hearing Cases

In any proceeding which is to be determined after Notice and hearing, any interested person may appear and present evidence which is relevant to the issues. Such evidence shall be presented in either oral or written form as the ALJ, in his sole discretion, may direct. With the consent of the ALJ, such person may cross-examine witnesses and be cross-examined and within the time fixed, submit written statements or a brief to the ALJ with respect to the issues, which shall be filed and served as required of intervenors.

Section 14.1155 Formal Participation

Any person may file an application for leave to intervene in a proceeding, which application shall show a statutory right or a substantial interest in the proceeding. A person permitted to intervene in a proceeding thereby becomes a party to the proceeding for all purposes. No decision granting or denying intervention shall be deemed to constitute an expression of the Division with respect to the substantive right of the intervenor.

Section 14.1160 Computation of Time

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- a) In computing any period of time prescribed or allowed by this Subpart, Notice, Order, regulation of the Division, the ALJ, or by any applicable statute; the day of the act, event or default after which the designated period of time begins to run, is not to be included.
- b) The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday for the Division, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday for the Division. When the period of time prescribed is seven days or less, intermediate Saturdays, Sundays and legal holidays for the Division shall be excluded in the computation.

Section 14.1165 Extensions of Time

The Division or the ALJ assigned to any proceeding may extend the time for taking any action, without notice, before the expiration of the prescribed period; or, on written motion, permit the act to be done after the expiration of the specified period when such action would be conducive to the ends of justice or not adverse to the public interest.

Section 14.1170 Motions

An application to the Division or the ALJ for an Order or ruling not otherwise specifically provided for shall be by written motion, except during hearing when it may be made orally. After a proceeding is assigned to an ALJ, all motions relating to procedural matters shall be addressed to the ALJ and no interlocutory appeal of his decision will be entertained. The ALJ may, in his discretion, refer any motion to the Director for decision. All motions shall be made at an appropriate time and served on all participants to the proceeding. This Section does not apply to motions for rehearing, reargument or reconsideration.

Section 14.1175 Answers to Motions

Within 10 days after a motion is served, or such other period as the Division or the ALJ may fix, a participant in the proceeding may file an answer. Replies to answers shall not be allowed, but all new matter contained in the answer shall be deemed controverted.

Section 14.1180 Subpoenas

- a) Issuance. Subpoenas for the attendance of witnesses, or for the production of books, papers, accounts or documents at a hearing in a proceeding pending before the Division may be issued by the Director or by the ALJ assigned to the proceeding, either sua sponte or on the written motion of a party showing good cause for the issuance of the subpoena.

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- b) Motion. Motion for subpoenas shall be verified and shall specify the books, papers, accounts or documents desired, and the material and relevant facts to be proved by them. No subpoena shall be issued unless it is first determined that the matter sought is relevant, material and necessary, and that compliance with the subpoena will not result in harassment or undue hardship, inconvenience or expense to the party subpoenaed.
- c) Service. Service of subpoenas and payment of witness fees and expenses shall be made in the manner prescribed by the Illinois Supreme Court Rules, the Code of Civil Procedure [735 ILCS 5], and Section 47 of the Fees and Salaries Act [55 ILCS 45/47].

Section 14.1185 Administrative Law Judge (ALJ)

- a) Qualification. An ALJ must have knowledge of, and be willing to act consistent with, the policies of the Division of Aeronautics.
- b) Duties and Authority. The ALJ shall have the following powers, in addition to any other specified in this Subpart K:
 - 1) to give notice concerning and to hold hearings;
 - 2) to administer oaths and affirmations;
 - 3) to examine witnesses;
 - 4) to issue subpoenas and to take or cause depositions to be taken;
 - 5) to rule upon offers of proof and to receive relevant evidence;
 - 6) to regulate the course and conduct of the hearing;
 - 7) to determine the form in which evidence shall be submitted and the number of copies to be supplied and served;
 - 8) to hold conferences, before or during the hearing, for the settlement or simplification of issues;
 - 9) to rule on motions and to dispose of procedural requests or similar matters;
 - 10) to grant extensions of time on any matter connected with the hearing;
 - 11) to take any other action authorized by this Part, or by any Illinois aeronautics statute;
 - 12) to waive, or otherwise grant a variance from, such procedural requirements as may be helpful to avoid an impracticable or unduly harsh consequence and which would not result in harm, cost or inconvenience to other persons; and
 - 13) to rule on requests for protective Orders, which would prevent the disclosure of proprietary or personal information, whose disclosure would not be a public benefit.

Section 14.1190 Hearings

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- a) Notice. The ALJ to whom the case is assigned, or the Division, shall give the parties reasonable notice of the time and place for a hearing or of the change in the date and place of a hearing and the nature of such hearing.
- b) Evidence. Evidence presented at the hearing shall be given under oath unless waived by the ALJ and shall be limited to material evidence relevant to the issues in the proceedings. Neither the Division, nor the ALJ, shall be bound by the technical rules of evidence or pleading; and, no informality in any proceeding, in the manner of content or testimony taken in a proceeding, shall invalidate any agency Order, decision or ruling made, approved or confirmed by the Division.
- c) Administrative Notice. The Division will take notice of its Orders, decisions, rules and regulations, and of any fact of which the courts and administrative agencies of the state of Illinois may take official notice.
- d) Limitation of Witnesses. The ALJ may limit the number of witnesses whose testimony is merely cumulative. The ALJ shall excuse, and remove if necessary, witnesses not offering relevant and material evidence.
- e) Construction. Rules with respect to evidence shall be applied toward the end that all needful and proper evidence shall be conveniently, inexpensively and speedily heard while preserving the substantial rights of the parties and the witnesses.
- f) Objections to Evidence. Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the ALJ. Rulings on such objections shall be a part of the transcript, to the extent that a transcript may exist.
- g) Exceptions. Formal exceptions to the rulings of the ALJ made during the course of the hearing are unnecessary. For all purposes for which an exception otherwise would be taken, it is sufficient that a party, at the time of the ruling of the ALJ is made or sought, makes known the action he desires the ALJ to take or his objection to an action taken, and his grounds therefor.
- h) Offers of Proof. Any offer of proof made in connection with an objection taken to any ruling of the ALJ, rejecting or excluding proffered oral testimony, shall consist of a statement of the substance of the evidence, which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in documentary or written form, or reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.
- i) Substitution of Copies for Original Exhibits. In his discretion, the ALJ may permit a party to withdraw original documents offered in evidence and substitute true copies in lieu thereof.
- j) Record of Hearings. The ALJ shall determine whether the hearing shall be recorded electronically or whether a reporter shall record and prepare a transcript

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of the hearing. The ALJ shall make necessary arrangements for recording the hearing. If the record is made electronically, the unaltered tape or other recording medium shall be kept for three years. The tape shall be transcribed when the Division determines that it is necessary to do so (for example, for an appeal). The failure to have a stenographer prepare a transcript shall not invalidate a hearing.

- k) Corrections to Transcript. Changes in the official transcript may be made only when errors affecting substance are found. A motion to correct a transcript may be filed within 10 days after notice of the official transcript is sent to a party and before an Order is entered. If no objection is received, the transcript shall be automatically corrected. If an objection is received, the ALJ shall enter an Order on the motion.
- l) Briefs and Arguments. The ALJ may permit oral argument to be presented to him at the close of the hearing. Briefs and written argument may be submitted to him, if permitted by him in his discretion, and within the time prescribed by him. Copies of briefs and written arguments shall be served on all parties.

Section 14.1195 Petition for Rehearing

Within thirty days after the service of any ruling, Order or decision of the Division based upon a hearing, any party or person affected thereby may apply for a rehearing thereof in respect of any matter connected therewith specified in such application for rehearing. Petitions for rehearing shall be in writing, and shall state specifically the grounds relied upon for such rehearing, and shall be accompanied by proof of service thereof upon all the parties and persons affected thereby.

Section 14.1196 Administrative Review

Final decisions of the Division may be appealed in accordance with the Administrative Review Law [735 ILCS 5/Art III].

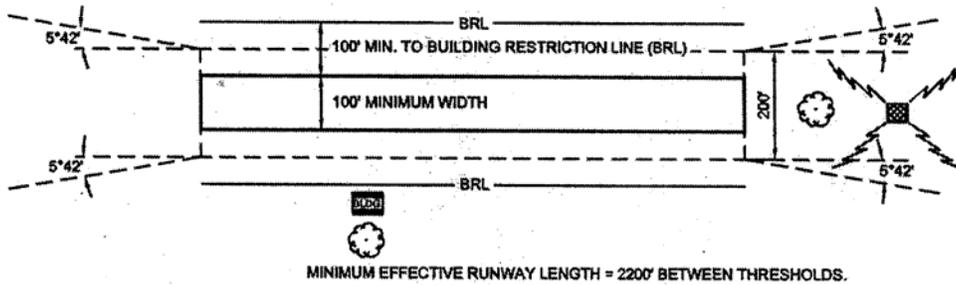
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

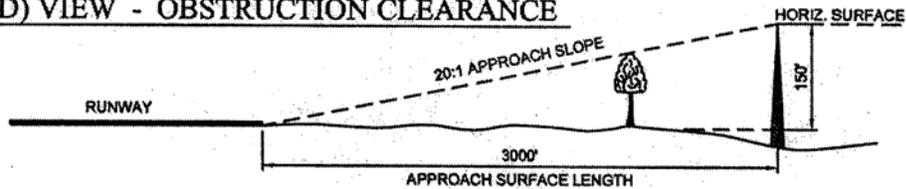
Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION A Airports (Public- or Private-Use) Minimum Dimensional Standards

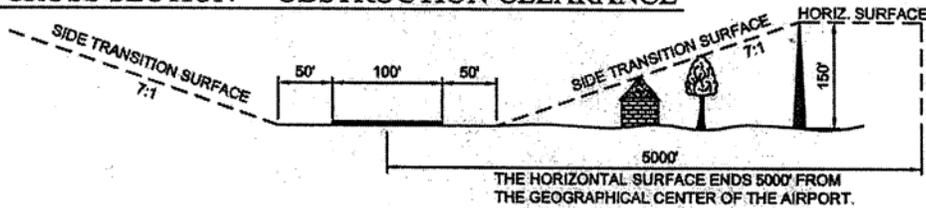
PLAN VIEW



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



- NOTES:
1. NO PENETRATIONS TO 7:1 SIDE TRANSITION SURFACES.
 2. NO PENETRATIONS TO 20:1 RUNWAY APPROACHES.
 3. NO CROPS WITHIN 100' EITHER SIDE OF RUNWAY CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATE HIGHWAYS.
 - 23' CLEARANCE OVER ALL RAILROADS.

SECONDARY RUNWAYS: UNLESS DESIGNATED AS STOL, SECONDARY RUNWAYS ARE RECOMMENDED TO BE AT LEAST 80% OF THE EFFECTIVE LENGTH OF THE PRIMARY RUNWAY.

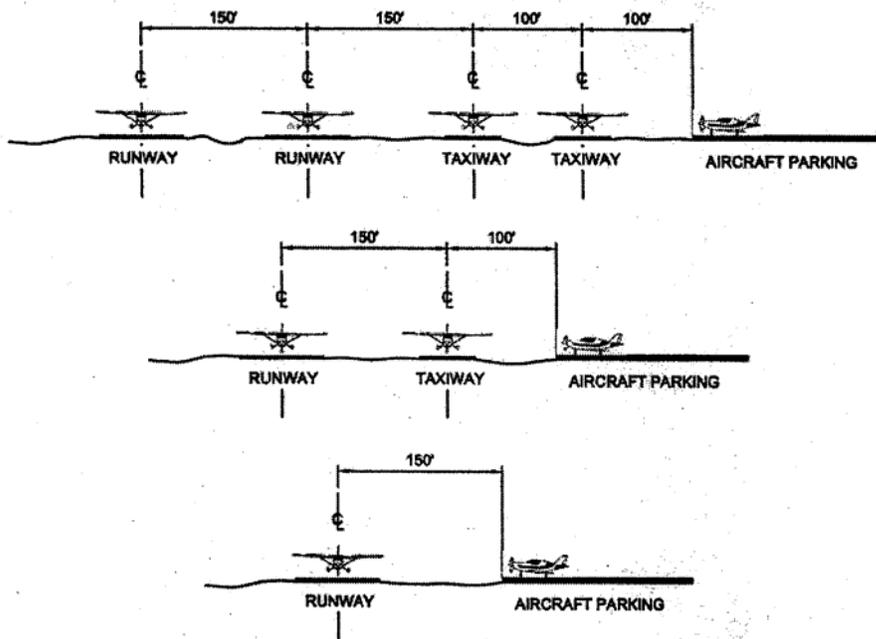
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

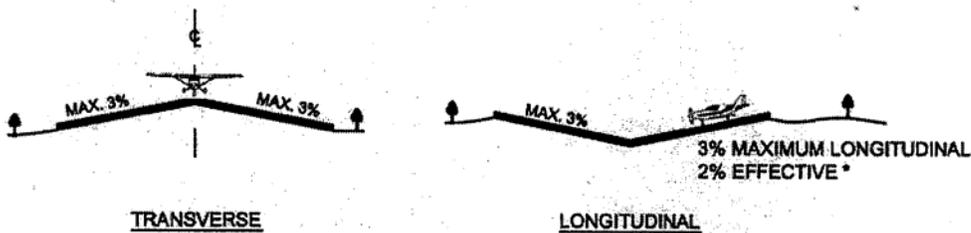
Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION B Airports (Public- or Private-Use) Minimum Separation & Gradient Standards

PROFILE VIEW - MINIMUM STANDARDS FOR SEPARATION



RUNWAY GRADIENT



* EFFECTIVE RUNWAY GRADIENT = $\frac{\text{MAXIMUM DIFFERENCE IN RUNWAY END ELEVATIONS}}{\text{RUNWAY LENGTH}}$

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

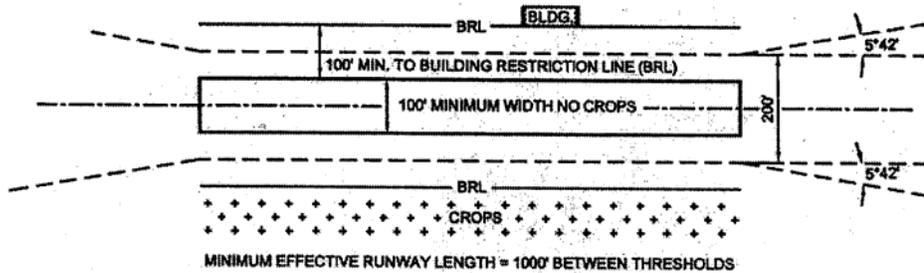
Section 14.APPENDIX A Airport Standards

**Section 14.ILLUSTRATION C Ultralight/STOL Airports (Public- or Private-Use)
Minimum Dimensional Standards**

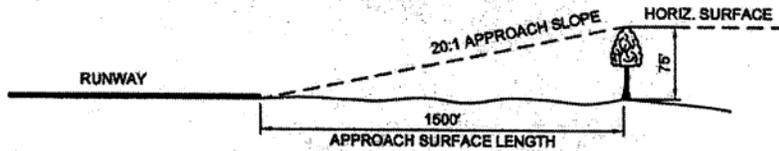
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

PLAN VIEW

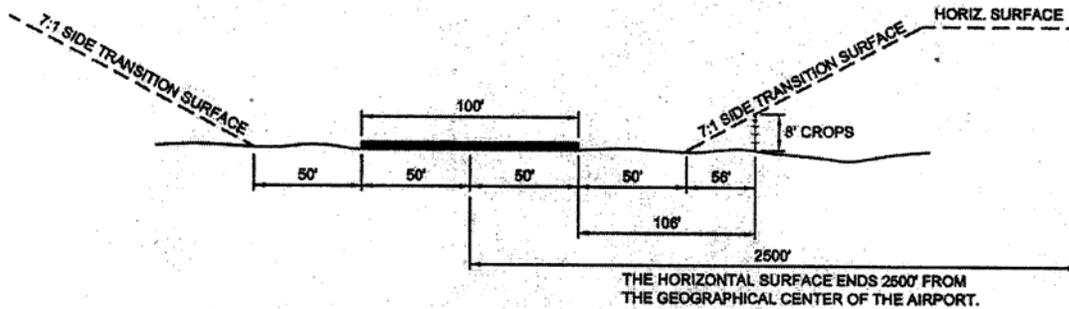


PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



NOTE: THE MINIMUM EFFECTIVE LENGTH OF A RUNWAY IS THE AMOUNT OF LANDING LENGTH REMAINING AFTER ANY DISPLACEMENT ON THAT PARTICULAR RUNWAY END.

RUNWAY CROSS SECTION VIEW - OBSTRUCTION CLEARANCE



- NOTES:
1. NO PENETRATIONS TO 7:1 SIDE TRANSITION SURFACES.
 2. NO PENETRATIONS TO 20:1 RUNWAY APPROACHES.
 3. NO CROPS WITHIN 100' EITHER SIDE OF RUNWAY CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATE HIGHWAYS.
 - 23' CLEARANCE OVER ALL RAILROADS.

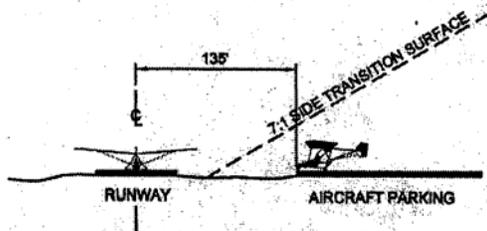
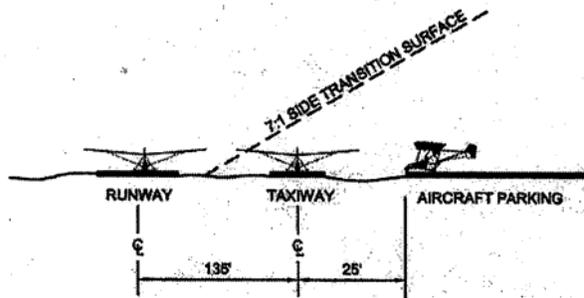
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION D Ultralight/STOL Airports (Public- or Private-Use) Minimum Separation & Gradient Standards

PROFILE VIEW - MINIMUM STANDARDS FOR SEPARATION



RUNWAY GRADIENT



TRANSVERSE



LONGITUDINAL

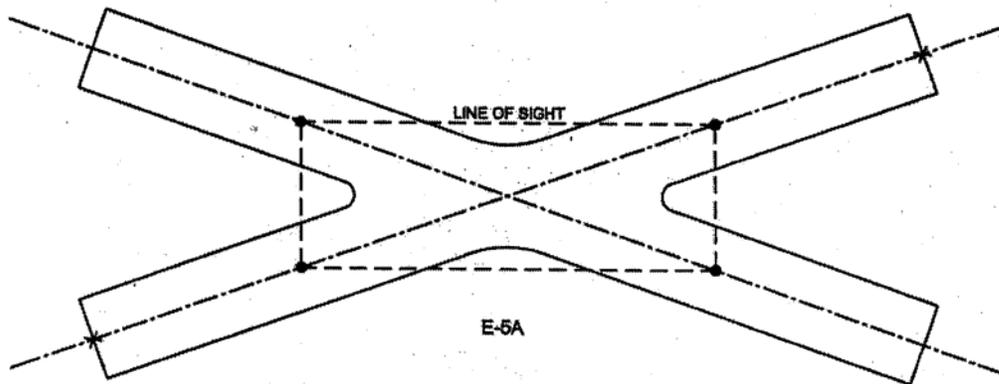
* EFFECTIVE RUNWAY GRADIENT = $\frac{\text{MAXIMUM DIFFERENCE IN RUNWAY END ELEVATIONS}}{\text{RUNWAY LENGTH}}$

DEPARTMENT OF TRANSPORTATION

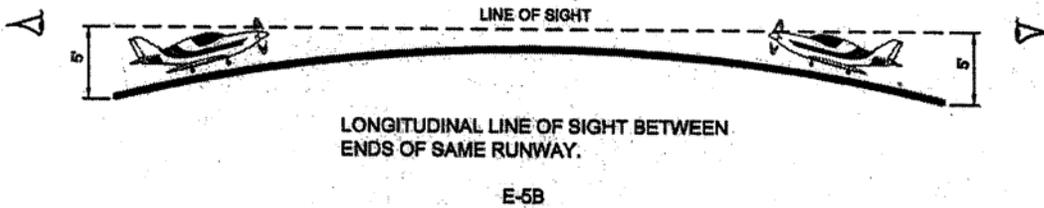
NOTICE OF PROPOSED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION E Airports (Public- or Private-Use) Line of Sight



NOTE: LINE OF SIGHT MUST BE MAINTAINED BETWEEN THE MIDPOINTS OF THE COMMON RUNWAY INTERSECTIONS AND THE RUNWAY THRESHOLDS.



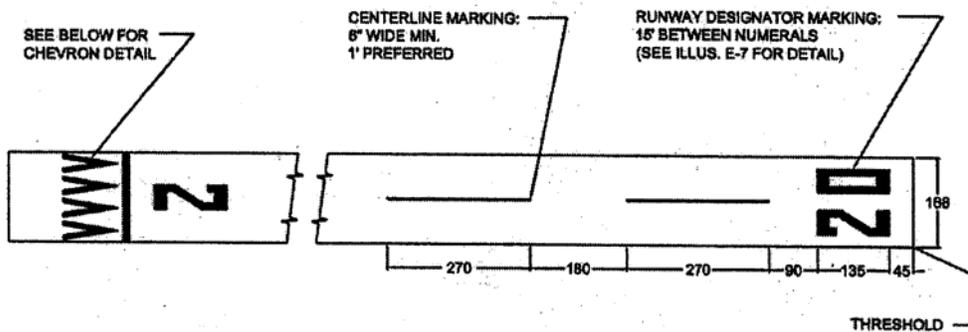
LONGITUDINAL LINE OF SIGHT BETWEEN ENDS OF SAME RUNWAY.

DEPARTMENT OF TRANSPORTATION

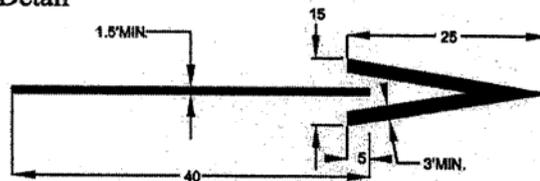
NOTICE OF PROPOSED RULES

Section 14.APPENDIX A Airport Standards

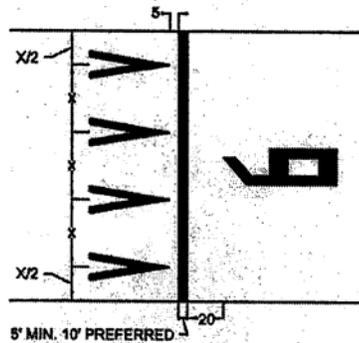
Section 14.ILLUSTRATION F Airports (Public- or Private-Use) Visual Runway Markings



Chevron and Arrow Detail



Displaced Threshold Example



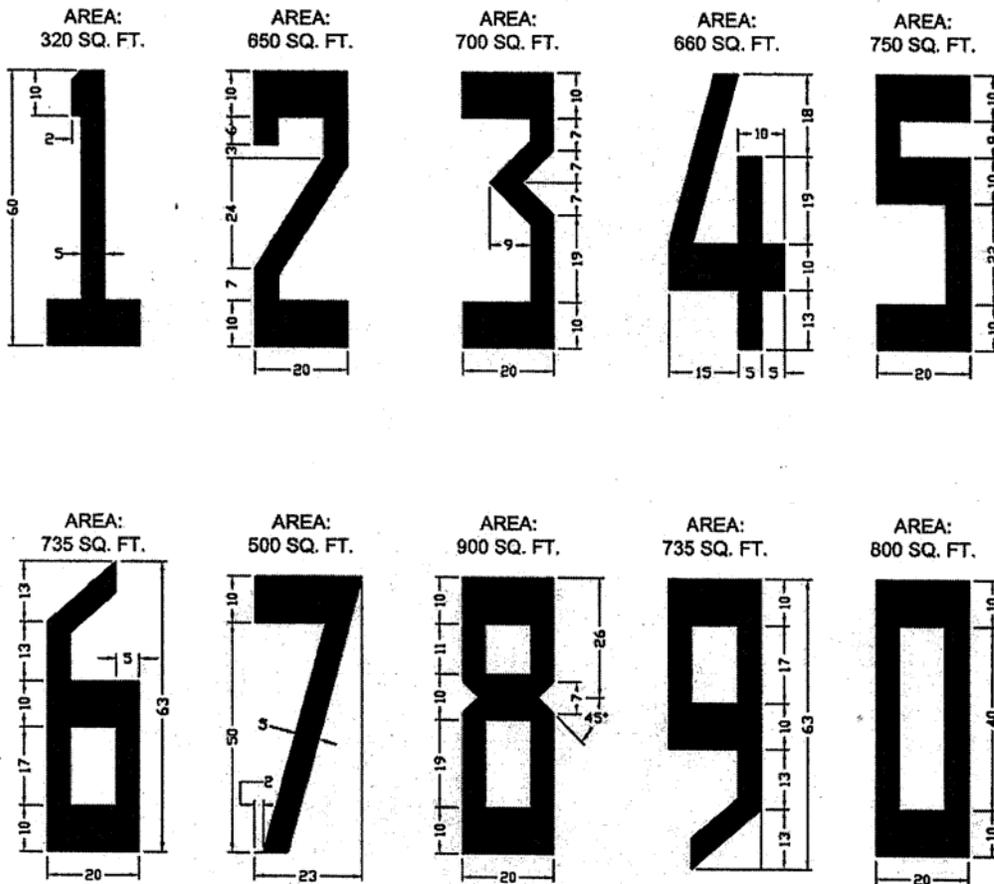
FOUR CHEVRONS PLACED SYMMETRICALLY ABOUT THE RUNWAY CENTERLINE WITH UNIFORM LATERAL SPACING AS INDICATED. "X" = (RUNWAY WIDTH) ÷ 4

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION G Airports (Public- or Private-Use) Numerals Detail



NOTE:
NORMAL SPACING BETWEEN NUMERALS = 15'

FOR RUNWAYS LESS THAN 75' WIDE:
TAKE DIMENSIONS AND MULTIPLY BY .75
ALLOW AT LEAST 10 FEET BETWEEN NUMERALS IF POSSIBLE

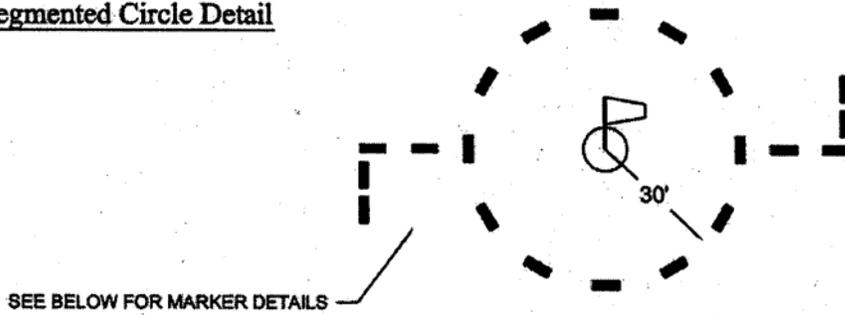
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

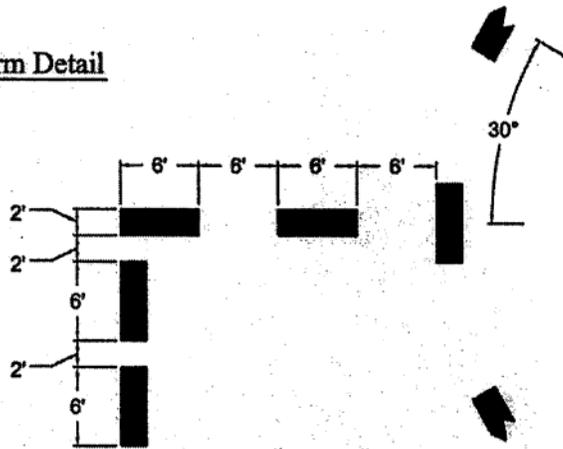
Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION H Airports and Non-Standard Traffic Patterns (Public- or Private-Use) Segmented Circle Detail

Segmented Circle Detail



Marker and Traffic Arm Detail



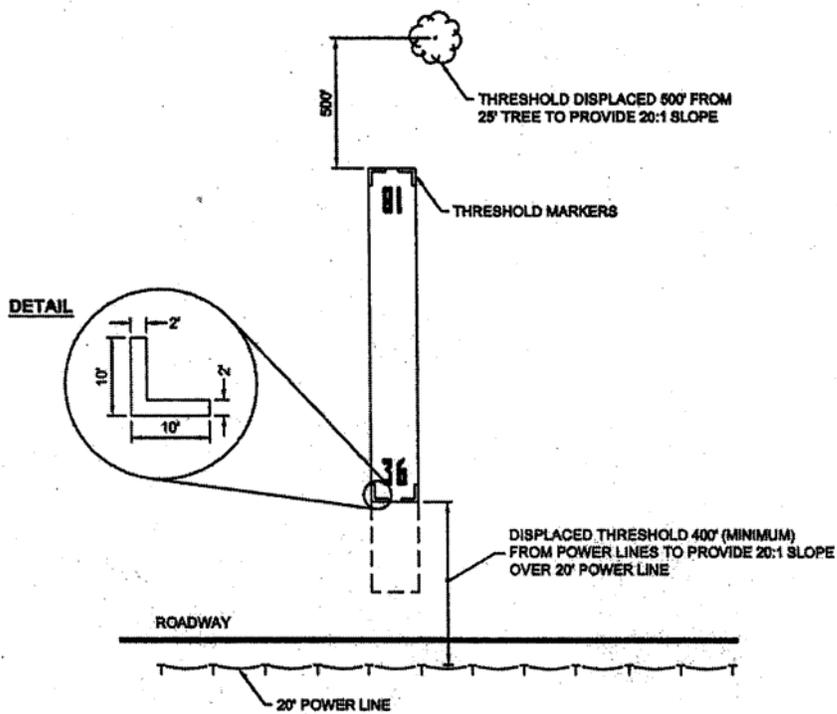
MARKERS CAN BE WHITE PAINTED CONCRETE, CONCRETE BLOCKS, TIRES, WHITE ROCK, ETC.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION I Airports (Public- or Private-Use) Displaced Threshold Markings



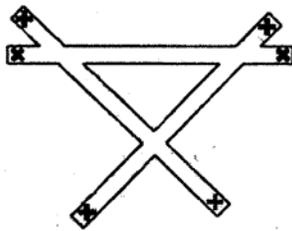
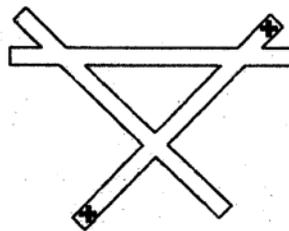
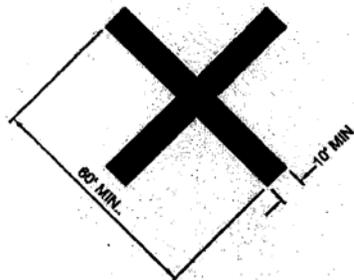
NOTE: MEASURE THE LEGS 10' LONG BY 2' WIDE. CUT A TRENCH 4" TO 6" DEEP. PUT SHEET PLASTIC IN THE BOTTOM AND FILL WITH CRUSHED WHITE ROCK OR OTHER DISTINGUISHABLE MATERIAL.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX A Airport Standards

Section 14.ILLUSTRATION J Airports (Public- or Private-Use) Closed Airport and Closed Runway Marker

ENTIRE AIRPORT CLOSEDONE RUNWAY CLOSEDDETAIL OF CLOSED AIRPORT AND RUNWAY MARKERGENERAL NOTES

1. THE MARKER SHOULD BE CONSTRUCTED OF DURABLE WATERPROOF MATERIAL AND IT SHOULD BE NO SMALLER THAN SHOWN IN THE DETAIL. IN AREAS WHERE SNOW IS EXPECTED THE MARKER SHOULD BE CONSTRUCTED SO THAT IT WILL SHED SNOW.
2. COLOR OF MARKER MATERIAL (NATURAL OR APPLIED) SHOULD PROVIDE MAXIMUM CONTRAST WITH BACKGROUND AREAS. (YELLOW OR WHITE RECOMMENDED)
3. THE MARKER SHOULD BE INSTALLED AT A SUITABLE HEIGHT ABOVE THE GROUND TO PREVENT IT FROM BECOMING OBSCURED BY VEGETATION, WATER, OR EARTH.
4. WHERE A PAVED RUNWAY IS CLOSED, THE MARKER MAY BE PAINTED ON THE RUNWAY PROVIDED IT WILL NOT BECOME OBSCURED AS NOTED ABOVE.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX B Airport Facility Requirements and Restrictions on Use**Section 14.TABLE A Facility Requirements**

Item	Airports Public-Use	Airports Private-Use	Ultralight/STOL Airports Public-Use	Ultralight/STOL Airports Private-Use
24-Hour Phone	Required	Recommended	Required	Not Required
Access Control a) Spectator b) Vehicular c) Perimeter	Required Required Not Required (Encouraged)	Recommended Recommended Recommended	Required Required Not Required (Encouraged)	Recommended Recommended Recommended
Segmented Circle Marker where a non- standard traffic pattern is used. ¹	Required	Required	Required	Required
Fire Protection	Required - one 20# extinguisher, two where fueling is present.	Recommended	Required	Recommended
First-Aid Kit	Required	Recommended	Required	Recommended
Fuel Sales	Required during normal business hours. Available by phone after business hours.	Not Required	Recommended during normal business hours.	Not Required
Hangar/Office Access	Required during normal business hours.	Not Required	Recommended during normal business hours.	Not Required
Potable Water	Required	Recommended	Required	Recommended
Runway Lights	Required for night use.	Required for night use.	Required for night use.	Required for night use.
Sanitary Restroom	Required during normal business hours. Available by phone after business hours.	Recommended	Required during normal business hours. Available by phone after business hours.	Recommended

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

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NOTICE OF PROPOSED RULES

Item	Airports Public-Use	Airports Private-Use	Ultralight/STOL Airports Public-Use	Ultralight/STOL Airports Private-Use
Tie-Down Facilities	Required	Recommended	Required	Recommended
Wind Direction/ Velocity Indicator (must be lighted for night use). ²	Required	Required	Required	Required

¹ Not required where 24-hour tower is in operation.

² Lighting required if runway lights are available.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX B Airport Facility Requirements and Restrictions on Use**Section 14.TABLE B Restrictions on Use**

Use	Airports Public-Use	Airports Private-Use	Ultralight/STOL Airports Public-Use	Ultralight/STOL Airports Private-Use
Aircraft Rental	Allowed	Allowed	Allowed	Allowed
Based Agricultural Operations	Allowed	Allowed	Allowed	Allowed
# of Based Aircraft	No restrictions	No restrictions	No restrictions on Ultralight trainers, registered Special Purpose or aircraft certificated for STOL operations.	No restrictions on Ultralight trainers, registered Special Purpose or aircraft certificated for STOL operations.
Carrying of Passengers for Hire	Allowed	Allowed	Allowed	Allowed
Commercial Maintenance	Allowed	Allowed	Allowed	Allowed
Commercial Parachute Operations	Allowed	Allowed	Take-offs Prohibited.	Take-offs Prohibited.
Flight Instruction	Unrestricted	Unrestricted	Unrestricted	Unrestricted
Fly-In Events	Allowed	Allowed	Allowed	Allowed
Through-the- Fence Operations	Allowed - license approval required by the Division.	Allowed - location and number of access points to be approved by the Division.	Allowed - location and number of access points to be approved by the Division.	Allowed - location and number of access points to be approved by the Division.
Application of De-icing Agents	Only non- corrosive de- icing agents allowed.	Only non- corrosive de- icing agents allowed.	Only non- corrosive de- icing agents allowed.	Only non- corrosive de- icing agents allowed.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

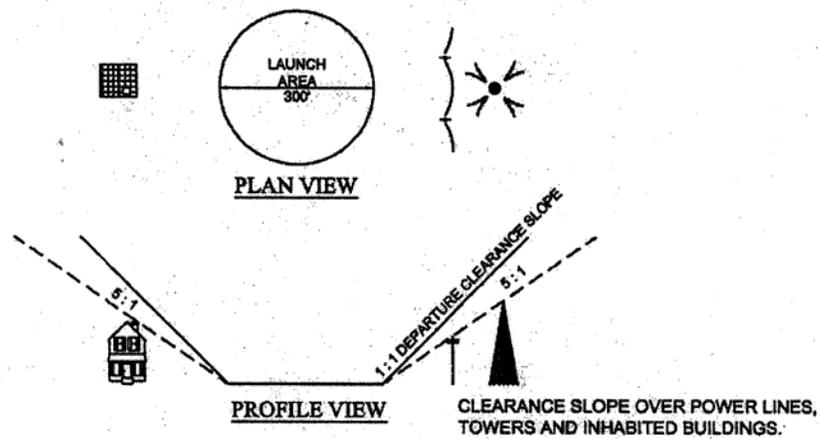
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

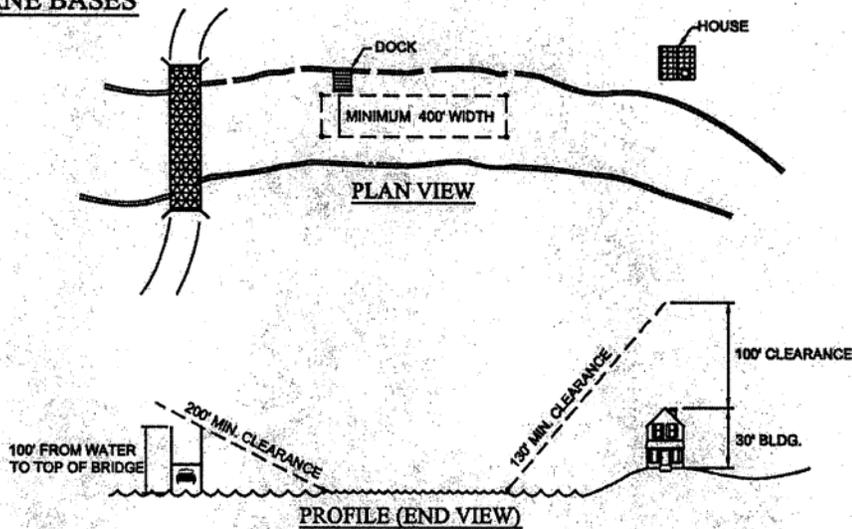
Section 14. APPENDIX C Airports for Non-Conventional Aircraft Standards

Section 14. ILLUSTRATION A Airports for Non-Conventional Aircraft Minimum Dimensional Standards

BALLOON PORTS



SEAPLANE BASES



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX D Airports for Non-Conventional Aircraft Restrictions on Use**Section 14.TABLE A Restrictions on Use**

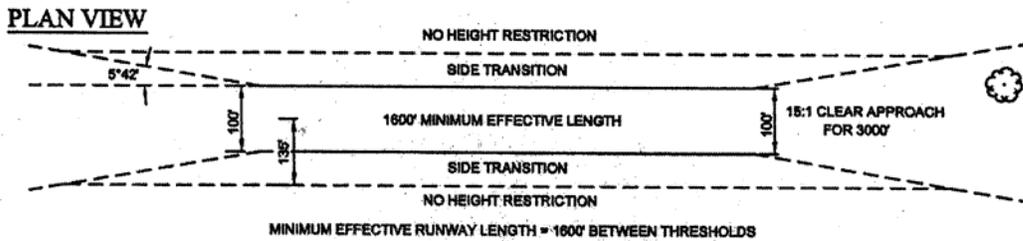
Use	Airports for Non-Conventional Aircraft Public-Use	Airports for Non-Conventional Aircraft Private-Use
Aircraft Rental	Rental aircraft must be designated as Special Purpose or exempted aircraft.	Rental aircraft must be designated as Special Purpose or exempted aircraft.
Based Agricultural Operations	Allowed	Allowed
Based Aircraft	No restrictions on number. Must be designated as Special Purpose or exempted aircraft.	No restrictions on number. Must be designated as Special Purpose or exempted aircraft.
Carrying of Passengers for Hire	Allowed	Allowed
Commercial Maintenance	Allowed	Allowed
Commercial Parachute Operations	Allowed	Allowed
Flight Instruction	Restricted to aircraft designated in Illinois as Special Purpose unless exempted.	Restricted to aircraft designated in Illinois as Special Purpose unless exempted.
Fly-In Events	Aircraft must be designated as Special Purpose or exempted aircraft.	By personal invitation only. (Prior approval and permit required from the Division.) Restricted to Special Purpose or exempted aircraft.
Application of De-icing Agents	Only non-corrosive de-icing agents allowed.	Only non-corrosive de-icing agents allowed.

DEPARTMENT OF TRANSPORTATION

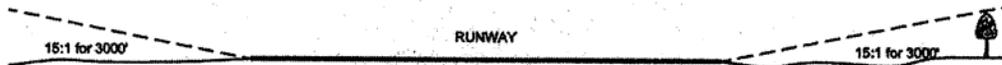
NOTICE OF PROPOSED RULES

Section 14.APPENDIX E Restricted Landing Areas Standards

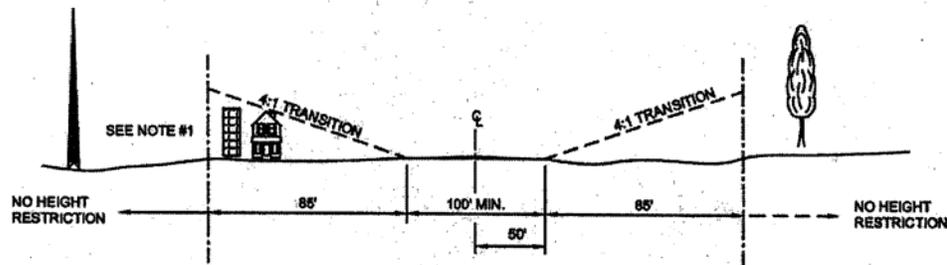
Section 14.ILLUSTRATION A Restricted Landing Areas Minimum Dimensional Standards



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



- NOTES:**
1. NO PENETRATIONS TO 4:1 SIDE TRANSITION SURFACES FOR 135' FROM CENTERLINE
 2. NO PENETRATIONS TO 15:1 RUNWAY APPROACHES.
 3. NO CROPS 50' EACH SIDE OF CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES:
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATES.
 - 23' CLEARANCE OVER ALL RAILROADS.

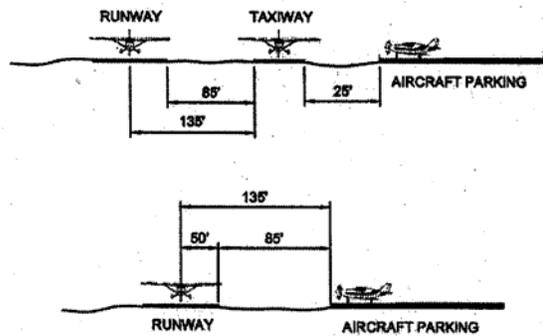
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

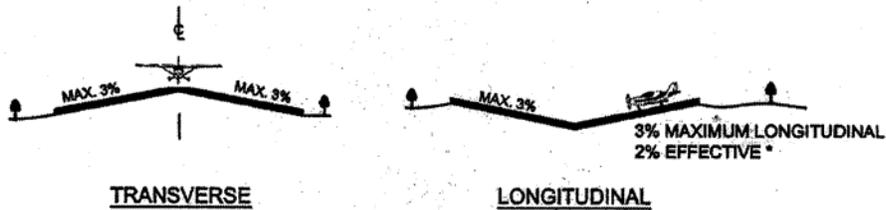
Section 14.APPENDIX E Restricted Landing Areas Standards

Section 14.ILLUSTRATION B Restricted Landing Areas Minimum Separation & Gradient Standards

PROFILE VIEW - MINIMUM STANDARDS FOR SEPARATION



RUNWAY GRADIENT



* EFFECTIVE RUNWAY GRADIENT = $\frac{\text{MAXIMUM DIFFERENCE IN RUNWAY END ELEVATIONS}}{\text{RUNWAY LENGTH}}$

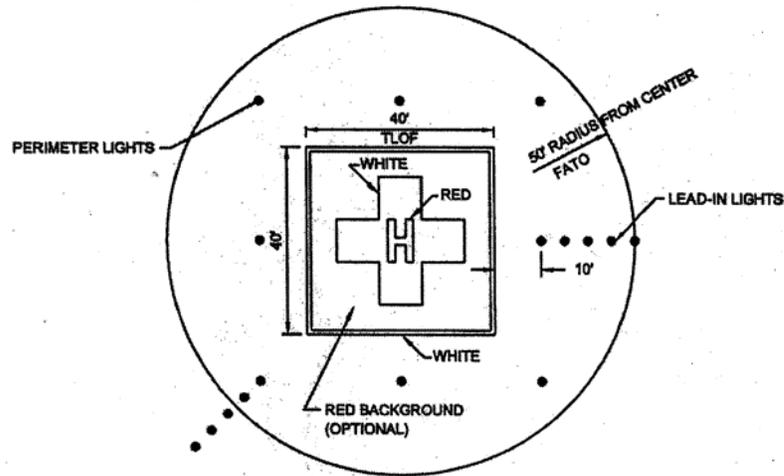
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX E Restricted Landing Areas Standards

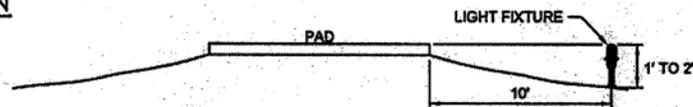
Section 14.ILLUSTRATION C Restricted Landing Areas Displaced Threshold Markings

PLAN VIEW



- NOTES:
1. 50' RADIUS FROM PAD CENTER TO BE CLEAR OF ALL OBJECTS HIGHER THAN TLOF ELEVATION.
 2. LEAD-IN LIGHTS SPACED APPROXIMATELY 5' APART BELOW TLOF LEVEL.
 3. HOSPITAL MARKING SCHEME:
 WHITE PERIMETER STRIPE - 12"
 RED BACKGROUND
 WHITE CROSS - 30' x 30'
 RED H - 10'

TLOF CROSS-SECTION



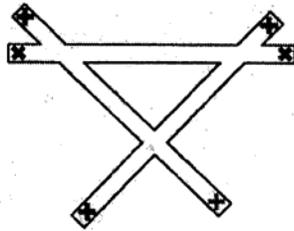
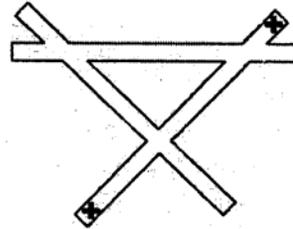
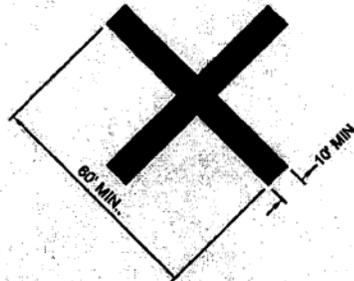
- NOTES:
1. TYPICAL SURFACE PAD 40' x 40' x 6" REINFORCED CONCRETE. EIGHT YELLOW PERIMETER LIGHTS. APPROACH LEAD - IN LIGHTS (RECOMMENDED).
 2. RECOMMEND BERMING PAD UP ONE TO TWO FEET. LIGHTS APPROXIMATELY 10' FROM PAD EDGE OFF SHOULDER NO HIGHER THAN PAD ELEVATION.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX E Restricted Landing Areas Standards

Section 14.ILLUSTRATION D Restricted Landing Areas Closed RLA & Closed Runway Marker

ENTIRE RLA CLOSEDONE RUNWAY CLOSEDDETAIL OF CLOSED RLA AND RUNWAY MARKERGENERAL NOTES

1. THE MARKER SHOULD BE CONSTRUCTED OF DURABLE WATERPROOF MATERIAL AND IT SHOULD BE NO SMALLER THAN SHOWN IN THE DETAIL. IN AREAS WHERE SNOW IS EXPECTED THE MARKER SHOULD BE CONSTRUCTED SO THAT IT WILL SHED SNOW.
2. COLOR OF MARKER MATERIAL (NATURAL OR APPLIED) SHOULD PROVIDE MAXIMUM CONTRAST WITH BACKGROUND AREAS. (YELLOW OR WHITE RECOMMENDED)
3. THE MARKER SHOULD BE INSTALLED AT A SUITABLE HEIGHT ABOVE THE GROUND TO PREVENT IT FROM BECOMING OBSCURED BY VEGETATION, WATER, OR EARTH.
4. WHERE A PAVED RUNWAY IS CLOSED, THE MARKER MAY BE PAINTED ON THE RUNWAY PROVIDED IT WILL NOT BECOME OBSCURED AS NOTED ABOVE.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX F Restricted Landing Areas Restrictions on Use**Section 14.TABLE A Restrictions on Use**

Use	Restricted Landing Area	Ultralight/STOL Restricted Landing Area
Aircraft Rental	Prohibited	Prohibited
Based Agricultural Operations	Allowed	Allowed
Based Aircraft	Maximum of six based aircraft.	No Restrictions
Carrying of Passengers for Hire	Prohibited*	Prohibited*
Commercial Maintenance	Prohibited	Prohibited
Commercial Parachute Operations	Prohibited	Prohibited
Flight Instruction	a) Restricted to immediate family of Certificate Holder (excluding certificates held by corporation). Non-continuous. b) Specialized dual instruction originating from a bona fide flight training operation based at an airport.	Prohibited
Fly-In Events (More than six Aircraft)	By personal invitation only. (Prior approval and permit required from the Division.)	By personal invitation only. (Prior approval and permit required from the Division.)
Through-the-Fence Operations	Allowed - location and number of access points to be approved by the Division (maximum of six aircraft).	Prohibited
Application of De-icing Agents	Only non-corrosive de-icing agents allowed.	Only non-corrosive de-icing agents allowed.

*Except for EMS operations.

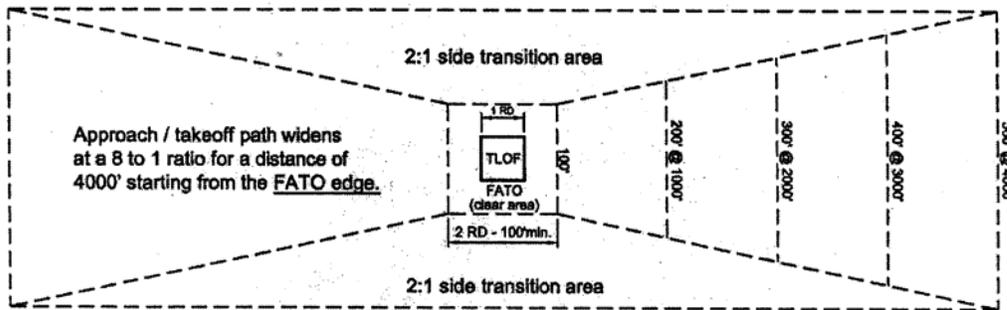
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 14.APPENDIX G Heliport/Vertiport Standards

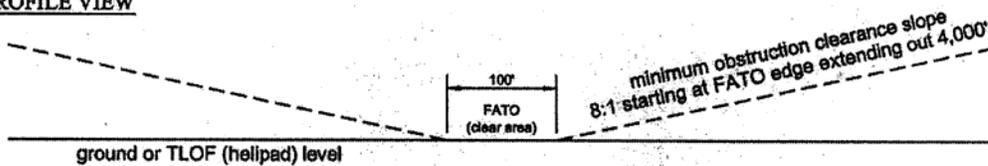
Section 14.ILLUSTRATION A Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



DEPARTMENT OF TRANSPORTATION

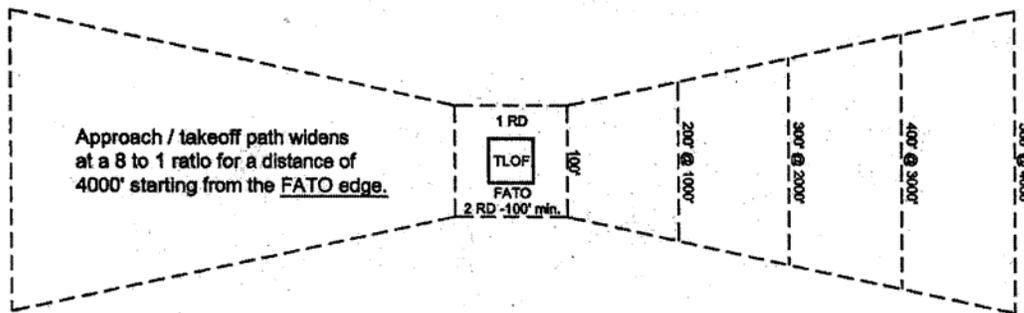
NOTICE OF PROPOSED RULES

Section 14.APPENDIX G Heliport/Vertiport Standards

Section 14.ILLUSTRATION B Restricted Landing Area Heliport Minimum Dimensional Standards

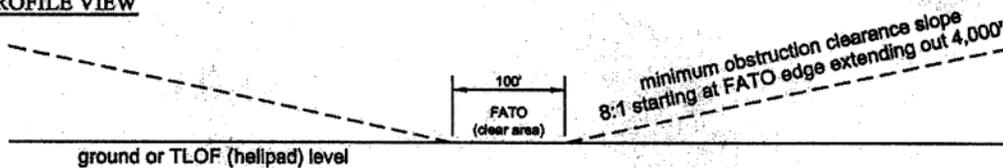
WITH APPROACH / TAKEOFF PATHS 180° APART RECOMMENDED
(MINIMUM OF 90° REQUIRED)

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



NOTE: The second approach / takeoff path may have a 5:1 slope if needed.

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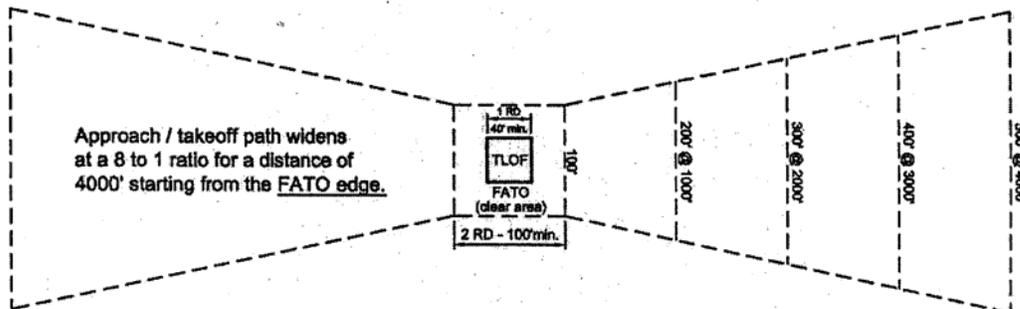
NOTICE OF PROPOSED RULES

Section 14.APPENDIX G Heliport/Vertiport Standards

Section 14.ILLUSTRATION C Hospital Heliport Minimum Dimensional Standards

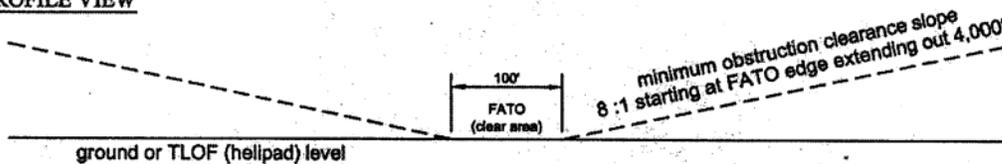
WITH APPROACH / TAKEOFF PATHS 180° APART RECOMMENDED
(MINIMUM OF 90° REQUIRED)

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



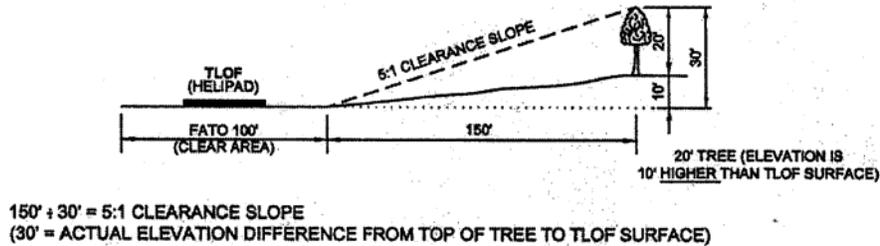
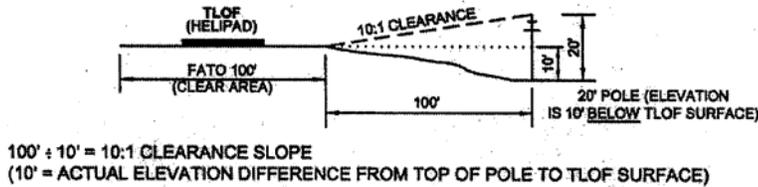
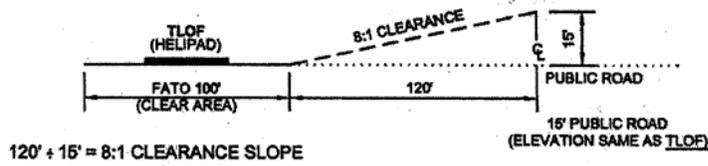
NOTE: The second approach / takeoff path may have a 5:1 slope if needed.

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Section 14.APPENDIX G Heliport/Vertiport Standards

Section 14.ILLUSTRATION D Heliports Sample Obstruction Clearance Slope Calculations



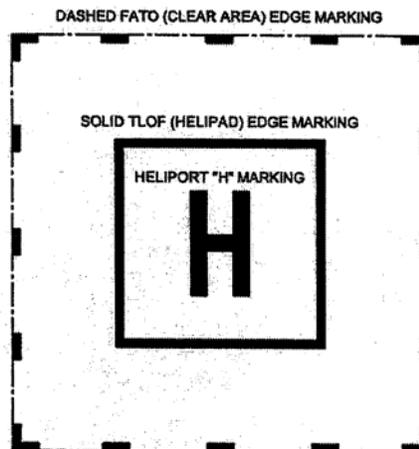
- NOTE :
1. OBSTACLE CLEARANCE SLOPE IS CALCULATED ON DISTANCE OF OBSTACLE FROM THE FATO EDGE.
 2. CLEARANCES REQUIRED FOR APPROACHES:
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATES.
 - 23' CLEARANCE OVER ALL RAILROADS.

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Section 14.APPENDIX G Heliport/Vertiport Standards**Section 14.ILLUSTRATION E Public or Private Heliport (Non-Hospital) Typical Heliport Marking**

NOTE: A HELIPORT WITHOUT A PAVED TLOF (HELIPAD) SHOULD HAVE THE FATO (CLEAR AREA) EDGES MARKED WITH FLUSH WHITE OR CONTRASTING COLOR IN-GROUND MARKERS AT EACH CORNER. THE FATO SHOULD BE MARKED WITH A WHITE OR CONTRASTING COLOR IN-GROUND "H" CENTERED IN THE FATO ALIGNED WITH THE PREFERRED APPROACH PATH TO THE HELIPORT. THE FATO EDGE MARKERS SHOULD BE NO LESS THAN 12" WIDE AND 5' IN LENGTH. THE "H" SHOULD BE NO LESS THAN 10' HIGH AND 5' WIDE.



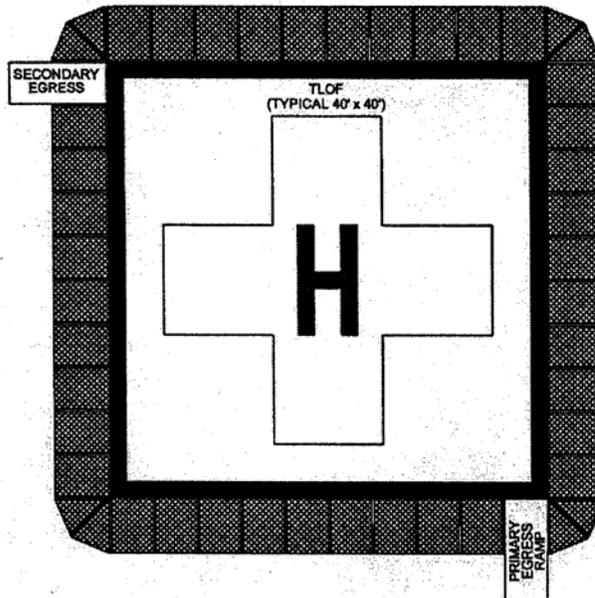
NOTE: A HELIPORT WITH A PAVED TLOF (HELIPAD) SHOULD HAVE A MINIMUM 10' "H" CENTERED ON THE PAD. IT IS SUGGESTED TO HAVE A WHITE OR CONTRASTING COLOR BORDER AROUND THE TLOF EDGE.

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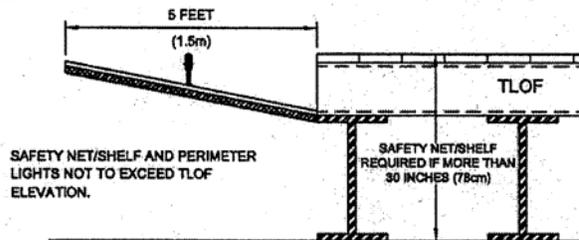
NOTICE OF PROPOSED RULES

Section 14.APPENDIX G Heliport/Vertiport Standards

Section 14.ILLUSTRATION F Rooftop or Elevated Hospital Heliport Typical Heliport Marking



SIDE PROFILE VIEW



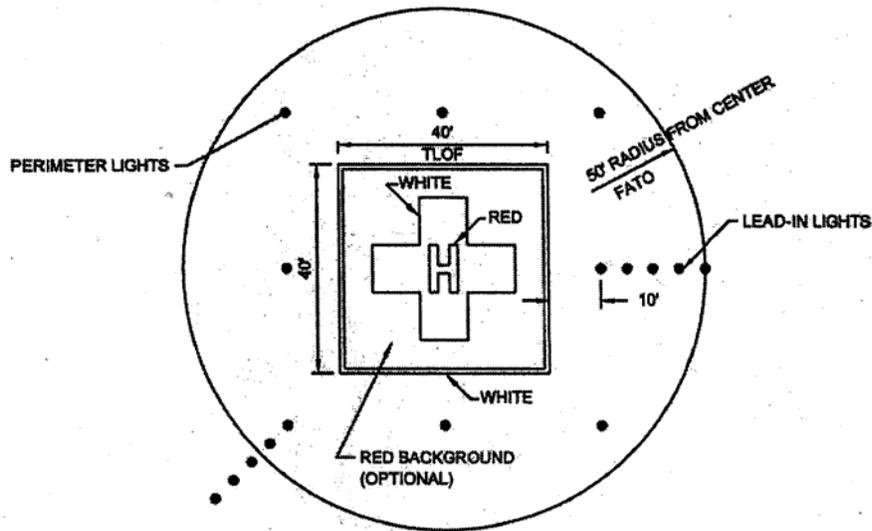
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Section 14.APPENDIX G Heliport/Vertiport Standards

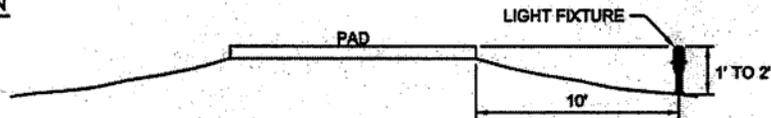
Section 14.ILLUSTRATION G Surface Hospital Heliport Typical Heliport Marking

PLAN VIEW



- NOTES:
1. 50' RADIUS FROM PAD CENTER TO BE CLEAR OF ALL OBJECTS HIGHER THAN TLOF ELEVATION.
 2. LEAD-IN LIGHTS SPACED APPROXIMATELY 8' APART BELOW TLOF LEVEL.
 3. HOSPITAL MARKING SCHEME:
 WHITE PERIMETER STRIPE - 12"
 RED BACKGROUND
 WHITE CROSS - 30' x 30'
 RED H - 10'

TLOF CROSS-SECTION



- NOTES:
1. TYPICAL SURFACE PAD 40' x 40' x 6" REINFORCED CONCRETE. EIGHT YELLOW PERIMETER LIGHTS, APPROACH LEAD-IN LIGHTS (RECOMMENDED).
 2. RECOMMEND BERMING PAD UP ONE TO TWO FEET, LIGHTS APPROXIMATELY 10' FROM PAD EDGE OFF SHOULDER NO HIGHER THAN PAD ELEVATION.

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Section 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use**Section 14.TABLE A Heliport Standards**

Standard	Heliport/ Helistop Vertiport/ Vertistop Public-Use	Heliport/ Helistop Vertiport/ Vertistop Private-Use	Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area	Heliport/ Helistop Vertiport/ Vertistop Hospital
Minimum TLOF (Helipad) Size*	1 Rotor Diameter	1 Rotor Diameter	1 Rotor Diameter (Recommended)	1 Rotor Diameter (40' Minimum)
Minimum FATO (Clear Area) Size	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)	2 x Rotor Diameter (100' Minimum)
Approach/ Departure Path Requirements	2 – 90° Apart Minimum (with 2:1 side transition) 8:1 Min. Slope	2 – 90° Apart Minimum (with 2:1 side transition) 8:1 Min. Slope	2 – 90° Apart Minimum 1 st Approach - 8:1 Min. Slope 2 nd Approach - may be 5:1 Min. Slope if necessary	2 – 90° Apart Minimum 1 st Approach - 8:1 Min. Slope 2 nd Approach - may be 5:1 Min. Slope if necessary

*NOTE: A 6" REINFORCED CONCRETE TLOF IS RECOMMENDED. If a concrete TLOF is not used, the FATO edges and center must be marked.

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Section 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use**Section 14.TABLE B Facility Requirements**

Item	Heliport/ Helistop Vertiport/ Vertistop Public-Use	Heliport/ Helistop Vertiport/ Vertistop Private-Use	Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area	Hospital Heliport/ Helistop Vertiport/ Vertistop
24-Hour Phone	Required for heliport only.	Not Required	Not Required	Not Required
Access Control a) Spectator b) Vehicular c) Perimeter	Required Required Required	Recommended Recommended Recommended	Recommended Recommended Recommended	Required Required Required Security and access may be controlled by hospital.
Fire Protection	Required for heliports – one 20# extinguisher (two where fueling is present).	Required for heliports – one 20# extinguisher (two where fueling is present).	Recommended	Required – one 20# extinguisher (two where fueling is present).
First-Aid Kit	Required for heliport only.	Recommended for heliport.	Not Required	Not Required
Fuel & Oil Sales	Required for heliport during normal business hours. Available by phone after business hours.	Not Required	Not Required	Not Required
Hangar/Office	Required for heliport only.	Not Required	Not Required	Not Required
Identification Beacons	Required for heliports.	Recommended	Not Required	Recommended and required for all Trauma

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				Centers.
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Item	Heliport/ Helistop Vertiport/ Vertistop Public-Use	Heliport/ Helistop Vertiport/ Vertistop Private-Use	Heliport/ Helistop Vertiport/ Vertistop Restricted Landing Area	Hospital Heliport/ Helistop Vertiport/ Vertistop
Lead-in Lights and Arrows	Required for heliports.	Recommended	Not Required	Recommended
Marked FATO and/or TLOF Identifiable from 500' AGL	Required	Required	Required	Required
Paved TLOF	Recommended	Recommended	Not Required	Recommended
Perimeter/Flood Lighting	Required for night use.	Required for night use.	Recommended for night use.	Required for night use.
Potable Water	Required for heliport during normal business hours. Available by phone after business hours.	Not Required	Not Required	Not Required
Horizontal Safety Fence for Heliports Elevated 30" or Higher	Required	Required	Required	Required
Sanitary Restroom	Required for heliport during normal business hours. Available by phone after business hours.	Not Required	Not Required	Not Required
Wind Direction / Velocity Indicator (must be lighted for night use)	Required	Required	Required	Required

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Section 14.APPENDIX H Heliport/Vertiport Standards, Facility Requirements and Restrictions on Use**Section 14.TABLE C Restrictions on Use**

Use	Heliport/ Helistop Vertiport / Vertistop Public-Use	Heliport/ Helistop Vertiport / Vertistop Private-Use	Heliport/ Helistop Vertiport / Vertistop Restricted Landing Area	Hospital Heliport/ Helistop Vertiport / Vertistop
Based Aircraft	No Restrictions	No Restrictions	Maximum of Six Based Helicopters.	Maximum of Six Based Helicopters.
Carrying of Passengers for Hire	Allowed	Allowed	Prohibited as Based Operation	EMS only
Commercial Maintenance	Allowed for heliports only	Allowed for heliports only	Prohibited	Prohibited
Flight Instruction	Unrestricted	Unrestricted	a) Restricted to immediate family of Certificate Holder (excluding cert. held by corp.). Non-continuous. b) Specialized dual instruction originating from a bonafide flight training operation based at a heliport.	Prohibited
Through-the-Fence Operations	Allowed	Not Applicable	Not Applicable	Not Applicable
Agricultural Operations	Allowed	Allowed	Allowed	Not Applicable
Application of De-icing Agents	Only non-corrosive de-	Only non-corrosive de-	Only non-corrosive de-	Only non-corrosive de-

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	icing agents allowed.	icing agents allowed.	icing agents allowed.	icing agents allowed.
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- 1) Heading of the Part: Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 16
- 3) Section Numbers:

<u>Section Numbers</u> :	<u>Proposed Action</u> :
16.10	New Section
16.20	New Section
16.30	New Section
16.35	New Section
16.40	New Section
16.50	New Section
16.60	New Section
16.70	New Section
16.80	New Section
16.90	New Section
16.100	New Section
16.110	New Section
16.120	New Section
16.130	New Section
16.140	New Section
16.150	New Section
16.160	New Section
16.170	New Section
16.180	New Section
16.190	New Section
16.200	New Section
16.210	New Section
16.220	New Section
16.APPENDIX A	New
16.ILLUSTRATION A	New
16.ILLUSTRATION B	New
16.ILLUSTRATION C	New
16.ILLUSTRATION D	New
16.ILLUSTRATION E	New
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].
- 5) A Complete Description of the Subjects and Issues Involved: Current Division of Aeronautics airport hazard zoning rules (AHZ rules) restrict the height of structures,

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equipment and vegetation and regulate the use of property in the vicinity of certain publicly-owned airports. Airport hazards endanger the welfare of users of publicly-owned airports and threaten persons and/or property in the vicinity of such airports. Airport hazards may destroy or impair the utilization of publicly-owned airports, and the public investment therein, by reducing the size of the area available for the landing, takeoff and maneuvering of aircraft.

AHZ rules have been adopted in the past specifically for individual airports. A separate zoning map is required under current rules depicting the described surfaces pictorially. The Department's intent with this new rulemaking is to transition to one rule that includes all airports requesting zoning from the Division. Current AHZ rules covering individual airports will eventually be repealed and those airports will be covered by this Part. Separate zoning maps will no longer be required under this new Part. Instead, an airspace drawing sheet of the currently-approved FAA Airport Layout Plan will serve this pictorial function after this new Part is adopted.

The significant revision to the AHZ rules is the addition of provisions that will protect approaches for heliports. Additionally, since Springfield's Capital Airport (SPI) has requested hazard zoning, the Division is using SPI as the first airport covered under the new Part.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation

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Division of Aeronautics
1 Langhorne Bond Drive
Capital Airport
Springfield, Illinois 62707-8415
(217)524-1580

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of the above, situated in whole or in part within any of the surfaces established by this Part, may be affected by this rulemaking. Additionally, other objects under the surfaces described in Section 16.40 such as farm ground, grain elevators, power companies, cell towers, radio towers, TV towers, etc., may also be impacted by this Part.
- B) Reporting, bookkeeping or other procedures required for compliance: The Division must be notified concerning objects on airport property. (See Section 16.160.) For objects off airport property, the person or sponsor will be directed by the Division to notify the FAA. No bookkeeping requirements are anticipated.
- C) Types of professional skills necessary for compliance: If supplemental information (certified engineering/survey data from a professional engineer, architect or surveyor concerning the proposed site location and height) is requested under Section 16.160(c)(2)(C), compliance with this request will be necessary.

13) Regulatory Agenda on which this rulemaking was summarized: January 2003

The full text of the Proposed Rules begins on the next page:

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TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 16
AIRPORT HAZARD ZONING

Section

16.10	Purpose and Scope
16.20	Applicability
16.30	Definitions
16.35	Public Hearings
16.40	Surfaces and Height Limitations
16.50	Horizontal Surface
16.60	Conical Surface
16.70	Primary Surface
16.80	Approach Surface
16.90	Transitional Surfaces
16.100	Circling Approach Surface
16.110	Instrument Approach Obstruction Clearance Surface
16.120	Heliport/Vertiport Surfaces
16.130	Use Restrictions
16.140	Pre-Existing, Non-Conforming Uses (Grandfather Clause)
16.150	Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed
16.160	Notice of Construction or Alteration of Any Structure
16.170	Permits
16.180	Variances
16.190	Administrative and Judicial Review
16.200	Penalties
16.210	Conflicting Regulations
16.220	Severability
16.APPENDIX A	Applicable Airports
16.ILLUSTRATION A	Airport Imaginary Surfaces
16.ILLUSTRATION B	Airports (Public-or Private-Use) Minimum Dimensional Standards
16.ILLUSTRATION C	Obstruction Standards (\leq 6 Nautical Miles)
16.ILLUSTRATION D	Obstruction Standards ($>$ 6 Nautical Miles)
16.ILLUSTRATION E	Public-or Private-Use Heliport/Vertiport Minimum Dimensional Standards

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AUTHORITY: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].

SOURCE: Adopted at 27 Ill. Reg. _____, effective _____.

Section 16.10 Purpose and Scope

- a) The purpose of this Part is to administer and enforce requirements that restrict the height of structures, equipment, and vegetation, and to regulate the use of property, on or in the vicinity of any publicly-owned airport (see Section 16.Appendix A of this Part for a listing of applicable airports) whose owner or operator requests enforcement of airport hazard zoning by the Illinois Department of Transportation (the Department), Division of Aeronautics (the Division) for any airport hazard area. Airport hazards endanger the lives and property of users of publicly-owned airports, and of the occupants of land in an airport's vicinity, and may also destroy or impair the utilization of a publicly-owned airport and the public investment by reducing the size of the area available for the landing, takeoff and maneuvering of aircraft. (See Sections 11 and 17 of the Airport Zoning Act (the Act) [620 ILCS 25/11 and 17].)
- b) The Division is authorized to and will impose penalties in the interest of the public health, safety and welfare, as described in Section 16.200, for any violation of this Part. (See Section 34 of the Act.)
- c) This Part is to be construed as a continuance of existing Division airport hazard zoning regulations.
- d) Accordingly, it is declared that:
 - 1) *the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the publicly-used airport.* (Section 11 of the Act)
 - 2) *in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards shall be prevented.* (Section 11 of the Act)
 - 3) *the prevention of these hazards should be accomplished to the greatest extent legally possible by exercise of the police power without compensation.* (Section 11 of the Act)
 - 4) *the prevention of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the State and its political subdivisions may raise and expend public funds and acquire land or property interests therein.* (Section 11 of the Act)

Section 16.20 Applicability

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- a) This Part applies to the airport facilities and surrounding areas that are identified and described in Section 16.Appendix A. For those airports listed in Section 16.Appendix A, any growth, construction, or maintenance of any vegetation or structure to a height 50 feet above natural ground level will be required to meet the standards of this Part.
- b) Airports that are obligated by federal grant conditions may be required to meet stricter standards than airports that only meet Departmental standards (as defined in Section 16.30).

Section 16.30 Definitions

As used in this Part, the words and terms below shall have the meanings given unless the context clearly shows that another interpretation is intended:

"Act" means the Airport Zoning Act [620 ILCS 25].

"Airport" means any area of land or water, or both, designed and set aside for the landing and takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes. An airport is "public-owned" if the portion thereof used for the landing and taking-off of aircraft is owned, operated, controlled, leased to or leased by the United States, any agency or department thereof, this State, or any other state, or any municipality or other political subdivision of this State or any other state, or any other governmental body, public agency or other public corporation. (Section 2 of the Act)

"Airport Elevation" means the established elevation of the highest point on the usable landing area of the airport being addressed. The airport elevation of each applicable airport expressed in feet above mean sea level (MSL) as referenced in the National Geodetic Vertical Datum of 1929 (NGVD29) or subsequent datum and is identified and described in Section 16.Appendix A.

"Airport Hazard" means any structure, vegetation, equipment, or use of land that obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing, takeoff, or maneuvering at or near the airport.

"Airport Layout Plan" or "ALP" means the plan of an airport showing the layout of existing and proposed airport facilities.

"Airport Reference Point" or "ARP" means the point established as the approximate geographic center of the airport being addressed. This point is

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designated by latitude and longitude coordinates expressed with respect to the North American Datum of 1983 (NAD83), unless otherwise noted.

"Alteration" means any construction that would result in a change in height of any dimensions of an existing structure.

"Construction" means the erection or alteration of any structure either of a permanent or temporary character.

"Departmental Standards" means the Department's rules on Aviation Safety, 92 Ill. Adm. Code 14, that apply to airports that are not bound by federal grant obligations (see Section 16.Illustration B).

"Division" means the Illinois Department of Transportation, Division of Aeronautics.

"FAA" means the United States Department of Transportation, Federal Aviation Administration.

"Federally Obligated Airports" means airports that have accepted federal funds and are bound by federal grant obligations.

"Final Approach and Takeoff" or "FATO" means a defined object-free area over which the final phase of the approach to a hover or a landing is completed and from which the takeoff is initiated.

"Growth" means any object of natural growth, including trees, shrubs and foliage.

"Height" means the overall height of the top of a structure, including any appurtenance installed upon it, for the purpose of determining the height limits in all zones set forth in this Part.

"Heliport/Vertiport" means a generic reference to the area of land, water, or structure used, or intended to be used, for the landing and takeoff of helicopters/VTOL aircraft, together with associated buildings.

"Imaginary Surface" means a geometric surface used to describe the height limitations set forth in this Part (see Section 16.Illustration A).

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"Mean Sea Level" or "MSL" means an altitude expressed in feet measured from sea level as referenced by the NGVD29 or subsequent datum.

"Non-Conforming Use" means any structure, vegetation, or use of land that does not meet the requirements of this Part.

"Non-Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal electronic guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document. (14 CFR 77.2, effective October 1, 2002)

"Permit" means permission granted in writing by the Division to construct or alter any structure.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and including any trustee, receiver, sponsor, assignee, or other similar representative thereof, and including this State and the Department. (Section 7 of the Act)

"Political Subdivision" means any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of the above, situated in whole or in part within any of the surfaces established by this Part.

"Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing both horizontal and vertical guidance or a runway for which a precision approach system is planned, or indicated on an FAA planning document or military service, military airport planning document.

"Runway" means an area of the airport for the landing and takeoff of aircraft and consisting of either a specially prepared hard surface or turf or an area designated for such use by seaplanes.

"Slope Ratio" means a numerical expression of a stated relationship of height to horizontal distance (e.g., 100 to 1 means one hundred feet of horizontal distance for each foot of vertical distance).

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"Structure" means any form of construction or apparatus of a permanent or temporary character, constructed or installed, including any implements or material used in the erection, alteration or repair of such structure. This includes, but is not limited to, buildings, towers, smokestacks, and overhead transmission lines.

"Touchdown and Lift-Off Area" or "TLOF" means an area commonly referred to as a helipad and normally centered in an FATO.

"Utility Runway" means a runway that is constructed and intended to be used primarily for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" means a grant of relief by the Division from the requirements of this Part in accordance with Section 16.180.

"Vegetation" means plant life in general.

"Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation planned or indicated on an FAA or Departmental planning document.

"VTOL" means aircraft capable of vertical takeoff and landing operations.

Section 16.35 Public Hearings

- a) The Division will conduct public hearings at which parties in interest and citizens will have the opportunity to provide comments or voice opposition to the proposed adoption of this Part for those airports listed in Section 16.Appendix A. (See Section 19 of the Act.) Priority to provide comments or voice opposition to the proposed adoption of this Part will go to those parties in interest whose structures or objects are located under any surface described in Section 16.40 through Section 16.120.
- b) The time and place of the public hearings will be at the discretion of the Division and the applicable airport owner or operator.
- c) *Notice of the public hearing shall be published at least once not more than 30 nor less than 15 calendar days before the hearing in a newspaper of general circulation in the political subdivision or subdivisions in which is located, wholly or partly, the airport hazard area to be zoned or, if no newspaper is generally*

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circulated in any such political subdivision, then in a newspaper of general circulation in the county in which such political subdivision is located. (Section 19 of the Act)

Section 16.40 Surfaces and Height Limitations

- a) Height limitations are established through the use of airport imaginary surfaces as described in Sections 16.50 - 16.110. The size of an imaginary surface relates to the category of aircraft expected to use the runway and the type of approach available or planned for that runway. The slope and dimension of the approach surface applied to each end of a runway will be determined by the most precise approach, existing or planned, for that runway end.
- b) Airport imaginary surfaces are described in Sections 16.50 - 16.110. Because these surfaces are the same as the approach surfaces in 14 CFR 77, effective October 1, 2002, an airport airspace drawing sheet of the currently approved ALP will serve as the visual representation of the imaginary surfaces for each airport (see Section 16.Appendix A). These drawing sheets can be viewed at the Illinois Department of Transportation, Division of Aeronautics, Capital Airport, 1 Langhorne Bond Drive, Springfield, Illinois 62707.
- c) An area located in more than one of the surfaces described in Sections 16.50 - 16.120 is considered to be only in the surface with the most restrictive height limitation.
- d) Except as otherwise provided in this Part, no structure, equipment, vegetation, or material shall be erected, placed, altered, allowed to grow, or maintained at a height in excess of the limit established by the surfaces described in Sections 16.50 - 16.120. Additionally, no use may be made of any area under a surface described in this Part that would constitute an airport hazard, as that term is defined in Section 16.130.
- e) The surfaces and height limitations established by this Part take into consideration future alterations of an airport, including runway relocation, extension, and new construction, as well as changes in runway approaches. No person may cause or allow a structure or vegetation to penetrate a surface associated with a planned change at an airport covered by this Part or penalties will be imposed. Future changes planned by an airport may be found on the ALP which can be viewed by contacting the airport owner or the Division.

Section 16.50 Horizontal Surface

A horizontal surface is a plane 150 feet above the established airport elevation.

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- a) The perimeter of a horizontal surface is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radii of each arc is:
 - 1) 5,000 feet for all runways designated as utility or visual; and
 - 2) 10,000 feet for all other runways.
- b) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest value determined for either end of the runway.
- c) When tangents connecting two adjacent 10,000-foot arcs encompass a 5,000-foot arc, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- d) The horizontal surface does not include the approach surface (see Section 16.80) and transitional surfaces (see Section 16.90).
- e) Under Departmental standards, a horizontal surface is defined as a circle (radius 5,000 feet) with the center being the ARP.

Section 16.60 Conical Surface

- a) A conical is a surface that extends outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally for each foot vertically, for a horizontal distance of 4,000 feet.
- b) The conical surface does not include the precision instrument approach surface (see Section 16.80) and the transitional surfaces (see Section 16.90).
- c) There is no conical surface for Departmental standards.

Section 16.70 Primary Surface

- a) A primary surface is longitudinally centered on a runway of each applicable airport listed in Section 16.Appendix A. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - 1) 200 feet (Departmental standard);
 - 2) 250 feet for utility runways having only visual approaches;
 - 3) 500 feet for utility runways having non-precision instrument approaches;
 - 4) For other than utility runways, the width is:
 - A) 500 feet for visual runways having only visual approaches;

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- B) 500 feet for non-precision instrument approach runways having existing or proposed visibility minimums greater than three-fourths of a statute mile;
 - C) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument approach runways.
- b) The width of the primary surface of a runway will be the width prescribed in subsection (a) of this Section for the most precise approach existing or planned for either end of that runway.

Section 16.80 Approach Surface

An approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from each end of the primary surface. An approach surface is applied to each end and is based upon the type of approach available or planned for that runway end.

- a) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
- 1) 800 feet (Departmental standard);
 - 2) 1,250 feet for that end of a utility runway with only visual approaches;
 - 3) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - 4) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - 5) 3,500 feet for that end of a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - 6) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile; and
 - 7) 16,000 feet for precision instrument approach runways.
- b) The approach surface extends for a horizontal distance of:
- 1) 3,000 feet at a slope of 20 feet horizontally for each foot vertically (Departmental standard);
 - 2) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;
 - 3) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument approach runways other than utility; and

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- 4) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument approach runways.
- c) The outer width of an approach surface to an end of a runway will be that width prescribed in this Section 16.80 for the most precise approach, existing or planned, for that runway end.

Section 16.90 Transitional Surfaces

- a) Transitional surfaces extend outward and upward in a direction perpendicular to the runway centerline and to an extension of that line at a slope of seven feet horizontally for each foot vertically (7:1) beginning at the sides (cf., ends) of the primary and approach surfaces extending to the horizontal and the conical surface. When the approach slope extends beyond the lateral limits of the conical surface, the transitional surface extends for 5,000 feet horizontally. The beginning elevation of these surfaces is the same elevation as the primary and approach surfaces.
- b) Airports covered by Departmental standards only have transitional surfaces that begin at the sides (cf., ends) of the primary surface extending to the horizontal surface (i.e., no transition surfaces that extend off the approach surfaces).

Section 16.100 Circling Approach Surface

- a) A circling approach surface is a circular area that is 200 feet above natural ground level or above the established airport elevation (whichever is greater) within three nautical miles of the established ARP of the airports listed in Section 16.Appendix A. It increases in height at a proportion of 100 feet for each additional nautical mile of distance up to six nautical miles from the airport reference point up to a maximum height of 500 feet (see Section 16.Illustration C).
- b) Beyond the six nautical mile criterion in subsection (a) of this Section, an object would be an obstruction to air navigation if at a height greater than 500 feet above ground level at its site (see Section 16.Illustration D).

Section 16.110 Instrument Approach Obstruction Clearance Surface

This surface is at a height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, that would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance for that instrument approach procedure.

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Section 16.120 Heliport/Vertiport Surfaces

- a) The Division's minimum standards for the operation of heliports/vertiports for rotorcraft aircraft are contained in 92 Ill. Adm. Code 14, Aviation Safety.
- b) A heliport/vertiport is required to have two defined approach/takeoff paths. The approach path is defined in the heliport/vertiport certificate. The obstruction clearance standards for heliports/vertiports are shown in Section 16.Illustration E.

Section 16.130 Use Restrictions

Within the surfaces detailed in Sections 16.50 - 16.120, the following uses are prohibited:

- a) Electrical or Electronic Interference. No use shall be made so as to create electrical or electronic interference with aeronautical navigational signals, radio, or radar communication between the airport or with aircraft using the airport's facilities. Before it is determined that a hazard exists, the Division will observe all relevant factors, including, but not limited to, the type of aircraft using the airport, the traffic patterns at the airport, the time of day, and frequency of the interference. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).
- b) Illuminated Structures or Light Sources. No installation and use of flashing or illuminated advertising or business signs, billboards, spotlights, or any other type of illuminated structure or light source that will be hazardous for pilots shall be permitted. Before it is determined that a hazard exists, the Division will observe all relevant factors, including, but not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others or that result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, takeoff or maneuvering of aircraft, the proximity of the illuminated structure or light source to the airport, and the traffic patterns at the airport. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).
- c) Environmental Discharge
 - 1) A use that emits or discharges smoke (e.g., exhaust from a smoke stack), that interferes with the health and safety of pilots and the public in the use of the airport, or that is otherwise detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

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- 2) A use that emits thermal discharge (e.g., steam from a power plant), that interferes with the pilot's vision in the use of the airport.
- 3) A use that significantly causes air turbulence (e.g., exhaust from a peaker plant) where aircraft limit loads may be exceeded.
- 4) Any other kind of emission that may cause a safety of flight issue as determined by the Division.

In determining if an emission or environmental discharge will interfere with the health and safety of pilots and the public, the Division will observe all relevant factors, which include, but are not limited to, the density of discharge, frequency of the emission or discharge, source of the discharge, general weather patterns in the vicinity, time of day, and volume and type of aircraft that use the airport. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).

Section 16.140 Pre-Existing, Non-Conforming Uses (Grandfather Clause)

- a) The surface requirements prescribed by this Part shall not be construed to require the removal, lowering or other changes, or alteration of any structures or vegetation that were in compliance with prior airport hazard zoning rules adopted by the Division but that are not now in compliance with this Part as of its effective date. Likewise, the surface requirements shall not be construed to interfere with the continuance of any non-conforming use. Nothing in this Part shall require any changes in construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and that is being diligently carried out.
- b) This subsection (b) must be read with Section 16.40(e) that restricts the causing or allowing of structures or vegetation to penetrate imaginary surfaces associated with a planned runway or approach change. It is possible, therefore, that some vegetation or structures permissible at a certain location under previously established airport hazard zoning requirements will not be allowed, under this Part, when plans are made to change a runway or approach. Specifically, if construction of a structure begins and is diligently pursued prior to a change in plans for the runway or approach, the structure will be allowed. The structure and/or vegetation will not be allowed to increase to a size that would further penetrate an imaginary surface.
- c) **Marking and Lighting**
 - 1) Notwithstanding the provisions of subsection (a) of this Section, the owner of any existing non-conforming structure must permit the installation,

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operation and maintenance of markers and lights deemed necessary by the Division. Any installation, operation and maintenance of markers or lights shall be the responsibility and expense of the airport.

- 2) In determining the necessity for markers and lights, the Division shall consider all relevant conditions, including, but not limited to, the traffic patterns, the volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 16.150 Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed

- a) When the Division determines that a non-conforming structure, use, or vegetation has been abandoned or more than 80 percent demolished, destroyed, physically deteriorated, or decayed:
 - 1) No permit will be granted that will allow a non-conforming structure, use, or vegetation to exceed the applicable height limit or otherwise deviate from this Part except pursuant to a variance granted under Section 16.180; and
 - 2) Whether or not application is made for a permit, the Division will issue an Order, pursuant to subsection (b) of this Section, in cases where the remaining structure, use, or vegetation constitutes a violation of this Part, compelling the owner of the non-conforming structure, use, or vegetation, at his/her own expense, to lower, remove, reconstruct, or equip the structure, use, or vegetation as may be necessary to conform to this Part. If the owner of the non-conforming structure, use, or vegetation neglects or refuses to comply with the Order within 10 days after receipt, the Division may proceed to have the structure, use, or vegetation lowered, removed, reconstructed, or equipped at the owner's expense. The Division will have a lien, on behalf of the State, upon the land where the structure, use, or vegetation is or was located, in the amount of the cost and expense. The lien may be enforced by the Division on behalf of the State by suit for enforcement as in the case of other liens. (See Section 23 of the Act.)
- b) The Division will issue an Order if it is determined that the non-conforming structure, use, or vegetation interferes with traffic patterns at the airport. In making the determination, the Division will consider factors that include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or non-precision instrument approach runways.

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Section 16.160 Notice of Construction or Alteration of Any Structure

- a) Construction or Alteration Requiring Notice (14 CFR 77.13, effective October 1, 2002). Each person or sponsor proposing any of the following construction or alterations of any structure on or in the vicinity of the airports listed in Section 16.Appendix A shall notify the Division (see subsection (b) of this Section), for objects on airport property, or the FAA, for objects off airport property.
 - 1) Any construction or alteration of more than 200 feet in height above the natural ground level at its site.
 - 2) Any construction or alteration of a height greater than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100:1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3,200 feet in actual length.
 - B) 50:1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3,200 feet in actual length.
 - C) 25:1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport/vertiport.
 - 3) Any highway, railroad, or other traverse way for mobile objects, of a height that would exceed a standard described in subsection (a)(1) or (a)(2) of this Section, if adjusted upward: 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance; 15 feet for any other public roadway; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road; 23 feet for a railroad; and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it.
 - 4) Any construction or alteration that exceeds a standard of the Act or of this Part.
- b) Form and Time of Notice
 - 1) Each person required to notify the Division under subsection (a) of this Section shall forward one completed FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Illinois Department of Transportation, Division of Aeronautics, Capital Airport, 1 Langhorne Bond Drive, Springfield, Illinois 62707-8415.
 - 2) Notice must be submitted at least 30 calendar days before the date the proposed construction or alteration is to begin.

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- 3) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 calendar day requirement in subsection (b)(2) of this Section does not apply and notice may be communicated to the Division by telephone (217-785-8500), telegraph, facsimile (217-785-4533), or other expeditious means, with a completed FAA Form 7460-1 submitted to the Division within 5 calendar days after the emergency. For example, an emergency could include breaks in sewer lines, gas mains or power lines.
- c) Acknowledgment of Notice
 - 1) The Division will acknowledge in writing the receipt of a notice submitted under subsection (a) of this Section within 30 calendar days after receipt of the notice.
 - 2) The acknowledgment will state whether a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) will require lighting or marking;
 - B) will not be in violation of this Part or Departmental standards;
 - C) will require supplemental information (e.g., certified engineering/survey data from a professional engineer, architect or surveyor on the certifier's letterhead regarding the proposed site location and height) (Once the supplemental information has been reviewed by the Division, a second acknowledgment will be sent to the person or sponsor and a determination concerning the proposed construction or alteration will again be made pursuant to subsection (c) of this Section.);
 - D) will require a permit from the Division (see Section 16.170);
 - E) will require a variance from the Division (see Section 16.180); or
 - F) will be acceptable, as submitted.
- d) Compliance with Acknowledgment. The person or sponsor that notifies the Division of the construction or alteration of a structure shall have the sole responsibility to comply with the requirements set forth in the Division's acknowledgement as described in subsections (c)(2)(A), (C), (D) and (E) of this Section.

Section 16.170 Permits

- a) A permit from the Division is required before any person makes any use, or a change in use, of any land or water beneath any surface established by this Part or when use may create an airport hazard (see Section 23 of the Act). Use may include, but is not limited to, the following:

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- 1) constructing or altering a structure;
 - 2) erecting or altering any device, including mobile items such as vehicles or cranes;
 - 3) causing or allowing an accumulation of earth, debris, or other material;
 - 4) planting vegetation;
 - 5) allowing vegetation to penetrate any surface;
 - 6) causing or allowing the emission of smoke, light or reflection, electromagnetic energy, etc. (environmental emissions);
 - 7) use of kites or balloons, whether tethered or not; and
 - 8) use of fireworks.
- b) A permit from the Division is also required for any penetrations of the notification surface (see Section 16.160) up to the airport imaginary surfaces (see Section 16.40 - 16.120). An exception is made for any tree or structure less than 75' of vertical height above the ground and that does not penetrate any airport imaginary surface.
- c) A permit is not required when the structure, accumulation, or vegetation is beyond the lateral limits of the conical surface and less than 200 feet above the natural ground level, unless the structure or vegetation extends into a limiting surface (see Section 16.80(b)).
- d) A permit will be issued by the Division within 30 calendar days after receipt of the notice (see Section 16.160) or within 30 calendar days after receipt of supplemental information, if applicable (see Section 16.160(c)(2)(C)).

Section 16.180 Variances

- a) General. Any person wishing to erect or increase the height of any structure or permit any vegetation or use of his/her property not in accordance with this Part must obtain a variance from the Division.
- b) Marking and Lighting. Any variance granted by the Division may be so conditioned as to require the owner of the structure or vegetation to permit, at the expense of the owner, the installation, operation and maintenance of markers and lights as may be required to indicate to pilots the presence of the structure or vegetation.
- c) In making a determination to allow a variance, the Division will consider, but is not limited to considering:
 - 1) the proximity of the hazard to the normal flight path or traffic patterns at the airport;
 - 2) the proximity of other non-conforming uses, structures or vegetation that would impair the use of the airport;
 - 3) the height of the object;

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- 4) the volume of air traffic at the airport;
- 5) the type of aircraft using the airport;
- 6) the type of navigational aids used at the airport;
- 7) the length and width of existing runways; and
- 8) the plans for future expansion of the airport.

Variances would be granted when it is found that *a literal application or enforcement of this Part will result in practical difficulty or unnecessary hardship and the relief granted is not contrary to the public interest but would do substantial justice and will be in accordance with the spirit of the Act.* (Section 24 of the Act)

- d) A decision to grant or deny a variance will be made by the Division within 30 calendar days after receipt of the notice (see Section 16.160) or within 30 calendar days after receipt of supplemental information (see Section 16.160(c)(2)(C)). The person or sponsor may appeal any decision made by the Division (see Section 16.190).

Section 16.190 Administrative and Judicial Review

- a) **Administrative Review.** Within 30 calendar days after the issuance of any ruling, order, or decision of the Division under this Part, any affected party or affected person may appeal in writing, regardless of form, to the Chief Engineer of the Division asking that the determination be reversed (wholly or in part), modified, changed, abrogated, or rescinded. A hearing on the appeal will be held at the offices of the Division within 20 calendar days after receipt of the appeal. The hearing shall be held in accordance with the rules of practice made part of the Division's rules on Aviation Safety, 92 Ill. Adm. Code 14, Subpart K. A written Order on the appeal will be issued within 10 business days after the hearing. If the decision is not issued within 10 business days, the appeal shall be considered to be denied and the initial determination of the Division shall remain in full force and effect.
- b) **Judicial Review.** Judicial review of any decision of the Division made pursuant to this Part shall be governed by the Administrative Review Law [735 ILCS 5/Art. III].

Section 16.200 Penalties

Each violation of this Part shall constitute an airport hazard; shall be a petty offense; and shall carry a fine of \$1,000. Each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the circuit court of the county in which the airport is located, or circuit court of any county in which the airport hazard is wholly or partly located, an

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action to prevent, restrain, correct, or abate any violation of this Part, or of any regulation, order or ruling made in connection with their administration or enforcement. The court shall provide such relief by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of this Part as adopted and orders and rulings made pursuant thereto. (See Section 34 of the Act.)

Section 16.210 Conflicting Regulations

If an apparent conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, the use of land, or any other matter, the more stringent regulation or ordinance will govern and prevail. For example:

- a) Differences between the Division and the Department's Division of Highways concerning outdoor advertising sign placement.
- b) Differences between the Division and the Illinois Commerce Commission over a public utility power line pole location.

Section 16.220 Severability

If any of the provisions of this Part or the application of it to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 16.APPENDIX A Applicable Airports

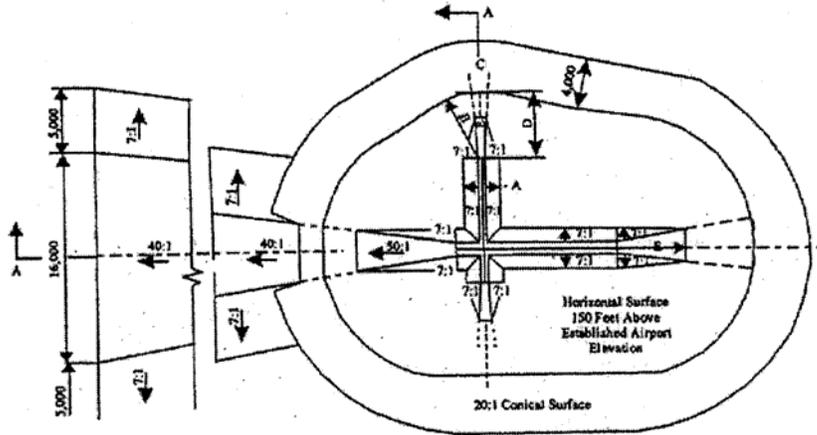
<u>Airport</u>	<u>City</u>	<u>County</u>	<u>ARP Latitude</u>	<u>ARP Longitude</u>	<u>Fed Std.</u>	<u>State Std.</u>
SPI	Springfield	Sangamon	39-50.64	89-40.66	X	

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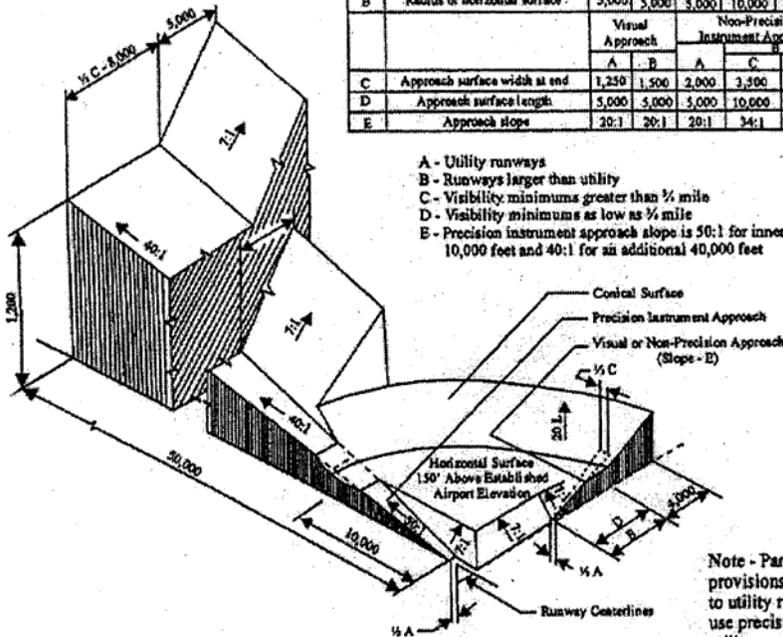
NOTICE OF PROPOSED RULES

Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION A Airports Imaginary Surfaces



DIM	ITEM	Dimensional Standards (Feet)					
		Visual Runway		Non-Precision Instrument Runway			Precision Instrument Runway
		A	B	A	C	D	
A	Width of primary surface and approach surface width at inner end	250	500	500	500	1,000	1,000
B	Radius of horizontal surface	5,000	5,000	5,000	10,000	10,000	10,000
		Visual Approach		Non-Precision Instrument Approach			Precision Instrument Approach
		A	B	A	C	D	
C	Approach surface width at end	1,250	1,500	2,000	3,300	4,000	16,000
D	Approach surface length	5,000	5,000	5,000	10,000	10,000	*
E	Approach slope	20:1	20:1	20:1	34:1	34:1	*



- A - Utility runways
- B - Runways larger than utility
- C - Visibility minimums greater than 1/2 mile
- D - Visibility minimums as low as 1/2 mile
- E - Precision instrument approach slope is 30:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet

Note - Part 77.25 does not make provisions for precision approaches to utility runways. In these situations, use precision standards for other than utility runways to develop the primary approach, and transition surfaces.

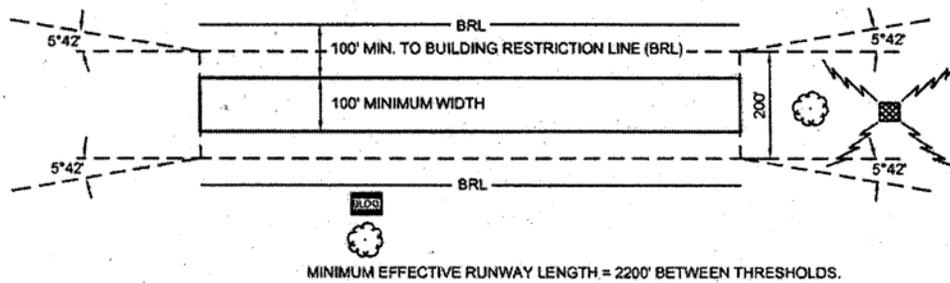
DEPARTMENT OF TRANSPORTATION

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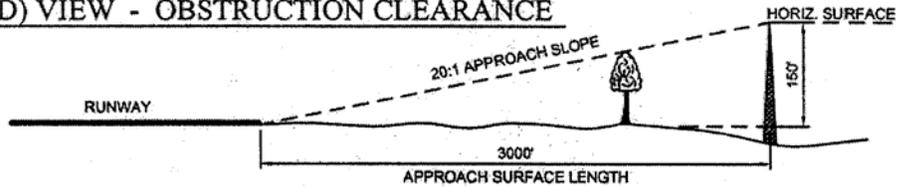
Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION B Airports (Public- or Private-Use) Minimum Dimensional Standards

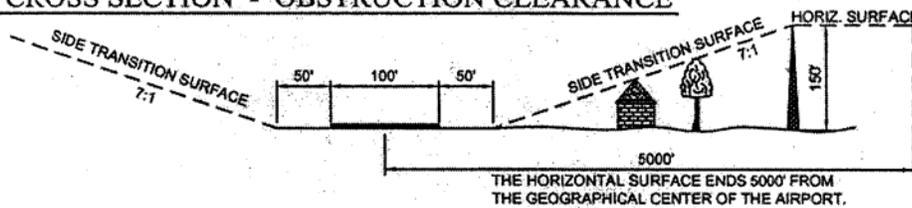
PLAN VIEW



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



- NOTES:
1. NO PENETRATIONS TO 7:1 SIDE TRANSITION SURFACES.
 2. NO PENETRATIONS TO 20:1 RUNWAY APPROACHES.
 3. NO CROPS WITHIN 100' EITHER SIDE OF RUNWAY CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATE HIGHWAYS.
 - 23' CLEARANCE OVER ALL RAILROADS.

SECONDARY RUNWAYS: UNLESS DESIGNATED AS STOL, SECONDARY RUNWAYS ARE RECOMMENDED TO BE AT LEAST 80% OF THE EFFECTIVE LENGTH OF THE PRIMARY RUNWAY.

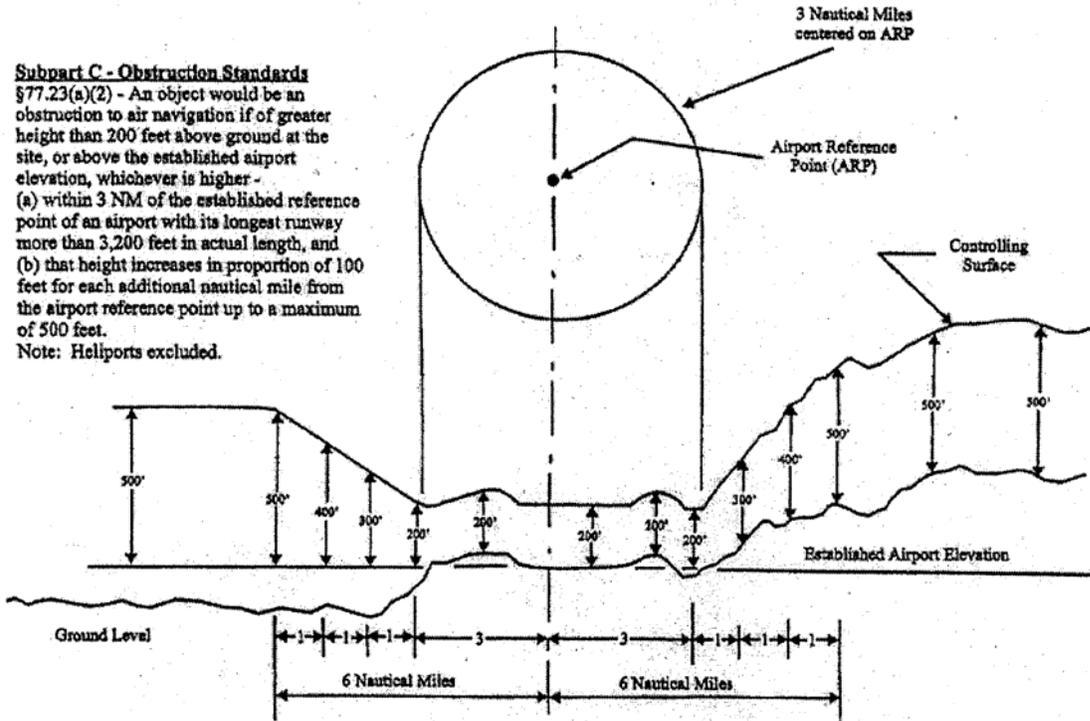
DEPARTMENT OF TRANSPORTATION

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Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION C Obstruction Standards (≤ 6 Nautical Miles)

Subpart C - Obstruction Standards
 §77.23(a)(2) - An object would be an obstruction to air navigation if of greater height than 200 feet above ground at the site, or above the established airport elevation, whichever is higher -
 (a) within 3 NM of the established reference point of an airport with its longest runway more than 3,200 feet in actual length, and
 (b) that height increases in proportion of 100 feet for each additional nautical mile from the airport reference point up to a maximum of 500 feet.
 Note: Heliports excluded.

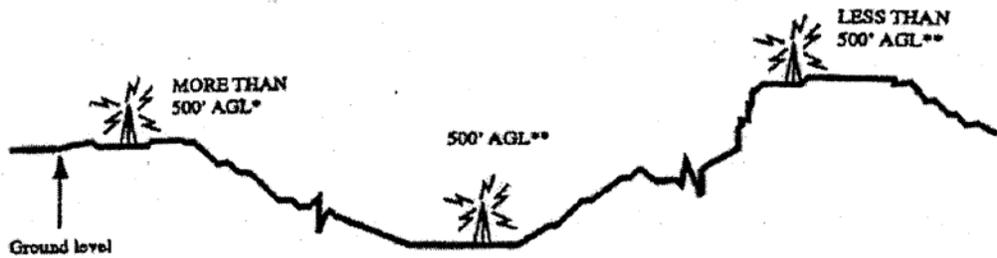


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Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION D Obstruction Standards (> 6 Nautical Miles)



- * Obstruction to Air Navigation
- ** Not an Obstruction to Air Navigation

Subpart C - Obstruction Standards

§77.23(a)(1) - An object would be an obstruction to air navigation if of greater height than 500 feet above ground level at its site.

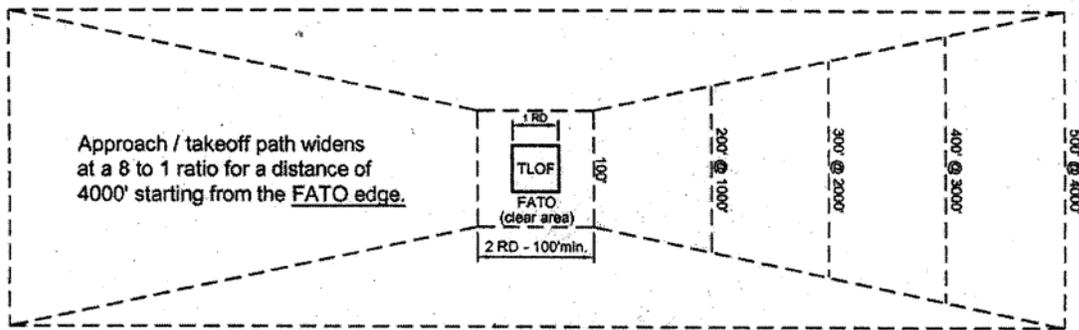
DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULES

Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION E Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

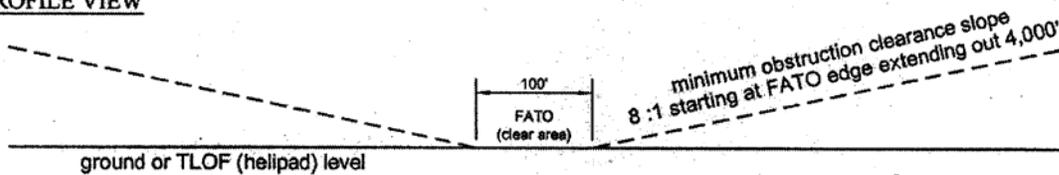
PLAN VIEW



Approach / takeoff path widens at a 8 to 1 ratio for a distance of 4000' starting from the FATO edge.

NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW



ground or TLOF (helipad) level

minimum obstruction clearance slope 8 : 1 starting at FATO edge extending out 4,000'

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Municipal Brownfields Redevelopment Grant Program
- 2) Code Citation: 35 Ill. Adm. Code 885
- 3)

<u>Section numbers:</u>	<u>Adopted Action:</u>
885.105	Amendment
885.200	Amendment
885.201	Added
885.205	Amendment
885.210	Amendment
885.215	Amendment
885.225	Amendment
885.230	Amendment
885.235	Amendment
885.240	Amendment
885.245	Amendment
885.250	Amendment
885.255	Amendment
885.260	Amendment
885.300	Amendment
885.305	Amendment
- 4) Statutory Authority: Section 58.13 of the Illinois Environmental Protection Act, [415 ILCS 5/58.13]
- 5) Effective Date of Amendments: August 28, 2003
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 3, 2003 27 Ill. Reg. 37
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The final version of these amendments is not substantively different from the proposal. The only changes are corrections in grammar, punctuation, style and citation.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments are intended to refine the procedures and criteria governing a grant program that provides financial assistance to Illinois municipalities for activities related to redevelopment of Brownfields sites. Brownfields sites are parcels of real property that have actual or perceived contamination and an active potential for redevelopment.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Judith S. Dyer, Assistant Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 885

MUNICIPAL BROWNFIELDS REDEVELOPMENT GRANT PROGRAM

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885.330 Statutory Requirements

SUBPART D: ACCESS, AUDITING AND RECORDS

Section

885.400 Access

885.405 Audit and Records

AUTHORITY: Implementing and authorized by Section 58.13 of the Environmental Protection Act [415 ILCS 5/58.13].

SOURCE: Adopted at 23 Ill. Reg. 467, effective December 23, 1998; amended at 27 Ill. Reg. 14604, effective August 28, 2003.

SUBPART A: GENERAL PROVISIONS

Section 885.105 Definitions

Unless specified otherwise, all terms shall have the meanings set forth in the Illinois Environmental Protection Act. Additionally, for purposes of this Part, the following definitions apply:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Applicant" means a municipality that applies for a municipal brownfields redevelopment grant.

"Municipal brownfields ~~Brownfields~~-redevelopment grant" means a grant issued pursuant to Section 58.13 of the Act and Subpart B of this Part.

"Brownfields site" or "brownfields" means *a parcel of real property, or a portion of the parcel, that has actual or perceived contamination and an active potential for redevelopment.* (Section 58.2 of the Act)

"Grant agreement" means the written grant agreement documents and amendments thereto signed by both the Agency and a grantee in which the terms and conditions governing the grant are stated and agreed to by both parties.

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"Grantee" means a municipality that has been awarded a grant for brownfields redevelopment under Section 58.13 of the Act.

"Municipality" means *an incorporated city, village, or town in this State. Municipality does not mean a township, town when that term is used as the equivalent of a township, incorporated town that has superseded a civil township, county, or school district, park district, sanitary district, or similar governmental district.* (Section 58.2 of the Act)

"State" means the State of Illinois.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

SUBPART B: MUNICIPAL BROWNFIELDS REDEVELOPMENT GRANTS**Section 885.200 Scope and Availability of Grants**

- a) Subject to the availability of funding and the limitations and requirements set forth in this Part, grant assistance is available to municipalities for coordination of activities related to brownfields redevelopment, *including identification of brownfields sites, site investigation and determination of remediation objectives and related plans and reports, and development of remedial action plans, and implementation of remedial action plans and remedial action completion reports.* (Section 58.13(a)(1) of the Act) The plans and reports shall be developed in accordance with Title XVII of the Act. ~~b) — Grant assistance is not available for implementation of remedial action plans or remedial action completion reports. (Section 58.13(a)(1) of the Act)~~
- be) Grants shall be awarded on a competitive basis subject to availability of funding. (Section 58.13(a)(2) of the Act)
- cd) Grant amounts shall not exceed 70% of the eligible project amount, with the remainder to be provided by the municipality as local matching funds. (Section 58.13(a)(5) of the Act) ~~e) — Grants shall be limited to a maximum of \$120,000 and no municipality shall receive more than one grant under this Part. (Section 58.13(a)(4) of the Act)~~
- d) A municipality, if determined to be in noncompliance, pursuant to Section 885.300, with any requirement of this Part for a previously-awarded grant, is not eligible to receive an additional grant until compliance is achieved.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.201 Limitations on Grant Amounts

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- a) Grants shall be limited to a maximum of \$240,000 and no municipality shall receive more than that amount under this Part (Section 58.13(a)(4) of the Act).
- b) Except as provided in subsection (c) of this Section, the total amount requested by a single grant applicant shall not exceed \$120,000.
- c) A grantee may submit a supplemental application or an amendment seeking an increase in grant budget in excess of \$120,000 only after demonstrating the following:
 - 1) The grantee is current on all reporting requirements set forth in Section 885.245;
 - 2) The grantee is current with the grant project work plan schedule; and
 - 3) The grantee has requested payment for grant-eligible work from the Agency for at least 80% of the total grant funds.

(Source: Added at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.205 Grant Assistance Criteria

- a) *Criteria for awarding grants shall include, but shall not be limited to, the following:*
 - 1) *Problem statement and needs assessment;*
 - 2) *Community-based planning and involvement;*
 - 3) *Implementation planning; ~~and~~*
 - 4) *Long-term benefits and sustainability: (Section 58.13(a)(2) of the Act); ~~and~~*
 - 5) Whether the applicant has previously received a grant under this Program.
- b) *In awarding grants, the Agency may give weight to geographic location to enhance geographic distribution of grants across this State: (Section 58.13(a)(3) of the Act).*

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.210 Applications for Municipal Brownfields Redevelopment Grants

- a) A municipality may apply for grant funds only if the following conditions are met:
 - 1) The municipality commits in writing to enroll, or has enrolled, the brownfields site in the Site Remediation Program;
 - 2) A Phase I or II environmental audit has been or will be completed for the brownfields site and has been or will be submitted to the Site Remediation Program for review and approval;

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- 3) The municipality provides a cost estimate for the cleanup, prepared by a professional engineer, for the brownfields site for which grant funds are to be expended and commits to work toward acquiring a No Further Remediation letter; and
- 4) If the costs to complete corrective action and to acquire a No Further Remediation letter exceed the maximum amount available to the municipality under this grant program, the municipality has reasonably demonstrated that there is sufficient capital available to cover such costs.
- b) To be considered for a municipal brownfields redevelopment grant, an applicant must file with the Agency a complete application, in accordance with the requirements of this Section and relevant statutes.
- c) Applicants for municipal brownfields redevelopment grants must use grant application forms furnished by the Agency, or a similar format. Grant applications, including budget forms, may be obtained from and must be submitted to:

Illinois Environmental Protection Agency

Bureau of Land

Office of Brownfields Assistance ~~Solid Waste Management Section~~

1021 North Grand Avenue East

Springfield, Illinois 62794-9276

- de) A complete municipal brownfields redevelopment grant application must include:
- 1) Background information on the applying municipality and proposed project, including:
- A) The negative effects on the local community of the brownfields site and the positive effects on the local community of funding and implementation of the proposed project;
- B) The local government involvement and planned additional involvement in the proposed project;
- C) If the brownfields site is located in an enterprise zone, as defined at Section 3(b) of the Illinois Enterprise Zone Act [20 ILCS 655/3(b)], a map that identifies the designated enterprise zone and the specific brownfields site location;
- D) The anticipated long-term benefits of the project and the means by which the municipality will sustain the benefits;
- E) How the success of the project will be measured; ~~and~~
- F) A commitment by the grantee that the site for which the grant is sought will be entered into the Site Remediation Program, to the extent that activities funded by the grant are not statutorily excluded under the Site Remediation Program; and

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- G) If the property is not municipally owned, the grantee must provide the following:
- i) An explanation as to why grant funds are requested for privately held property and the anticipated benefit to the municipality of expending grant funds at privately held property;
 - ii) Identification of the owner of the property; and
 - iii) Tenant information, including but not limited to tenant name, type of lease/rental and type of business.
- 2) The project plan, including:
- A) A description of all components and phases of the proposed project;
 - B) A description of planned or proposed tasks to be performed by parties involved;
 - C) A schedule of the work plan by tasks, including specific activities and events;
 - D) A detailed explanation of all anticipated expenses covered by the grant and a discussion of costs not covered by the grant, but anticipated to achieve the stated long-term project goals and measures;
 - E) Letter(s) of agreement or other documentation showing the applicant is authorized, by law or consent, to act on behalf of or in lieu of the owner or operator of the site;
 - F) Letter(s) of agreement or other documentation from the contractor or subcontractors involved in or responsible for components or phases of the proposed project; ~~and~~
 - G) Map(s) indicating location(s) of the proposed project, areas affected by the proposed project and, if relevant to the project, enterprise zone;
 - H) A designation of the total acreage of the project site; and
 - I) Location of the project site by latitude and longitude.
- 3) Information on project team members, including:
- A) The name of the project manager and a description of his or her previous management experience and other pertinent experience and capabilities;
 - B) The names of other project team members and a description of their job titles, work assignments and experience;
 - C) Documentation showing resource commitment by the grantee adequate for the project manager to successfully organize, administer, and complete the project specified in the proposal, such as:

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- i) Evidence of the relevant experience of all project team members; and
 - ii) Proposed allocation of resources, both capital and labor, to the project;
 - D) The name, telephone number, fax number, and e-mail address, if any, of the project team member designated to serve as liaison with the Agency;
- 4) Information on any environmental consultant to be employed by the applicant, including:
- A) The previous project management experience and other pertinent experience and capabilities of the environmental consultant;
 - B) The names of key environmental consultant personnel and a description of their job titles, work assignments and experience;
 - C) A detailed description of the tasks the consultant is to perform in the proposed project; ~~and~~
 - D) Evidence of relevant experience of all environmental consultant personnel involved in the project;
 - E) Statement that work will be performed as outlined in the work plan approved as part of the application, including adherence to the supplied work schedule;
 - F) A copy of the consultant's current normal and customary billing rates; and
 - G) Evidence of relevant experience for all subcontractors to be used and a copy of each subcontractor's signed formal bid.
- ~~5) Any remedial action plans and remedial action completion reports; and~~
- 5)6) The grant amount requested and a budget, on a form prescribed by the Agency, or in a similar format, outlining the expenses to be incurred. All amounts must be rounded to the nearest dollar and all percentages must be carried to one decimal place. The budget must include costs of:
- A) Personnel services;
 - B) Equipment;
 - C) All other direct costs; and
 - D) Contractor and subcontractors.
- 6) Any additional information required by the Agency.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.215 Agency Action on Application

- a) Issuance of municipal brownfields redevelopment grants is subject to availability of funding.

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- b) The Agency shall take action on all pending complete municipal brownfields redevelopment grant applications at the close of each of two grant application periods per year, the first ending January 1 and the second ending July 1, except as provided in subsection (c) of this Section.
- c) The Agency may award and fund any grant prior to the end of a grant application period provided that the grant applicant demonstrates that:
- 1) ~~The the~~ brownfields redevelopment project for which the grant is sought is specific to one or more sites;
 - 2) Remediation ~~remediation~~ of the project site or sites is necessary to assure protection of human health and the environment; and
 - 3) Failure ~~failure~~ to fund the grant prior to the end of the grant application period would substantially impair implementation of the project.
- d) If an applicant submits an incomplete application, the Agency shall so notify the applicant in writing, identifying the information that is lacking.
- e) The Agency shall, no more than 90 days after the close of each grant application period, or in accordance with subsection (c) of this Section, in writing, notify each applicant with a pending application:
- 1) If funding is available for municipal brownfields redevelopment grants, of that applicant's selection or rejection for a grant award; or
 - 2) If funding is not available, of the unavailability of grant assistance.
- f) Municipalities cannot obtain grant assistance by default due to failure by the Agency to act within the time frame set forth in subsection (d) of this Section.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.225 Grant Agreement

- a) ~~The~~ Upon receipt of written acceptance of a grant award, the Agency shall send to the grantee, at the time the Agency notifies each applicant of the applicant's selection, formal grant agreement documents, including: ~~1) A~~ a grant agreement to be signed by the Agency and the grantee; ~~2) A cover letter from the Agency, stating any errors identified by the Agency in the grant application; 3) A copy of the grantee's complete application, including budget forms; and 4) A form on which the grantee is to state the grantee's federal taxpayer identification number.~~
- b) The Agency shall not sign a grant agreement until the grantee has corrected any errors identified by the Agency in the grant application ~~and has signed the grant agreement.~~
- c) The grant takes effect on the date that the Agency receives the signed signs the grant agreement from the applicant.

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- d) Once signed by both the Agency and the grantee, the grant agreement, comprising the written grant agreement documents and any amendments thereto, shall govern the grant.
- e) The Agency shall keep the original grant agreement documents and provide a copy to the grantee.
- f) The grant agreement may be amended in accordance with Section 885.230 of this Part.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.230 Amendments to Grant Agreement

- a) To implement a project change, the grantee must obtain a formal amendment to the grant agreement. The grantee may request an amendment to the grant agreement by submitting an amended grant application to the Agency at any point during the grant term. Any such application shall include at a minimum any reports required pursuant to Section 885.245(a) and not already submitted.
- b) The grant agreement may be amended only by the mutual consent of the parties set forth in writing as a formal grant agreement amendment, signed and dated by the Agency and the grantee. Grant amendments at the request of the grantee will be considered by the Agency only if the grantee is current on all reporting requirements set forth in Section 885.245(a) of this Part.
- c) The grantee may request amendments for project changes including, but not limited to:
 - 1) Increasing the amount of State funds needed to complete the project;
 - 2) Altering the scope of the grant, as agreed to at the time of the grant award, e.g., by changing methodologies or personnel to be used; or
 - 3) Extending any contractual or grant completion date for the project.
- d) No more than 90 days after receipt of an amended grant application, the Agency shall notify the grantee in writing of its approval or rejection of the requested amendment to the grant agreement.
- e) The Agency shall not approve any amendment to the grant agreement in violation of the limitations on grants set forth in ~~sections~~Section 885.200 and 885.201 of this Part.
- f) The Agency shall approve an amendment to the grant agreement, to the extent that the Agency may approve the amendment consistent with ~~sections~~Section 885.200 and 885.201 of this Part, if the grantee makes a showing that:
 - 1) The original project cost approval was based on estimated costs or contractor bids, where the actual costs or contractor bids are over or under the estimated costs;
 - 2) Amendments to State statutes have affected or will affect the project costs;

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- 3) A project element was inadvertently omitted; ~~or~~
 - 4) An approved project element has been found unnecessary; ~~or-~~
 - 5) A project element was added pursuant to requirements of the Site Remediation Program.
- g) If the Agency approves a requested amendment to the grant agreement, the Agency shall send a signed formal amendment signature page and a copy of the amended grant application to the grantee. After the grantee signs and returns the signature page, the Agency shall date ~~and sign~~ the signature page and attach the amended grant application, the notification of Agency approval of the requested amendment and the signature page to the grant agreement documents.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.235 Cost Criteria

- a) The Agency shall approve for reimbursement to the grantee, under the terms set forth in Section 885.240 of this Part, only costs contained in the quarterly reports and meeting the following criteria:
- 1) Costs within the scope of the redevelopment project for which the grant was awarded;
 - 2) Costs that are reasonable and necessary, including, but not limited to:
 - A) Site Remediation Program enrollment costs and Agency oversight costs of participating in the Site Remediation Program of Title XVII of the Act and No Further Remediation letter assessment fees;
 - B) Environmental consultant oversight services;
 - C) Remedial investigation and design;
 - D) Development and implementation of activities necessary to establish remediation objectives;
 - E) Laboratory services necessary to determine site characterization and to establish cleanup objectives;
 - F) Installation and operation of groundwater investigation and groundwater monitoring wells;
 - G) Development and implementation of a soil sampling plan;
 - H) Development of a groundwater corrective action system;
 - I) Development of a soil corrective action plan;
 - J) Costs associated with seeking reimbursement from the municipal brownfields redevelopment grant program, including, but not limited to, completion of documentation for partial or final payment; ~~and~~
 - K) Purchase costs for non-expendable materials, supplies, equipment

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- or tools purchased and used for the brownfields project; and
- L) Development and implementation of corrective action plans;
- 3) Costs in amounts up to, but not exceeding, the total amount of the grant award;
 - 4) Costs incurred on or after the date the grant agreement is executed;
 - 5) Costs incurred without knowing violation of any State or federal law or regulation; and
 - 6) Costs incurred under a contract or subcontract in conformance with Section 885.255 of this Part.
- b) The Agency shall not approve for reimbursement any costs that are not necessary for completion of the work required under the grant agreement, including but not limited to: ~~Costs the Agency shall not approve for reimbursement because they are not necessary for completion of the work required under the grant agreement, include, but are not limited to:~~
- 1) Costs or losses resulting from business interruption at the specific site;
 - ~~2) Costs for corrective action activities and associated material or services;~~
 - ~~23) Costs associated with improperly installed sampling or monitoring wells;~~
 - ~~34) Costs associated with improperly collected, transported or analyzed laboratory samples;~~
 - ~~45) Interest or finance costs charged as direct costs; and~~
 - ~~56) Insurance costs charged as direct costs;~~
 - 6) Costs associated with an asbestos study or survey conducted within or associated with a structure or dwelling, including sample collection and analysis;
 - 7) Costs associated with a lead paint study or survey conducted within or associated with a structure or dwelling, including sample collection and analysis;
 - 8) Costs associated with demolition;
 - 9) Costs outside the scope of the Agency-approved project;
 - 10) Costs incurred prior to the execution of the grant agreement;
 - 11) Costs of geotechnical sampling and study;
 - 12) Costs associated with resampling, when it has been determined that such resampling is necessary due to failure by the consultant to follow standard procedures or advice or direction from the Site Remediation Program; and
 - 13) Costs for expediting of lab analysis of samples, unless approved in advance by the Agency.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.240 Grant Payment

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- a) The Agency shall use reimbursements to the grantee as the method of payment of grant funds.
- b) To obtain reimbursement from the municipal brownfields redevelopment grant program, the grantee shall submit a request for reimbursement in writing to the Agency on forms provided by the Agency with documentation, including the activities performed, the timeframe in which the activities were performed and a breakdown of the costs incurred, to demonstrate that the grantee has incurred the costs for which reimbursement is sought.
- c) Grant funds must be expended no more than three years after the effective date of the grant award, except:-
 - 1) For grantees who were issued a grant on or before January 1, 2002, in which case grant funds in excess of \$120,000 must be expended no more than three years after the effective date of the grant amendment; and
 - 2) For grantees whom the Agency determines would thereby be prohibited from successfully accomplishing the project goals set forth in the Agency-approved grant agreement, in which case grant funds must be expended by a date set by the Agency. The Agency determination must be based on the following written documentation from the grantee:
 - A) An explanation as to why the grant-approved activities cannot be completed within the authorized timeframe;
 - B) A statement as to the steps taken to correct any problems or deficiencies contributing to the inability to complete the project within the grant agreement timeframe;
 - C) An estimate of the additional time necessary to complete the project; and
 - D) A description of the impact on the community if the grant timeframe is not extended.
- d) The grantee may submit an initial request for reimbursement at any time after the costs for which reimbursement is sought have been incurred. Subsequent requests for reimbursement must be spaced at least 90 days apart, except that the grantee may submit a final reimbursement request no more than 90 days after either the most recent prior request or completion of approved grant activities.
- e) The Agency shall use the criteria set forth in Section 885.235 of this Part in determining whether to approve reimbursement to the grantee of costs included in each request for reimbursement.
- f) If grant funds are available, the Agency shall send a voucher for payment of an approved reimbursement request to the Comptroller's office no more than 90 days after receipt of the request.
- g) If grant funds are unavailable, the Agency shall so notify the grantee, no more than 90 days after receipt of a request for reimbursement, and shall send vouchers

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for payment of approved reimbursement requests to the Comptroller's office when funds become available.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.245 Grantee Responsibilities

- a) The grantee must submit quarterly progress reports to the Agency, using forms provided by the Agency, during the term of the grant. Each progress report should be a short narrative of the activities performed and the dates they were performed during that quarter. The quarterly progress report must also include, but not be limited to, the following:
 - 1) Date the site was enrolled in the Site Remediation Program and a copy of the enrollment application;
 - 2) Any change in ownership or intended use of the Brownfields site;
 - 3) Any land use changes within the quarter; and
 - 4) Any deviations from the grant application work plan schedule.
- b) The grantee must submit a detailed final report to the Agency at the end of the grant term. In the final report, the grantee must, at a minimum, describe how the tasks described in the project plan submitted by the grantee have been fulfilled and provide a completed Match Funding Certification, on a form provided by the Agency, certifying that the required, local match has been met, in accordance with Section 885.200(c) of this Part.
- c) If the grantee fails to timely submit quarterly progress reports or a final report, the Agency may impose any of the sanctions set forth in Subpart C of this Part.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.250 Evaluation of Performance

The Agency shall oversee each grantee's performance under the municipal brownfields redevelopment grant program in the following manner:

- a) The Agency shall evaluate grantee performance and progress toward completing the approved project plan.
- b) If the Agency's evaluation reveals that the grantee is not in compliance with one or more of the terms, conditions or limitations of the grant agreement, the Agency shall attempt to resolve the situation through negotiation. The Agency and the grantee shall put any settlement reached in writing as a formal amendment to the grant agreement in accordance with Section 885.230 of this Part.
- c) If resolution is not achieved, the Agency may impose any of the sanctions set forth in Subpart C of this Part.

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(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.255 Requirements Applicable to Contracting and Subcontracting

- a) The following conditions and limitations shall apply to all contracts and subcontracts entered into by the grantee:
 - 1) The grantee must use a freely and openly competitive bidding process in contracting and must require the same of any contractor in subcontracting;
 - 2) Only fair and reasonable profits may be earned by contractors and subcontractors in contracts and subcontracts under Agency grants. Factors to be considered in determining a fair and reasonable profit shall include project-related: material acquisition costs; labor costs; management costs; contract risks; capital investments; degree of independent development; and cost control and record keeping efforts. The determination of a fair and reasonable profit shall not be based upon the application of a predetermined percentage factor;
 - 3) The grantee, rather than the Agency, is responsible for the administration and successful accomplishment of the project for which the Agency grant is awarded. The grantee, rather than the Agency, is responsible for the settlement and satisfaction of all contractual and administrative issues arising out of contracts and subcontracts entered into under the grant. This responsibility includes, but is not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protest of award, claims, disputes and other procurement matters;
 - 4) Any contract or subcontract must include a provision allowing project-related access, in accordance with Section 885.400 of this Part;
 - 5) Any contract or subcontract must provide that the Agency or any authorized representative shall have access to any books, documents, papers, and records, including computer-generated documents, of the contractor or subcontractor that are pertinent to the project, for the purpose of making an audit, examination, excerpts, and transcriptions thereof; and
 - 6) Neither the Agency nor the State shall be a party to any contract or subcontract, solicitation, or request for proposals.
- b) No contract or subcontract shall be awarded to any person or organization that does not:
 - 1) Have adequate financial resources, experience, organization, technical qualification, and facilities for performance of the subagreement, or a firm commitment or arrangement to obtain such;
 - 2) Have staffing sufficient to comply with the completion schedule for the project;

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- 3) Have a demonstrated record of integrity, good judgment, and performance, including any prior performance under grants or contracts with the federal or any state government;
 - 4) Have an established financial management system and audit procedure;
 - 5) Maintain a property management system that provides procedures for the acquisition, maintenance, safeguarding and disposition of all project-related property; ~~and~~
 - 6) Conform to the civil rights law, equal employment opportunity law, and labor law requirements, as well as all other statutes of the State; ~~and~~
 - 7) Use good faith efforts to recruit, develop and extend employment and contracting opportunities to women, minorities and persons with disabilities for activities performed pursuant to the grant.
- c) Nothing in this Part shall be deemed to modify or negate any requirement of the Business Enterprise for Minorities, Females and Persons with Disabilities Act.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.260 Agency Cost Recovery

- a) If the Agency undertakes a response action at the site of an approved project, the Agency will not seek recovery of its costs under Section 22.2 or Title XVII of the Act from a grantee as an owner or operator if the grantee's status as an owner or operator is based solely on the grantee's:
 - 1) ~~Execution~~ execution of a grant agreement; or
 - 2) ~~Implementation~~ implementation of an approved project.
- b) *The exclusion provided under subsection (a) shall not apply to any grantee who has caused or contributed to the release or threatened release of a hazardous substance or pesticide from the facility, and such grantee shall be subject to the provisions of the Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under Sections 22.2(f) and 58.9 of the Act. (Section 22.2(h)(2)(H) of the Act)*

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

SUBPART C: NONCOMPLIANCE WITH GRANT CONDITIONS

Section 885.300 Agency Action for Noncompliance with Grant Conditions

- a) In addition to such other remedies as may be provided by law, in the event of noncompliance with any condition imposed pursuant to a municipal brownfields redevelopment grant or other violation of this Part, the Agency may:

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- 1) Revoke the grant and recover all grant funds disbursed;
- ~~2)~~ 2) Take no action on reimbursement requests;
- ~~3)2)~~ Terminate the grant;
- ~~4)3)~~ Suspend all project work; or
- ~~5)4)~~ Take such other action as the Agency is authorized to take.
- b) Noncompliance includes, but is not limited to:
 - 1) Failure to submit a quarterly report or a final report;
 - 2) Failure to deliver or act upon any grant commitment, such as a commitment to enter into the Site Remediation Program;
 - 3) Failure to provide local matching funds, as required under Section 885.200(c); or
 - 4) Failure to limit use of the brownfields site to uses consistent with the end use designated in the grant application.
- cb) No action shall be taken under this Section without prior oral or written consultation with the grantee.
- de) In determining whether to take action and which action to take under this Section, the Agency shall consider factors including, but not limited to:
 - 1) ~~The~~ severity of the violation(s);
 - 2) ~~The~~ number of violations by the grantee;
 - 3) ~~Whether~~ whether the violation is a continuing one;
 - 4) ~~Whether~~ whether the grantee can remedy the violation; and
 - 5) ~~Whether~~ whether the grantee and any contractor or subcontractor remain capable of complying with the approved work project.
- ed) Recovery actions under this Section shall be taken pursuant to the Illinois Grant Funds Recovery Act [30 ILCS 705].

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

Section 885.305 Project Termination by Grantee

- a) The grantee may request the termination of an incomplete project for which a grant has been awarded only for good cause.
- b) The Agency shall review the grantee's request to terminate a project and make a finding, no more than 90 days after the date of receipt of the request to terminate, as to good cause. Good cause shall include, but not be limited to:
 - 1) A change in grant program requirements or priorities;
 - 2) Lack of adequate public or private funding for the completion of the project; or
 - 3) Advancements in technology.
- c) If the Agency finds that the grantee's request to terminate the project is for good cause, it shall terminate the grant, effective upon the date the request to terminate

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the project was received by the Agency. The grantee may keep all grant funds previously paid.

- d) If the Agency finds that the grantee's request to terminate the project is without good cause, the grant shall be revoked and the grantee shall return to the State all grant funds previously paid. The grantee shall return such funds no more than 30 days after the date the grant is revoked by sending a certified check to the Brownfields Redevelopment Fund.

(Source: Amended at 27 Ill. Reg. 14604, effective August 28, 2003)

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- 1) Heading of the Part: Payment of Taxes By Electronic Funds Transfer
- 2) Code Citation: 86 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
750.100	Amendment
750.300	Amendment
750.500	Amendment
750.600	Amendment
750.700	Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-210
- 5) Effective Date of Amendments: August 26, 2003
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 14579, October 4, 2002
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments implement the provisions of Public Acts 92-492, 92-322, 92-526 and 92-393. Each of these Acts effects changes in the Department's Electronic Funds Transfer ("EFT") program. Public Act 92-393

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authorizes taxpayers under the Liquor Control Act of 1934 to file returns electronically and provides that this method of filing requires payment of taxes by means of EFT. Public Act 92-492 establishes new monetary thresholds that trigger payment of taxes by means of EFT. Beginning October 1, 2002, this act requires taxpayers who have an annual tax liability of \$200,000 or more to make all payments of tax to the Department by EFT. These regulations explain the manner in which this requirement will be implemented for various tax types (some, such as Hotel Operators' Occupation Tax, Home Rule Municipal Soft Drink Retailers' Occupation Tax, Cigarette Tax, Cigarette Use Tax and tax under the Liquor Control Act of 1934, are implemented effective January 1, 2003). Public Act 92-526, which implements the Simplified Municipal Telecommunications Tax Act, requires that retailers whose average monthly tax billings under both the new simplified act and the Telecommunications Excise Tax Act exceed \$1000 pay tax by means of EFT. Public Act 92-322 requires taxpayers purchasing cigarette tax stamps by means of the 30-day draft method to pay by means of EFT. These regulations also specify which taxes may be voluntarily paid by means of EFT, and have been updated to reflect current policies and procedures.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jerilynn Troxell Gorden
Senior Counsel, Sales & Excise Taxes
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 750

PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section

750.100	Scope of the Program and Rules
750.200	Definitions
750.300	Payments Required to be Paid by Electronic Funds Transfer
750.400	Eligibility Determination and Taxpayer Notification
750.500	Voluntary Program Participation
750.600	Methods of Electronic Funds Transfer Payment
750.700	Payment Transmission Errors
750.800	Department Notification Requirement
750.900	Due Date; General Provisions

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5], Use Tax Act [35 ILCS 105], Service Use Tax Act [35 ILCS 110], Service Occupation Tax Act [35 ILCS 115], Retailers Occupation Tax Act [35 ILCS 120] and Electricity Excise Tax Law [35 ILCS 640] and authorized by Section 2505-210 of the Civil Administrative Code [20 ILCS 2505/2505-210].

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. 10904, effective June 8, 1998; amended at 23 Ill. Reg. 5847, effective May 3, 1999; amended at 24 Ill. Reg. 3867, effective February 28, 2000; amended at 25 Ill. Reg. 185, effective December 26, 2000; amended at 26 Ill. Reg. 1727, effective January 24, 2002; amended at 27 Ill. Reg. 14623, effective August 26, 2003.

Section 750.100 Scope of the Program and Rules

- a) ~~Public Act 87-1132, as amended by P.A. 87-1246, requires Illinois taxpayers with liabilities for income taxes and occupation and use taxes exceeding established thresholds to pay their tax liabilities by electronic funds transfer beginning in October 1993. The law provides that the statutory thresholds are calculated by tax type. In other words, a taxpayer with both retailers' occupation tax liability and income tax liability will not have those tax liabilities combined when determining eligibility for the program. In addition, income tax withholding and a taxpayer's estimated income tax liabilities are separately considered in determining eligibility. The threshold for required participation in the program is to be phased~~

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- ~~in over a three year period.~~
- b) ~~Public Act 90-561 requires delivering suppliers of electricity and self-assessing purchasers of electricity with liabilities under the Electricity Excise Tax Law exceeding established thresholds to pay those liabilities to the Department by electronic funds transfer.~~
- a)e) Electronic funds transfer replaces the physical movement and handling of paper checks with electronic instructions to financial institutions to transfer funds between accounts of those making and receiving payments.
- b)d) Use of electronic funds transfer is intended to:
- 1) make the payment of taxes easier for taxpayers;
 - 2) enhance ~~Statestate~~ revenues through acceleration of the collection mechanism for taxes; and
 - 3) improve enforcement and compliance through the elimination of the delays and uncertainties which result from mailing and manually processing paper returns and tax payments.
- c) Taxpayers who are required to make tax payments to the Department and have reached the established thresholds for making those payments through the use of electronic funds transfer are required to make those payments to the Department through the use of electronic funds transfer. (See Section 750.300 of this Part.)
- d) Taxpayers, if accepted into the program by the Department, may voluntarily make tax payments to the Department through the use of electronic funds transfer for tax, fees, and other payments listed in Section 750.300 of this Part.

(Source: Amended at 27 Ill. Reg. 14623, effective August 26, 2003)

Section 750.300 Payments Required to be Paid by Electronic Funds Transfer

- a) Income tax payments
- 1) Beginning on October 1, 1993, certain withholding tax payments and estimated income tax payments will be required to be paid by electronic funds transfer. The threshold amounts are set by law, change over time, and are detailed below.
 - 2) *Beginning on October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more under Article 7 of the Act shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1993, a taxpayer who has an average quarterly estimated tax payment obligation of \$450,000 or more under Article 8 of the Act shall make all payments required by rules of the Department by electronic funds transfer. (Section 601.1 of the Illinois Income Tax Act [35 ILCS 5/601.1] ("the IITA"))*

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- A) Beginning on October 1, 1994, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average monthly liability of \$100,000, and, beginning on October 1, 1995, the threshold drops to an average monthly liability of \$50,000.
 - B) Beginning on October 1, 1994, the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$300,000 and, beginning on October 1, 1995, the threshold drops to an average quarterly estimated tax payment obligation of \$150,000.
 - C) Beginning on October 1, 2000, the threshold for taxpayers with withholding liability under Article 7 of the IITA drops to an average annual liability of \$200,000 and the threshold for taxpayers with liability for estimated tax payments under Article 8 of the IITA drops to an average quarterly estimated tax payment obligation of \$50,000.
 - D) *Beginning October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" means the greater of the amount of the taxpayer's tax liability under Article 7 of the IITA for the immediately preceding calendar year or the taxpayer's estimated tax payment obligation under Article 8 of the IITA for the immediately preceding calendar year.* [\[20 ILCS 2505/2505-210\]](#)
- 3) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
- 4) Taxpayers over the statutory thresholds will only be required to make certain types of income tax payments by electronic funds transfer.
- A) Taxpayers with income tax withholding liabilities over the statutory thresholds shall make IL-501 payments by electronic funds transfer. All other withholding payments by those taxpayers shall be made by conventional means.
 - B) Corporate taxpayers with estimated income and replacement tax liabilities over the statutory thresholds shall make IL-1120 ES payments and IL-505B payments by electronic funds transfer.
 - C) Individual taxpayers with estimated income tax liabilities over the

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statutory thresholds shall make IL-1040ES and IL-505I payments by electronic funds transfer.

- D) Any other taxpayers not listed above who incur estimated income tax liabilities over the statutory thresholds will, upon contact by the Department, be required to make subsequent estimated payments by electronic funds transfer as directed by the Department.
- b) State and local occupation and use tax payments reported on Form ST-1, Sales and Use Tax Return
- 1) Beginning on October 1, 1993, the Department will require certain State and local occupation and use tax payments to be made by electronic funds transfer. Subsection (b)(34) below sets forth the types of payments that must be made by electronic funds transfer.
- A) *Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "average monthly tax liability", as used in this subsection (b), shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year, divided by 12. (Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3] ("the ROT"))*
- B) Beginning October 1, 1994, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$100,000.
- C) Beginning October 1, 1995, the threshold for taxpayers required to make payments by electronic funds transfer drops to those taxpayers with average monthly tax liability of \$50,000.
- D) *Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. [35 ILCS 120/3]*
- E) *Beginning October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liability reported on that taxpayer's Form ST-1, Sales and Use Tax Return [20 ILCS*

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2505/2505-210]

- 2) The Department will only require payments by electronic funds transfer in those circumstances in which it is cost-effective for the Department to receive payments by electronic funds transfer and where receipt of payments by electronic funds transfer is consistent with the Department's tax processing capabilities.
 - 3) Taxpayers over the statutory thresholds will only be required to make RR-3 sales tax accelerated quarter-monthly payments, ST-1 return payments, PST-1 return payments and PST-3 return payments by electronic funds transfer. Any other payments that accompany a tax return (for example, ST-1-X return payments, 556 return payments, etc.) may not be paid by electronic funds transfer.
- c) Electricity Excise Tax payments
- 1) Beginning October 1, 1999, each delivering supplier or self-assessing purchaser whose average monthly liability under the Electricity Excise Tax Law was \$10,000 or more is required to make all payments by electronic funds transfer. The calculation to determine the average monthly liability is made by taking the sum of the liabilities of the delivering supplier or self-assessing purchaser for the immediately preceding calendar year and dividing by the number 12.
 - 2) The Department will calculate the delivering supplier's or self-assessing purchaser's average monthly liability for calendar year 1998, and only for calendar year 1998, by taking the sum of the delivering supplier's or self-assessing purchaser's liabilities for the last 5 months of calendar year 1998 and dividing by the number 12.
 - 3) Beginning October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. The term "annual tax liability" means the sum of the taxpayer's liabilities for the immediately preceding calendar year. [20 ILCS 2505/2505-210]
- d) Other tax payments
- Beginning on October 1, 2002, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments of that tax to the Department by electronic funds transfer. Before August 1 of each year, beginning in 2002, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1. [20 ILCS 2505/2505-210] This applies to all taxes administered by the Department except the Motor Fuel Tax and the Environmental Impact Fee.*

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Electricity Distribution TaxGas Revenue TaxInvested Capital TaxesTobacco Products TaxBingo TaxCharitable Games TaxCoin Operated Amusement Device TaxDry Cleaning Solvent TaxPull Tabs & Jar Games TaxCounty Motor Fuel TaxAutomobile Rental Occupation and Use TaxesMetropolitan Pier and Exposition Authority TaxTelecommunications Excise Tax (however, see subsection (i) for more restrictive requirements effective January 1, 2003)e) Liquor Revenue Tax Payments

Beginning on January 1, 2003, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year shall make all payments of that tax to the Department by electronic funds transfer.

f) Cigarette and Cigarette Use Tax Payments

1) Beginning on January 1, 2003 each distributor who has an annual tax liability of \$200,000 in the immediately preceding calendar year must pay for its cigarette revenue tax stamps by means of electronic funds transfer.

2) Beginning on January 1, 2003 each distributor who pays for cigarette revenue tax stamps with a postdated draft shall pay such draft by means of electronic funds transfer. [35 ILCS 135/3]

h)3) Distributors who purchase cigarette revenue tax stamps and are required to pay for these stamps using EFT must pay for their purchases using the ACH debit method. The ACH credit method is not available to taxpayers who are purchasing cigarette tax stamps using EFT.

g) Hotel Operators' Occupation Tax Payments

Beginning on January 1, 2003, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year of Hotel Operators' Occupation Tax shall make all payments of that tax to the Department by electronic funds transfer.

h) Soft Drink Tax Payments

Beginning on January 1, 2003, a taxpayer who has an annual tax liability of \$200,000 or more in the immediately preceding calendar year of taxes imposed under 8-11-6b of the Illinois Municipal Code [65 ILCS 5/8-11-6b] shall make all payments of that tax to the Department by electronic funds transfer.

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- i) Telecommunications Excise Tax and Simplified Municipal Telecommunications Tax Payments
Beginning on January 1, 2003, a taxpayer who has an average monthly tax liability of the taxes imposed under the Telecommunications Excise Tax Act and the Simplified Municipal Telecommunications Tax Act of \$1,000 or more for the immediately preceding calendar year shall make all payments of those taxes to the Department by electronic funds transfer [35 ILCS 630/6].

(Source: Amended at 27 Ill. Reg. 14623, effective August 26, 2003)

Section 750.500 Voluntary Program Participation

- a) Any taxpayer who is not required to make estimated or accelerated payments by electronic funds transfer is encouraged to seek the permission of the Department to make payments by electronic funds transfer.
- b) Taxpayers who wish to voluntarily participate in the electronic funds transfer program must file an application for participation with the Department. Taxpayers should be aware that it will generally take a minimum of 60 days for the Department to process a request for voluntary participation in the electronic funds transfer program.
- c) In determining whether to grant or deny an application for participation, the Department will consider the filing and payment history of the taxpayer, the average amount of payments made by the taxpayer and the cost to the Department of the taxpayer's participation in the program versus the cost to the Department of processing traditional forms of payment from the taxpayer.
- d) Once an applicant has been approved as a voluntary participant, all required payments must be made by electronic funds transfer for the next twelve months. Voluntary participants may not switch back and forth between electronic funds transfer and payment by check or draft. Failure to pay by the due date by electronic funds transfer may be grounds for dismissal from voluntary participation in the program.
- e) The Department is accepting voluntary electronic funds transfer payments of the following taxes and fees:

ART-1, Automobile Rental Occupation and Use Tax Return (payment only, beginning October 1, 2002)

CMFT-1, County Motor Fuel Tax Return (payment only, beginning October 1, 2002)

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ICT-1, Electricity Distribution and Invested Capital Tax Estimated Payment

ICT-4, Electricity Distribution and Invested Capital Tax Return (payment only)

IL-501, Illinois Withholding Tax Payment

IL-~~505501~~-I, Automatic Extension Payment for Individuals

IL-505-B, Payment of Automatic Extension (for corporations, small business corporations, partnerships, fiduciaries, or exempt organizations)

IL-1040-ES, Estimated Income Tax Payment for Individuals

IL-1120-ES, Estimated Income and Replacement Tax Payment for Corporations

PST-1, Prepaid Sales Tax Return (payment only)

PST-3, Prepaid Sales Tax Quarter-Monthly Payment (for accelerated sales tax filers)

RG-1, Gas Revenue Tax Return (payment only)

RPU-13, Electricity Excise Tax Return (payment only)

RPU-50, Quarter-Monthly Payment – Electric, Gas, Telecommunications Excise Tax, and Telecommunications Infrastructure Maintenance Fee

RR-3, Sales and Use Tax Quarter-Monthly Payment (for accelerated sales and use tax filers)

RT-2, Telecommunications Excise Tax Return (payment only)

RT-10, Telecommunications Infrastructure Maintenance Fee Return (payment only)

RL-26, Liquor Revenue Return (payment only, beginning January 1, 2003)

RL-26-A, Liquor Revenue Airline Return (payment only, beginning January 1, 2003)

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RHM-1, Hotel Operators' Occupation Tax Return (payment only, beginning January 1, 2003)

ST-1, Sales and Use Tax Return (payment only)

ST-4, MPEA Food and Beverage Tax Return (payment only, beginning October 1, 2002)

ST-14, Chicago Soft Drink Tax Return (payment only, beginning January 1, 2003)

TP-1, Tobacco Products Tax Return (payment only, beginning October 1, 2002)

Cigarette Tax and Cigarette Use Tax payments (beginning January 1, 2003)

- f) The Department reserves the right to terminate the participation of any voluntary electronic payer who fails to meet the requirements, specifications, and procedures stated in this Part.

(Source: Amended at 27 Ill. Reg. 14623, effective August 26, 2003)

Section 750.600 Methods of Electronic Funds Transfer Payment

- a) There are two primary methods for payment by electronic funds transfer under the program, along with one emergency backup method. These methods are ACH Debit, ACH Credit and Fedwire. Taxpayers may use either the ACH Debit or Credit methods for payment. Taxpayers who are required to pay or voluntarily pay Cigarette Tax or Cigarette Use Tax using EFT must pay their tax liability using an ACH debit payment. Fedwire is only offered as an emergency backup method of payment.
- b) Taxpayers who choose or are required to ~~To~~ use the ACH Debit ~~debit~~ option ~~taxpayers~~ must use one of the following methods:
- 1) Place ~~place~~ a toll-free call to the Department's data collection service and provide the appropriate account number and required tax payment information. The data collection service will then provide the taxpayer with a unique "confirmation number" to acknowledge the call. The call must be placed by 3:30 pm Central Standard Time at least one day prior to the due date for the payment. The data collection service will initiate the ACH Debit ~~debit~~ to the taxpayer's account the same day the taxpayer calls the Department, except in the case of ACH warehousing by the data

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collection service, which will be initiated the working day prior to the due date, and a credit to the Department's account will be made the following day. When a taxpayer chooses this payment option, the Department will provide the taxpayer with a detailed set of technical instructions related to the payment mechanism.

- 2) ACH Debits initiated via electronic data transfer (modem-to-modem) must be acknowledged as accepted before 12:00 p.m. (Noon – central time) on the last business banking day prior to the due date of the payment.
 - 3) Taxpayers that are purchasing cigarette tax revenue stamps will not need to place a call to the Department's data collection service. However, a debit authorization form provided by the Department must accompany the purchase order invoice. The Department will then initiate all ACH debits for taxpayers who are required to use EFT when purchasing cigarette tax stamps and who provide the Department with their debit authorization.
 - 4) Taxpayers who electronically file their tax return may include an ACH Debit record with the transmission.
- c) To use the ACH ~~Credit credit~~ option, the taxpayer initiates a credit by instructing its bank to transfer the tax due from the taxpayer's account to the Department's account. The taxpayer's bank will then insert a "trace number" into the payment transaction to be used as a payment verification. In addition to the payment amount, taxpayer account posting information is sent with the funds transfer using the TXP convention. This is a standard format developed for use by all states accepting tax payments by means of ACH ~~Credit credit~~. A copy of the TXP convention is provided as a portion of the technical instructions provided to taxpayers making payment in this form.
- 1) The ACH ~~Credit credit~~ must be initiated at least one day prior to the due date of the payment so the funds are available on the due date of the payment, or earlier if required by the taxpayer's bank so the funds are available on the due date.
 - 2) Before choosing this option on the registration form, a taxpayer should contact its bank to determine what ACH services are offered by the bank.
 - 3) This option is not authorized for taxpayers that purchase cigarette tax stamps.
- d) The Fedwire option for payment is offered by the Department only as a backup method. If for some reason a taxpayer is unable to initiate an ACH ~~Debit debit~~ or ACH ~~Credit credit~~ one day prior to the due date of the tax, Fedwire is the only electronic alternative method available to avoid late payment penalties and interest. If this backup method is used, the taxpayer's bank must initiate the Fedwire by noon Central Standard Time on the tax due date.
- 1) Fedwires have costs associated with them for both the initiator and the

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- receiver. A taxpayer using this option will be required to pay the initiator's fee, and the receiver fee will be charged to the Department.
- 2) To effectively credit the payment information to the taxpayer's account, the Department's standard Fedwire format (the Department requires the same data as the TXP convention) information should be entered by taxpayer's bank as part of the Fedwire transaction. The taxpayer's bank should provide taxpayer with a paper copy of the transmission for taxpayer's records. A copy of the Department's standard Fedwire format is included in the technical instructions provided all program participants.
 - 3) Fedwire is not a routine electronic funds transfer option. If a taxpayer uses this emergency backup option, taxpayer must contact the Department by telephone in advance to provide notification of the emergency situation.

(Source: Amended at 27 Ill. Reg. 14623, effective August 26, 2003)

Section 750.700 Payment Transmission Errors

- a) If a taxpayer does not make a correct payment of tax for a particular period, such taxpayer shall, on the nearest business day to the date on which the error is discovered, contact the Department's Electronic Funds Transfer EFT unit.
- b) If the taxpayer error involves an underpayment of tax, the taxpayer must make appropriate arrangements to initiate payment for the amount of the underpayment and penalties and interest.
- c) A failure to initiate ~~make~~ an electronic funds transfer payment so that it settles on or before the due date because of circumstances under the taxpayer's control, including but not limited to insufficiency of funds in the taxpayer's account or a direct payment to the Department using an unauthorized payment method, may result in either the loss of discount, the imposition of penalties and interest, or both.

(Source: Amended at 27 Ill. Reg. 14623, effective August 26, 2003)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Electronic Filing of Returns or Other Documents
- 2) Code Citation: 86 Ill. Adm. Code 760
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
760.100	Amendment
760.110	Amendment
760.120	Repealed
760.200	Amendment
760.210	Amendment
760.220	Amendment
760.230	Amendment
760.240	Amendment
760.300	Amendment
760.310	Amendment
760.320	Amendment
760.330	New Section
- 4) Statutory Authority: 20 ILCS 2505/2505-200
- 5) Effective Date of Amendments: August 26, 2003
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 14592, October 4, 2002
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments implement changes in the Department's electronic filing program. They reflect the provisions of Public Act 92-393, which authorizes taxpayers under the Liquor Control Act of 1934 to file electronic returns, and the provisions of Public Act 92-526, which requires persons meeting specific monetary thresholds under the Simplified Telecommunications Tax to file returns electronically. The regulations explain policies and procedures which apply to both mandatory electronic filers and taxpayers that voluntarily file returns electronically. The regulations implement provisions of Public Act 92-322 which authorize the Department to require that cigarette manufacturers and distributors provide schedule support data on computer-generated magnetic media. These regulations impose this requirement on taxpayers with 30 or more invoice transactions per month who do not voluntarily file returns and schedules by electronic means. The regulations also specify that taxpayers under the Liquor Control Act of 1934 may file returns and schedules using magnetic media, but provides that participants doing so are not entitled to the retailer's discount. The regulations have been updated to reflect current procedures and nomenclature that has developed since these regulations were first promulgated.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jerilynn Troxell Gorden
Senior Counsel, Sales & Excise Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-2844

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 760

ELECTRONIC FILING OF RETURNS OR OTHER DOCUMENTS

Section

760.100	Electronic Returns
760.110	Exclusions from Electronic Filing
760.120	Where to Send Electronic Returns (Repealed)
760.200	Ways to Participate in Electronic Filing
760.210	Enrollment in the Electronic Filing Program Application and Registration for Electronic Filing
760.220	Electronic Payment Required
760.230	Electronic Signatures
760.240	Due Dates and Date Received
760.300	Responsibilities of Electronic Filers
760.310	Filing Acknowledgments
760.320	Electronic Payment Acknowledgments
<u>760.330</u>	<u>Termination of Voluntary Participants</u>

AUTHORITY: Implementing and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 22 Ill. Reg. 14905, effective August 3, 1998; amended at 27 Ill. Reg. 14636, effective August 26, 2003.

Section 760.100 Electronic Returns

- a) The Department has mandatory electronic filing programs and voluntary programs ~~created a voluntary electronic filing program under this Part~~ for certain returns and other documents that are required to be filed with the Department. Upon acceptance into the program, the returns, schedules, attachments, and other documents listed in this Section may be electronically filed with the Department.
- b) An electronic return or other document consists of data transmitted to the Department electronically, and may include paper documents that contain information ~~that which~~ cannot be electronically transmitted or are requested for verification. In total, electronic returns must contain the same information as traditionally filed paper documents.

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- c) Mandatory Programs ~~The following forms and schedules can be transmitted electronically under the provisions of this Part:~~
- 1) Beginning January 1, 2003, telecommunications providers who have average monthly tax billings for the immediately preceding calendar year that exceed \$1000 must file their tax returns and supporting schedules electronically. Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. The following circumstances require paper documentation ~~Form ST-1 Sales and Use Tax Return; and:~~
 - A) When a final return is electronically filed, the taxpayer must also mail a statement explaining the reasons for a final return (e.g., business sold or discontinued).
 - B) When a return and payment are made in protest in accordance with Section 2a.1 of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a.1], the corresponding notice must be mailed to the Department.
 - C) When the taxpayer wishes to notify the Department of a change of address, the taxpayer must notify the Department by telephone or by mailing such change to the Department.
 - 2) Beginning January 1, 2003, cigarette distributors with 30 or more invoice transactions per month and who are not voluntarily filing returns and schedules by electronic means are required to file supporting schedule data with the Department on computer-generated magnetic media in a format prescribed by the Department. ~~Form ST-2 Multiple Site attachment for Form ST-1~~
- d) Voluntary Programs
- 1) Taxpayers may volunteer to participate in any electronic filing program currently in effect for mandatory electronic filers.
 - 2) Form ST-1, Sales and Use Tax Return, and Form ST-2, Multiple Site attachment for Form ST-1, can be transmitted electronically under the provisions of this Part.
 - 3) Beginning January 1, 2003, original or amended liquor tax returns and schedules for Liquor Tax participants may be filed electronically under the provisions of this Part.
 - A) Paper documents that contain information that cannot be electronically provided or are requested for verification must be mailed to the Department. They include:
 - i) Copies of schedules, invoices or bills of lading requested for verification in accordance with Section 8-2 of the Liquor Control Act of 1934 [235 ILCS 5/8-2].

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- ~~760.100(c) of this Part; and~~
- d) ~~For Liquor Tax participants, any return, schedule or other document listed in Section 760.100(d)(3)(A)(i) through (ii) of this Part or that is not required by Section 8 of the Liquor Control Act of 1934 [235 ILCS 5/8]; or Any return, form, or other document wherein electronic filing of those documents is provided for in Part 105, Electronic Filing of Illinois Individual Income Tax Returns.~~
- e) ~~Any documents listed in Section 760.100(c)(1)(A) through (C) and Section 760.100(d)(5)(A) through (C) of this Part.~~

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.120 Where to Send Electronic Returns (Repealed)

~~Electronic returns, attachments, forms, and any other electronic documents that are being electronically filed pursuant to this Part must be transmitted to the Department as follows:~~

- a) ~~Participants transmitting directly to the Department must transmit to the communications processor at the Illinois Department of Revenue in Springfield, Illinois. The telephone number will be provided to accepted participants.~~
- b) ~~Participants transmitting to the Department through the use of a value added network (VAN) must transmit to a VAN used by the Department, or to a VAN which has an interconnect with such a VAN.~~

(Source: Repealed at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.200 Ways to Participate in Electronic Filing

Electronic filers can choose to perform all of the functions themselves that are associated with electronic filing, or they can choose to use the services of another accepted electronic filer (third party) to participate in the electronic filing program. For example:

- a) A participant can be a taxpayer who prepares the electronic return or other document and transmits it directly to the Department ~~or a VAN~~ using software developed by the taxpayer or a software provider.
- b) A participant can be a taxpayer who uses the services of a service group or other third party to prepare the electronic return or other document to provide or transmit and transmit it to the Department ~~or a VAN~~.
- c) A participant can be a third party transmitter who takes prepared returns or other documents from taxpayers or service groups and transmits them to the Department ~~either directly or through the use of a VAN~~.
- d) A participant can be a service group or other third party who prepares electronic returns or other documents and transmits them to the Department ~~either directly or~~

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- ~~through the use of a VAN.~~
- e) A participant can be a software developer who:
- 1) develops software to format return information to conform with the Department specifications; and/or
 - 2) develops software to transmit to the Department ~~either directly or through the use of a VAN.~~

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.210 Enrollment in the Electronic Filing Program ~~Application and Registration for Electronic Filing~~

- a) ~~All taxpayers that file electronically or on magnetic media must complete an enrollment form to file electronically or on magnetic media. Application to participate in the electronic filing program provided for in this Part must be made by completing and signing the enrollment form prescribed by the Department. Application to participate in the electronic filing program provided for in this Part must be made by completing and signing Form EDI-1, Registration for Electronic Data Interchange. The Form EDI-1 must be mailed to the Department at the following address:~~
- ~~Electronic Filing
Illinois Department of Revenue
101 West Jefferson
Springfield, IL 62702~~
- b) ~~Voluntary participants~~ ~~Participants~~ are required to make return payments by electronic means for returns that are filed electronically with the Department. See Section 760.220 of this Part.
- c) Participants that are transmitting directly to the Department ~~or otherwise providing electronic returns or other documents to the Department, as well as~~ and software developers, must successfully complete testing with the Department in order to be accepted into the electronic filing program.
- d) Taxpayers that use service groups or other third parties or agents to file returns or other documents electronically remain responsible for completing their own ~~enrollment registration~~ form. Service groups or other third parties or agents cannot complete or sign the ~~enrollment form registration~~ on behalf of a taxpayer.
- e) Participants must submit a revised ~~enrollment form~~ ~~Form EDI-1~~ to the Department to update the information ~~contained on their most current Form EDI-1~~ when there are changes involving:

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- 1) the taxpayer's name, the firm name, or doing business as (DBA) name(s);
 - 2) any address, telephone or contact representative;
 - 3) Federal Employer's Identification Number (FEIN), Social Security Number (SSN), or Illinois Business Tax number (IBT);
 - 4) the electronic filing functions performed; or
 - 5) the taxpayer's electronic signature-~~signature code~~.
- f) The Department reserves the right to limit the number of participants in any voluntary ~~this~~-electronic filing program.

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.220 Electronic Payment Required

- a) Taxpayers who voluntarily choose to electronically file returns and other documents with the Department under the provisions of this Part must make any required payments relating to those returns or documents through electronic means. The methods of electronic payment that can be utilized are as follows:
 - 1) Electronic payment by electronic funds transfer under the Electronic Funds Transfer Program described in 86 Ill. Adm. Code 750. Liquor tax participants that submit their return and schedules on approved magnetic media must utilize this method;
 - 2) Electronic payment by including payment data as part of an EDI 813 Electronic Filing of Tax Return Data transaction set (see Section 760.320 of this Part). This method is only available for sales tax participants; or
 - 3) Electronic payment by including payment data in an EDI 820 Payment Order/Remittance Advice transaction set (see Section 760.320 of this Part). This method is only available for sales tax participants;
 - 4) Electronic payment by including payment data as part of the electronic transmission of the return and schedule data; or
 - 5) Electronic payment by including payment data in an electronic transmission that is separate from the return and schedule transmission.
- b) Regardless of the electronic payment method selected, taxpayers must complete and submit Form EFT-1, Authorization Agreement for Electronic Funds Transfer, as part of the ~~EDI~~-electronic filing enrollment registration-process, along with the appropriate electronic filing enrollment form. This is required unless a participant is already enrolled to make payments in the Department's Electronic Funds Transfer Program for the returns or other documents listed in Section 760.100(c) or (d) of this Part. Form EFT-1 must be completed and submitted with the appropriate enrollment form ~~Form EDI-1 application~~ for electronic filing.
- c) Taxpayers making electronic payments must initiate the transfer so that the

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amount due is deposited as collected funds to the Department's account on or before the due date under the appropriate tax Act. Taxpayers are reminded that the provisions of Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25] do not apply to payments made by electronic means as those payments are not transmitted by mail.

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.230 Electronic Signatures

- a) Taxpayers must select their electronic signature, as outlined by the Department on the electronic filing enrollment form-own signature code (personal identification code) on Form EDI-1, and the taxpayer or authorized officer or other individual responsible for filing the returns or other documents must properly sign the electronic filing enrollment form-Form EDI-1.
- b) The taxpayer's electronic signature signature code is to be used in lieu of a written signature when filing electronic returns, forms, or other documents with the Department.
- c) The effect of including a valid electronic signature signature code as part of a transaction transmission has the same legal effect as the taxpayer having signed the returns or other documents that are in that transaction transmission.
- d) Electronically transmitted returns and other documents will be considered unsigned unless the taxpayer's registered electronic signature signature code is included, and received by the Department, as part of that ~~transaction~~ transmission.
- e) An electronic signature A signature code is considered to be valid once it is registered by the Department until it expires or any of the following occurs:
 - 1) The Department receives a written request from the taxpayer to have that taxpayer's electronic signature signature code invalidated. To continue electronic filing under this Part, the taxpayer must submit a revised electronic filing enrollment form Form EDI-1 and select a new electronic signature signature code.
 - 2) The taxpayer files a revised enrollment form Form EDI-1 and has selected a new electronic signature signature code on that form.
 - 3) The taxpayer notifies the Department that the electronic signature signature code has been compromised. To continue electronic filing under this Part, the taxpayer must submit a revised enrollment form Form EDI-1 and select a new electronic signature signature code.
 - 4) The revocation or suspension of the taxpayer's electronic signature authorization.
- f) For electronic returns and other documents authorized to be filed under Section

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760.100~~(e)~~ of this Part, a registered ~~electronic signature signature code~~ is valid until the expiration of the corresponding certificate of registration or other certification issued to the taxpayer by the Department ~~to the taxpayer, or, in the case of liquor tax, the license issued to the taxpayer by the Illinois Liquor Control Commission. The Department will notify the taxpayer at the time of expiration.~~ At that time, the taxpayer must either reconfirm the ~~electronic signature signature code~~ previously selected or select a new ~~electronic signature signature code~~. Upon the expiration of ~~an electronic signature a signature code~~, any electronically transmitted return and other documents containing the expired ~~electronic signature code~~ will be considered unsigned.

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.240 Due Dates and Date Received

- a) When the statutory due date for filing a return and other document or making payment with the Department falls on a weekend or a banking holiday observed by the State of Illinois, the Department will accept the electronic return or other document and the payment on the next business day. Electronic filers are responsible for timely initiating the transaction to assure the return and other document is received by, and the ~~funds payment~~ made available to, the Department on the day following the weekend or banking holiday.
- b) When the statutory due date for filing or payment is the next day following a weekend or observed banking holiday, electronic filers are responsible for initiating the transaction prior to or on the last business day before the weekend or banking holiday, to assure the return and other document is received by, and the payment made available to, the Department by the due date.
- c) The receipt date of the electronic transmission will constitute the receipt date of the electronic return or other document (except debit authorization) if the transmission is acknowledged as accepted, or accepted with error, with a detailed acknowledgment from the Department as provided in Section 760.310. Any return or other document, including debit authorization, acknowledged as rejected with a functional or detailed acknowledgment will be considered not filed. The receipt date of the electronic transmission will be when the telephone transmission ends for participants transmitting directly to the Department.
~~The receipt date of the electronic transmission will be:~~
 - 1) ~~when the telephone transmission ends for participants transmitting directly to the Department; and~~
 - 2) ~~when the transmission is deposited into the Department's electronic mailbox for participants that are using VANs.~~

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- d) The receipt date for electronic payment will be the date the payment is actually deposited as collected funds to the Department's account.
- e) In the case where a taxpayer submits a return or other document on approved magnetic media in accordance with this Part, Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25], which provides that a return or other document transmitted through the United States mail is deemed filed with or received by the State on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing it, applies only to the receipt of the return filed on diskette or other approved magnetic media.

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.300 Responsibilities of Electronic Filers

- a) All electronic filers must comply with all of the requirements and specifications set forth in this Part, and in the Department's implementation guides for electronic filing and booklets regarding procedures for electronic filing for the appropriate tax-booklets EDI-2, Implementation Guide for Electronic Filing, and EDI-2-A, Procedures for Electronic Filing.
- b) Taxpayers filing electronically, on approved magnetic media, or using Electronic Data Interchange (EDI) must keep records equivalent to the level of detail contained in an acceptable paper record. For example, see 86 Ill. Adm. Code 130.801, 130.805, ~~and 130.825~~, 420.90, 440.10 and 450.50.
- c) Electronic filers are responsible for ensuring that electronic returns or other electronic documents and payments are filed with or paid to the Department in a timely manner as provided in Section 760.240 of this Part.
- d) Electronic filers are responsible for ensuring the security and confidentiality of all transmitted data ~~until it has been received directly by the Department, or received by a VAN the Department is using.~~
- e) Electronic filers must not use software that has a Department assigned production password built into the software.
- f) Electronic filers cannot recall or intercept electronically filed returns or other documents after they have been acknowledged as accepted with a detailed acknowledgment from the Department. ~~If the taxpayer wishes to amend any accepted electronically filed return, the corresponding paper amended return form must be filed with the Department.~~
- g) Electronic filers must make transmissions and retrieve acknowledgments in a timely manner. Acknowledgment files will normally be available from the Department within 24 hours after the transmission is received.
- h) Electronic filers must match acknowledgment files to the original transmission

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files. Returns or other documents acknowledged as accepted with a detailed acknowledgment from the Department as provided in Section 760.310 of this Part will be considered filed ~~returns~~. Returns or other documents acknowledged as rejected must be corrected and retransmitted, ~~if possible. Returns that cannot be retransmitted must be timely filed on the corresponding paper form.~~

- i) Electronic filers must immediately contact the Department Electronic Filing office if an acknowledgment has not been available after 36 hours from the transmission of the return.
- j) Electronic filers must contact the Department Electronic Filing office for assistance if returns or other documents have been rejected after three attempts, or if acknowledgments are received for returns or other documents that were not in the original transmissions.
- k) Taxpayers are responsible for retaining copies of all the acknowledgment files received from the Department or third party transmitters. These may be retained on magnetic media. Taxpayers must retain all copies of the acknowledgment files received from the Department for as long as the taxpayer would be required to keep tax records in a paper format.
- l) Electronic filers who provide transmission services to other electronic filers must:
 - 1) Accept electronic returns or other documents for direct ~~or VAN~~ transmission to the Department only from electronic filers accepted in this program;
 - 2) Provide each of their clients with the acknowledgment files for their transmissions within 24 hours after the availability of the acknowledgment from the Department; and
 - 3) Retain copies of all acknowledgment files received from the Department for one year from the date of receipt. These may be retained on magnetic media.
- m) Electronic filers who are software developers must:
 - 1) Correct any software errors quickly to assure timely transmission of electronic returns or other documents;
 - 2) Expeditiously distribute any corrections to all electronic filers utilizing the software; and
 - 3) Not incorporate into its software a Department assigned production password.
- n) If the taxpayer wishes to amend any accepted electronically filed return, the corresponding paper amended return form must be filed with the Department except for the following:
 - 1) Amended Telecommunications Tax returns.
 - 2) Amended Cigarette Tax and Cigarette Use Tax returns.
 - 3) Amended Liquor Tax returns.

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(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.310 Filing Acknowledgments

- a) Each file of electronic returns or other documents transmitted to the Department will normally be acknowledged within 24 hours after receipt.
- b) The acknowledgement file identifies which returns or other documents have been accepted or rejected. The acknowledgment files must be retrieved within five days.
- c) If the acknowledgment file is not available within 36 hours, or if acknowledgments are received for returns or other documents that were not transmitted within the designated transmission, immediately contact the Department.
- d) The transmitter should match the acknowledgment file back to the original file transmitted.

NOTE: Any transmitted electronic return or other document that is acknowledged as rejected by the Department will not be considered filed.

- e) When a return or other document has been rejected after three attempts, contact the Department and assistance will be provided.
- f) For sales tax participants, the Department will provide two different levels of acknowledgments for filing electronic returns and other electronic documents with the Department. The acknowledgments are referred to as the 997 – Functional Acknowledgment and the 151 – Electronic Filing of Tax Return Data Acknowledgment. These acknowledgments are based upon transaction sets developed and approved for Electronic Data Interchange (EDI) by the American National Standards Institute's Accredited Standards Committee X12.

1)1) The first level of acknowledgment is the 997 – Functional Acknowledgment. This acknowledgment determines whether the electronic transmission contains any syntax errors at any level.

A)1) If the 997 acknowledgment designates rejection, the entire transmission is rejected and all the transaction sets (electronic documents and payment data) contained in the transmission are considered not filed.

B)2) If the 997 acknowledgment designates acceptance, this is only evidence that the Department received a transmission from the sender. The 997 acknowledgment is not a detailed acknowledgment of the electronic documents contained in the transmission. Receipt of a 997 designating acceptance does not mean that included transaction sets (electronic documents or

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payment data) are accepted for processing or that they are considered filed.

~~C)3)~~ If the 997 acknowledgment designates acceptance, the individual transaction sets (electronic documents and payment data) may still be rejected later in the processing of the transmission. **NOTE**
Note: Only a 151 acknowledgment (described below) designating acceptance will mean the transaction sets are considered filed and will be processed.

~~2)e)~~ The second level of acknowledgment is the 151 – Electronic Filing of Tax Return Data Acknowledgment. If the 997 acknowledgment designates acceptance, a 151 acknowledgment will be provided for each 813 – Electronic Filing of Tax Return Data transaction set contained in that transmission. The 151 acknowledgment is a detailed acknowledgment of the electronic return or document included in that 813 transaction set.

~~A)4)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is rejected, the electronic return or document represented by that 813 transaction set is considered not filed, and any payment authorization included will not be processed.

~~B)2)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is accepted, the electronic return or document represented by that 813 transaction set will be considered filed.

~~C)3)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is accepted, and that 813 also includes a payment authorization, the presence of a confirmation number in the 151 will indicate that the payment authorization has also been accepted for processing. If the 151 does not contain a confirmation number, it means the payment authorization will not be processed, although the electronic return or other document has been accepted.

~~g)~~ The Department will not send electronic acknowledgments for returns or other documents that are submitted to the Department on magnetic media.

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.320 Electronic Payment Acknowledgments

- a) This Section does not apply to electronic payments by electronic funds transfer under the Electronic Funds Transfer Program described in 86 Ill. Adm. Code 750.
- ~~b)~~ The Department will normally provide acknowledgments for all electronic

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- cb) payments within 24 hours after receipt.
For Sales Tax Participants
- 1) The Department will provide two different levels of acknowledgments for electronic payments. The first level of acknowledgment is the 997 – Functional Acknowledgment. The second level of acknowledgment is either the 151 – Electronic Filing of Tax Return Data Acknowledgment (for electronic payment data included in an 813 transaction set) or the 824 – Application Advice (for detailed acknowledgment of each 820 – Payment Order/Remittance Advice transaction set). These acknowledgments are based upon transaction sets developed and approved for Electronic Data Interchange (EDI) by the American National Standards Institute's Accredited Standards Committee X12.
- 2)e) The first level of acknowledgment is the 997 – Functional Acknowledgment. This acknowledgment determines whether the electronic transmission contains any syntax errors at any level.
- A)H) If the 997 acknowledgment designates rejection, the entire transmission is rejected and all the transaction sets (electronic documents and payment information) contained in the transmission are considered not received.
- B)2) If the 997 acknowledgment designates acceptance, this is only evidence that the Department received a transmission from the sender. The 997 acknowledgment is not a detailed acknowledgment of the electronic documents or payment information contained in the transmission. Receipt of a 997 designating acceptance does not mean that included transaction sets (electronic documents or payment data) are accepted for processing or that they are considered filed or received.
- 3)e) The second level of acknowledgment is dependent upon whether the taxpayer has chosen to include the electronic payment data as part of the 813 – Electronic Filing of Tax Return Data transaction set or has chosen to send the payment data in a separate transaction as an 820 – Payment Order/Remittance Advice transaction set.
- 4)e) For taxpayers that have chosen to include the electronic payment data as part of the 813 – Electronic Filing of Tax Return Data transaction set and have had the 997 acknowledgment designate acceptance, a 151 acknowledgment will be provided for each 813 transaction set contained in that transmission. The 151 acknowledgment is a detailed acknowledgment of the electronic return and payment data included in that 813 transaction set.
- A)H) If the 151 – Electronic Filing of Tax Return Data Acknowledgment

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designates an 813 – Electronic Filing of Tax Return Data transaction set is rejected, the electronic return and payment data represented by that 813 transaction set is considered not received.

~~B)2)~~ If the 151 – Electronic Filing of Tax Return Data Acknowledgment designates an 813 – Electronic Filing of Tax Return Data transaction set is accepted, and the 151 also contains a confirmation number, the electronic return and payment data represented by that 813 transaction set will be considered received, and will be processed. If the 151 does not contain a confirmation number, it means the payment authorization will not be processed, although the electronic return or other document has been accepted.

~~5)4)~~ For taxpayers that have chosen to send the payment data in a separate transaction as an 820 – Payment Order/Remittance Advice transaction set and have had the 997 acknowledgment designate acceptance, an 824 – Application Advice acknowledgment will be provided for each 820 transaction set contained in that transmission. The 824 acknowledgment is a detailed acknowledgment of the payment data included in that 820 transaction set.

~~6)g)~~ The 820 – Payment Order/Remittance Advice transaction set may include one or multiple payment authorizations. The 824 – Application Advice acknowledgment may accept or reject an entire 820 transaction set, or any specific debit ~~authorizations authorization(s)~~ included in the 820 transaction set.

~~A)4)~~ If the 824 – Application Advice acknowledgment designates the entire 820 – Payment Order/Remittance Advice transaction set is rejected, all electronic payment data represented by that 820 transaction set is considered not received. If there are multiple payment authorizations included in the 820 transaction set, none of the payment authorizations will be processed.

~~B)2)~~ If the 824 – Application Advice acknowledgment designates the entire 820 – Payment Order/Remittance Advice transaction set is accepted, it does not mean that the payment ~~authorizations authorization(s)~~ included will be processed. The 824 acknowledgment may still reject any specific payment ~~authorizations authorization(s)~~ included in the 820 transaction set. If there are multiple payment authorizations, all may be rejected, all may be accepted, or some may be accepted and some may be rejected.

~~C)3)~~ If the 824 – Application Advice acknowledgment designates the

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entire 820 – Payment Order/Remittance Advice transaction set is accepted, the presence of a confirmation number for a specific payment authorization will indicate that the authorization will be processed by the Department. If there is no confirmation number for a specific payment authorization, it means that the authorization will not be processed.

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

Section 760.330 Termination of Voluntary Participants

The Department reserves the right to terminate the participation privilege of any voluntary electronic filer who fails to meet the requirements, specifications, and procedures stated in this Part.

(Source: Amended at 27 Ill. Reg. 14636, effective August 26, 2003)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3) Section Number: 1455.320 Emergency Action: Amend
- 4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].
- 5) Effective Date of Amendment: August 29, 2003
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires: N/A
- 7) Date Filed with the Index Department: August 29, 2003
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The increased fees are needed to implement the budget for the 2004 State Fiscal Year. Appraiser licenses expire on September 30, 2003 and the renewal needs to be completed by that date. In order to avoid delays in the processing of license renewals, the annual license renewal fee increase needs to be accomplished immediately. OBRE has notified the trade associations of this change, posted the changes on the website, and will notify each individual appraiser through a renewal notice. The public will be notified through the OBRE website and the news media.
- 10) A complete description of the subjects and issues involved: The rulemaking amends and increases Real Estate Appraiser License fees. This rulemaking increases, by \$50, the annual renewal and initial application fees for appraisers, appraisal schools and appraisal courses.
- 11) Are there any proposed rulemakings pending on this Part? Yes
- 12) Statement of Statewide Policy Objectives: Timely renewal of appraisal licenses is essential to protect the public and regulate the industry. This emergency rule will help the agency accomplish this goal.

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- 13) Information and questions regarding this rulemaking shall be directed to:

Jeff Riley
Legislative Liaison
Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167
Telefax: 217/558-4297

The full text of the Emergency Amendment begins on the next page:

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NOTICE OF EMERGENCY AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: OFFICE OF BANKS AND REAL ESTATE

PART 1455
REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

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SUBPART D: EXPERIENCE REQUIREMENTS

Section

- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
- 1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
- 1455.190 Verification of Experience Credit
- 1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section

- 1455.210 Notification of Name Change
- 1455.220 Assumed Name
- 1455.230 Address Change; Street Address
- 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

Section

- 1455.250 Grounds for Discipline
- 1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
- 1455.270 Additional Education; Reporting Requirements
- 1455.280 Administrative Warning Letter
- 1455.290 Cooperation Required with OBRE
- 1455.300 Felony Convictions; Discipline of Other Professional License; Notification
- 1455.310 Unprofessional Conduct

SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
- EMERGENCY
- 1455.330 Granting of Variances
- 1455.340 Duties of the Director

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF EMERGENCY AMENDMENT

Section

- 1455.350 Education Provider Application; Requirements
1455.360 Pre-License Education Course Requirements of Education Providers
1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser;
State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser
1455.380 Examples of Acceptable Pre-License Education Courses
1455.390 Continuing Education Course Requirements of Education Providers
1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for
Participation Other Than as a Student
1455.410 Distance Education
1455.420 Expiration Date and Renewal for Education Providers and Pre-License and
Continuing Education Courses
1455.430 Continuing Education Reporting
1455.440 Transcript or Certificate of Completion

SUBPART I: TRANSITION PROVISIONS

Section

- 1455.450 Appraiser Applicants – Transition Provisions
1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition
Provisions

SUBPART J: HEARINGS

Section

- 1455.470 Applicability
1455.480 Administrative Law Judges
1455.490 Disqualification of an Administrative Law Judge

- APPENDIX A Caption for a Case Filed by the Agency
APPENDIX B Caption for a Case Filed by the Petitioner

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28,

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1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days.

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.320 Fees**EMERGENCY**

- a) Initial application fee for appraiser license.
 - 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Appraiser shall be ~~\$225~~ **\$175**.
 - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
 - 1) The application fee to renew a license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or a State Licensed Real Estate Appraiser shall be calculated at ~~\$250~~ **\$200** per year, which shall include the National Registry fees.
 - 2) The application to renew an Associate Real Estate Appraiser License shall be calculated at ~~\$150~~ **\$100** per year.
 - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate

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Appraiser, an Associate Real Estate Appraiser, or a State Licensed Real Estate Appraiser, shall be the sum of all lapsed renewal fees plus a \$50 late fee.

- c) Application fee to convert a license.
 - 1) The application fee to convert a license as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be ~~\$250~~ **\$200**.
 - 2) The application fee to convert a license that has expired as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be ~~\$250~~ **\$200**, plus a \$50 late fee.
- d) Application fee for temporary practice permit.

The application fee for a temporary practice permit pursuant to the Act and this Part shall be ~~\$200~~ **\$150**. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.
- e) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.
 - 1) The application fee for a license as an education provider shall be ~~\$1,000~~ **\$1050**, plus course application fees.
 - 2) The application fee for a license for a pre-license course shall be ~~\$100~~ **\$150**.
 - 3) The application fee for a license for a continuing education course shall be ~~\$100~~ **\$50**.
- f) Application fee to renew a license as an education provider, a pre-license course, and a continuing education course.
 - 1) The application fee to renew a license as an education provider shall be calculated at ~~\$550~~ **\$500**-per year.
 - 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 3) The application fee to renew a license as a pre-license course shall be calculated at ~~\$100~~ **\$50**-per year.
 - 4) The application fee to renew a license that has expired as a pre-license course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 5) The application fee to renew a license as a continuing education course shall be calculated at ~~\$75~~ **\$25**-per year.
 - 6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- g) For the purposes of determining if a license has expired under this Section,

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OBRE shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by OBRE on a date later than the expiration date.

- h) General.
- 1) All fees paid pursuant to the Act and this Part are non-refundable.
 - 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
 - 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
 - 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.
 - 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
 - 6) Applicants for an examination as a State Certified Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
 - 7) The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be \$50.
 - 8) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
 - 9) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
 - 10) OBRE may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.320 of this Part.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 26, 2003 through September 1, 2003 and have been scheduled for review by the Committee at its September 9, 2003 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/9/03	<u>Department of Professional Regulation, The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465)</u>	5/2/03 27 Ill. Reg. 7562	9/9/03
10/9/03	<u>Department of Natural Resources, Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)</u>	7/7/03 27 Ill. Reg. 9778	9/9/03
10/9/03	<u>Department of Insurance, Annual Audited Financial Report (50 Ill. Adm. Code 925)</u>	12/2/02 26 Ill. Reg. 17016	9/9/03

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 27, Issue 37 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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