

§ 122.14 Landing rights airport.

(a) *Permission to land.* Permission to land at a landing rights airport may be given as follows:

(1) *Scheduled flight.* The scheduled aircraft of a scheduled airline may be allowed to land at a landing rights airport. Permission is given by the director of the port, or his representative, at the port nearest to which first landing is made.

(2) *Other aircraft.* All other aircraft may be allowed to land at a landing rights airport by the director of the port of entry or station nearest the first place of landing.

(3) *Additional flights, charters or changes in schedule—(i) Scheduled aircraft.* If a new carrier plans to set up a new flight schedule, or an established carrier makes changes in its approved schedule, landing rights may be granted by the port director.

(ii) *Additional or charter flight.* If a carrier or charter operator wants to begin operating or to add flights, application shall be made to the port director for landing rights. All requests shall be made not less than 48 hours before the intended time of arrival, except in emergencies. If the request is oral, it shall be put in writing before or at the time of arrival.

(4) *Emergency or forced landing.* Permission to land is not required for an emergency or forced landing (see § 122.35).

(b) *Notice to Federal agencies.* If an aircraft is given permission to land at a landing rights airport, the Customs officer who granted the landing rights shall notify the Public Health Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, and any other interested Federal agency at once.

(c) *Payment of expenses.* In the case of an arrival at a location outside the limits of a port of entry, the owner, operator or person in charge of the aircraft shall pay any added charges for inspecting the aircraft, passengers, employees and merchandise when landing rights are given (see §§ 24.17 and 24.22(e) of this chapter).

(d) *Denial or withdrawal of landing rights.* Permission to land at a landing rights airport may be denied or withdrawn for any of the following reasons:

(1) Appropriate and/or sufficient Federal Government personnel are not available;

(2) Proper inspectional facilities or equipment are not available at, or maintained by, the requested airport;

(3) The entity requesting services has failed to abide by appropriate instructions of a Customs officer;

(4) Advance cargo information has not been received as provided in § 122.48a;

(5) Other reasonable grounds exist to believe that Federal rules and regulations pertaining to safety, including cargo safety and security, and Customs, or other inspectional activities have not been followed; or

(6) The granting of the requested landing rights would not be in the best interests of the Government.

(e) *Appeal of denial or withdrawal.* In the event landing rights are denied or withdrawn by the port director, a written appeal of the decision may be made to the Assistant Commissioner, Office of Field Operations, Headquarters.

[T.D. 88-12, 53 FR 9292, Mar. 22, 1988. Redesignated and amended by T.D. 92-90, 57 FR 43397, Sept. 21, 1992; T.D. 95-77, 60 FR 50020, Sept. 27, 1995; T.D. 99-27, 64 FR 13675, Mar. 22, 1999; CBP Dec. 03-32, 68 FR 68170, Dec. 5, 2003]

§ 122.15 User fee airports.

(a) *Permission to land.* The procedures for obtaining permission to land at a user fee airport are the same procedures as those set forth in § 122.14 for landing rights airports.

(b) *List of user fee airports.* The following is a list of user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b. The list is subject to change without notice. Information concerning service at any user fee airport can be obtained by calling the airport or its authority directly.

Location	Name
Addison, Texas	Addison Airport.
Blountville, Tennessee.	Tri-City Regional Airport.
Broomfield, Colorado.	Jefferson County Airport.
Daytona Beach, Florida.	Daytona Beach International Airport.
Decatur, Indiana	Decatur Airport.
Dublin, Virginia	New River Valley Airport.
Edinburg, Texas	Edinburg International Airport.
Egg Harbor Township, New Jersey.	Atlantic City International Airport.

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Location	Name
Englewood, Colorado.	Centennial Airport.
Fort Wayne, Indiana	Baer Field Airport.
Fort Worth, Texas ..	Fort Worth Alliance Airport.
Johnson City, New York.	Binghamton Regional Airport.
Lexington, Kentucky	Blue Grass Airport.
Manchester, New Hampshire.	Manchester Airport.
McKinney, Texas ...	McKinney Municipal Airport.
Medford, Oregon	Rogue Valley International Airport.
Melbourne, Florida	Melbourne Airport.
Mesa, Arizona	Williams Gateway Airport.
Midland, Texas	Midland International Airport.
Morristown, New Jersey.	Morristown Municipal Airport.
Moses Lake, Washington.	Port of Moses Lake.
Myrtle Beach, South Carolina.	Myrtle Beach International Airport.
Ocala, Florida	Ocala International Airport.
Palm Springs, California.	Palm Springs International Airport.
Rochester, Minnesota.	Rochester Airport.
Roswell, New Mexico.	Roswell Air Industrial Center.
San Bernardino, California.	San Bernardino International Airport.
Sarasota, Florida	Sarasota/Bradenton International Airport.
Scottsdale, Arizona	Scottsdale Airport.
Terre Haute, Indiana.	Hulman Regional Airport.
Victorville, California	Southern California Logistics Airport.
Waterford, Michigan	Oakland International Airport.
Waukegan, Illinois ..	Waukegan Regional Airport.
West Chicago, Illinois.	Dupage County Airport.
West Trenton, New Jersey.	Trenton Mercer Airport.
Wheeling, Illinois	Palwaukee Airport.
Wilmington, Ohio	Wilmington Airport.
Ypsilanti, Michigan	Willow Run Airport.

(c) *Withdrawal of designation.* The designation as a user fee airport shall be withdrawn under either of the following circumstances:

(1) If either Customs or the airport authority gives 120 days written notice of termination to the other party; or

(2) If any amounts due to be paid to Customs are not paid on a timely basis.

[T.D. 92–90, 57 FR 43397, Sept. 21, 1992, as amended by T.D. 93–32, 58 FR 25933, Apr. 29, 1993; T.D. 95–2, 59 FR 67622, Dec. 30, 1994; T.D. 95–62, 60 FR 41804, Aug. 14, 1995; T.D. 96–67, 61 FR 49059, Sept. 18, 1996; T.D. 97–64, 62 FR 37133, July 11, 1997; T.D. 99–9, 64 FR 7502, Feb. 16, 1999; T.D. 00–34, 65 FR 31265, May 17, 2000; T.D. 01–69, 66 FR 49275, Sept. 27, 2001; T.D. 01–70, 66 FR 50104, Oct. 2, 2001; T.D. 02–27, 67 FR 35723, May 21, 2002; CBP Dec. 03–09, 68 FR 42589, July 18, 2003; CBP Dec. 03–22, 68 FR 50698, Aug. 22, 2003]

Subpart C—Private Aircraft

§ 122.21 Application.

This subpart applies to all private aircraft as defined in §122.1(h). No other provisions of this part apply to private aircraft, except where stated in this subpart.

§ 122.22 Notice of arrival.

When arriving in the U.S. from a foreign area, all private aircraft not covered by §122.23 shall give advance notice of arrival as required in §122.31.

§ 122.23 Private aircraft arriving from areas south of the U.S.

(a) *Definitions.* (1) For the purpose of this section, “private aircraft” means all aircraft except:

(i) Public aircraft;

(ii) Those aircraft operated on a regularly published schedule, pursuant to a certificate of public convenience and necessity or foreign aircraft permit issued by the Department of Transportation, authorizing interstate, overseas air transportation; and

(iii) Those aircraft with a seating capacity of more than 30 passengers or a maximum payload capacity of more than 7,500 pounds which are engaged in air transportation for compensation or hire on demand. (See 49 U.S.C. App. 1372 and 14 CFR part 298).

(2) The term “place” as used in this section means anywhere outside of the inner boundary of the Atlantic (Coastal) Air Defense Identification Zone (ADIZ) south of 30 degrees north latitude, anywhere outside of the inner boundary of the Gulf of Mexico (Coastal) ADIZ, or anywhere outside of the inner boundary of the Pacific (Coastal) ADIZ south of 33 degrees north latitude.

(b) *Advance report of penetration of U.S. airspace.* All private aircraft arriving in the Continental U.S. via the U.S./Mexican border or the Pacific Coast from a foreign place in the Western Hemisphere south of 33 degrees north latitude, or from the Gulf of Mexico and Atlantic Coasts from a place in the Western Hemisphere south of 30 degrees north latitude, from any place in Mexico, from the U.S. Virgin Islands, or (notwithstanding the definition of “United States” in §122.1(1))