

§ 151.9

project in the Federal-aid Airport Program only if—

(1) The advance planning and engineering proposal involves more than \$1,000 in United States funds; and

(2) The project application involves more than \$5,000 in U.S. funds.

Whenever possible, the sponsor must consolidate small projects on a single airport in one grant agreement even though the airport development is to be accomplished over a period of years.

(c) *Previously obligated work.* Unless the Administrator specifically authorizes it, no advance planning and engineering proposal or project application may include any planning, engineering, or construction work included in a prior agreement with the United States obligating the sponsor or any other non-U.S. public agency to do the work, and entitling the sponsor or any other non-United States public agency to payment of U.S. funds for all or part of the work.

(Secs. 1-15, 17-21, 60 Stat. 170, 49 U.S.C. 1120)

[Amdt. 151-8, 30 FR 8039, June 23, 1965, as amended by Amdt. 151-17, 31 FR 16524, Dec. 28, 1966; Amdt. 151-19, 32 FR 9220, June 29, 1967]

§ 151.9 Runway clear zones: General.

(a) Whenever funds are allocated for developing new runways or landing strips, or to improve or repair existing runways, the sponsor must own, acquire, or agree to acquire, runway clear zones. Exceptions are considered (on the basis of a full statement of facts by the sponsor) upon a showing of uneconomical acquisition costs, or lack of necessity for the acquisition.

(b) For the purpose of this part, a runway clear zone is an area at ground level which begins at the end of each primary surface defined in § 77.27(a) and extends with the width of each approach surface defined in § 77.27 (b) and (c), to terminate directly below each approach surface slope at the point, or points, where the slope reaches a height of 50 feet above the elevation of the runway or 50 feet above the terrain at the outer extremity of the clear zone, whichever distance is shorter.

(c) For the purposes of this section, an airport operator or owner is considered to have an adequate property in-

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terest if it has an easement (or a covenant running with the land) giving it enough control to rid the clear zone of all obstructions (objects so far as they project above the approach surfaces established by § 77.27 (b) and (c) of part 77 of this chapter), and to prevent the creation of future obstructions; together with the right of entrance and exit for those purposes, to ensure the safe and unrestricted passage of aircraft in and over the area.

[Doc. No. 1329, 27 FR 12349, Dec. 13, 1962, as amended by Amdt. 151-7, 30 FR 7484, June 8, 1965; Amdt. 151-21, 33 FR 258, Jan. 9, 1968]

§ 151.11 Runway clear zones; requirements.

(a) In projects involving grants-in-aid under the Federal-aid Airport Program, a sponsor must own, acquire, or agree to acquire an adequate property interest in runway clear zone areas as prescribed in paragraph (b), (c), (d), or (e) of this section, as applicable. Property interests that a sponsor acquires to meet the requirements of this section are eligible for inclusion in the Program.

(b) On new airports, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas (in connection with initial land acquisition) for all eligible runways or landing strips, without substantial deviation from standard configuration and length.

(c) On existing airports where new runways or landing strips are developed, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway and landing strip to be developed or extended, to the extent that the Administrator determines practical and feasible considering all facts presented by the airport owner or operator, preferably without substantial deviation from standard configuration and length.

(d) On existing airports where improvements are made to runways or landing strips, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for each runway or landing strip that is to be improved to the extent that the Administrator determines is practical and feasible with regard to

standard configuration, length, and property interests, considering all facts presented by the airport owner or operator. Any development that improves a specific runway or landing strip is considered to be a runway improvement, including runway lighting and the developing or lighting of taxiways serving a runway.

(e) On existing airports where substantial improvements are made that do not benefit a specific runway or landing strip, such as overall grading or drainage, terminal area or building developments, the sponsor must own, acquire, or agree to acquire adequate property interests in runway clear zone areas for the dominant runway or landing strip to the extent that the Administrator determines is practical and feasible, with regard to standard configuration, length, and property interests, considering all facts presented by the airport owner or operator.

(f) If a sponsor or other public agency shows that it is legally able to prevent the future erection or creation of obstructions in the runway clear zone area, and adopts protective measures to prohibit their future erection or creation, that showing is acceptable for the purposes of paragraphs (d) and (e) of this section in place of an adequate property interest (except for rights required for removing existing obstructions). In such a case, there must be an agreement between the FAA and the sponsor for removing or marking or lighting (to be determined in each case) any existing obstruction to air navigation. In each case, the sponsor must furnish information as to the specific height limitations established and as to the current and foreseeable future use of the property to which they apply. The information must include an acceptable legal opinion of the validity of the measures adopted, including a conclusion that the height limitations are not unreasonable in view of current and foreseeable future use of the property, and are a reasonable exercise of the police power, together with the reasons or basis supporting the opinion.

(g) The authority exercised by the Administrator under paragraphs (b), (c), (d), and (e) of this section to allow a deviation from, or the extent of con-

formity to, standard configuration or length of runway clear zones, or to determine the adequacy of property interests therein, is also exercised by Regional Directors.

[Doc. No. 1329, 27 FR 12350, Dec. 13, 1962, as amended by Amdt. 151-22, 33 FR 8267, June 4, 1968; Amdt. 151-25, 33 FR 14535, Sept. 27, 1968]

§ 151.13 Federal-aid Airport Program: Policy affecting landing aid requirements.

(a) *Landing aid requirements.* No project for developing or improving an airport may be approved for the Program unless it provides for acquiring or installing such of the following landing aids as the Administrator determines are needed for the safe and efficient use of the airport by aircraft, considering the category of the airport and the type and volume of traffic using it:

- (1) Land needed for installing approach lighting systems (ALS).
- (2) In-runway lighting.
- (3) High intensity runway lighting.
- (4) Runway distance markers.

For the purposes of this section "approach lighting system (ALS)" is a standard configuration of aeronautical ground lights in the approach area to a runway or channel to assist a pilot in making an approach to the runway or channel.

(b) *Specific landing aid requirements.* The landing aids set forth in paragraphs (a) (1) through (4) of this section are required for the safe and efficient use of airports by aircraft in the following cases:

- (1) Lands for installing approach lighting systems are required as part of a project if the installing of the components of the system on the airport is in an approved FAA budget, unless the sponsor has already acquired the land necessary for the system or is otherwise undertaking to acquire that land. If the sponsor is otherwise undertaking to acquire the land, the grant agreement for the project must obligate the sponsor to complete the acquisition within a time limit prescribed by the Administrator. The Administrator immediately notifies a sponsor when a budget is approved providing for installing an approach lighting system at the airport concerned.