
Attachment 4. State Aviation System Airport Entry Guidance Statement

The Minnesota Department of Transportation, Office of Aeronautics (MnDOT Aeronautics) has established the State Aviation System Entry Guidance Statement (or Guidance) to provide a standardized process for airports seeking to enter the state aviation system. This Guidance takes the form of a Standard Operating Procedure (SOP), which details how an airport sponsor (or sponsor) initiates the licensure process and requests entry into the system.

The SOP also provides directions to MnDOT Aeronautics for responding to that request through a formalized evaluation process. This evaluation process includes a comprehensive assessment of the proposed airport's ability to enhance the system in terms of access, mobility, safety, economic development, and other potential factors as well as consideration of potential impacts to the sponsor, MnDOT Aeronautics, the surrounding community, aviation users, and the system.

The SOP provides MnDOT Aeronautics and sponsors with a uniform process for handling System Entry Requests compliant with all applicable state requirements. The Airport Entry SOP ensures that MnDOT Aeronautics has established formal processes and the data required to make informed decisions regarding system inclusion in consideration of the interests of all stakeholders in Minnesota.

Reason for Guidance

MnDOT Aeronautics established an Airport Entry SOP to define a consistent process for airports to enter the system and to outline the responsibilities of MnDOT Aeronautics and sponsors within this process. The SOP is triggered when a potential sponsor contacts MnDOT Aeronautics to request inclusion into the system. The Guidance is applicable to existing airport facilities that are not currently within the system as well as new airports proposed for construction. Note all airports in the system must be owned by a municipality in accordance with Minnesota Statutes Chapter 360.031 and open for public use.¹

Airports serve as a driver of economic activity and offer safety, security, social, and other benefits to aviation and non-aviation users. These benefits are realized only when a sponsor is willing and able to proactively maintain the airport's facilities, provide administrative support, and fulfill other legal and financial responsibilities associated with the ownership of a publicly owned, public-use airport. While many airports generate some revenue through fuel sales, lease agreements, and other revenue-producing activities, most publicly owned airports in Minnesota require some level of public investment to support ongoing airport operations, development, air service marketing, and other needs. Airports must be included in the system to receive financial assistance from the State of Minnesota via the State Airports Fund per Minnesota Statutes Chapter 360.015, §13.

¹ For the purposes of Chapter 360.031 to 360.045 of Minnesota Statutes, "municipality" means any county, city, town, or airport authority of this state in accordance with Minnesota Statute Chapter 360.03.

It is important to note that access to the State Airports Fund can enhance a sponsor's ability to maintain and develop aviation-related infrastructure and services; however, local sponsors that accept state funds are subject to grant assurances per Minnesota Statutes Chapter 360.305, §4. Sponsors should carefully consider the long-term implications of state grant agreements for their communities. More generally, the sponsor must understand the ongoing legal, financial, operational, and other obligations of system inclusion prior to submitting an Entry Request to MnDOT Aeronautics.

At the same time, MnDOT Aeronautics is responsible for allocating the State Airports Fund in a manner that best serves the needs of Minnesota airports and the air traveling public. As stewards of public funds, MnDOT Aeronautics must evaluate how an airport's inclusion may impact the system, including its ability to optimally serve the needs of all aviation users in Minnesota. This aligns with MnDOT's 50-year strategic plan known as Minnesota GO, which directs the agency to orient investment through right-sizing the system. As such, it is important for MnDOT Aeronautics to review prospective system entrants against a set of criteria designed to evaluate if the proposed system airport closes a gap within the existing system or otherwise fulfills a critical aviation need in Minnesota. In accordance with these objectives, the Airport Entry Guidance details how MnDOT Aeronautics evaluates airports requesting inclusion in the system via a comprehensive and uniform SOP. This evaluation centers upon the development of a System Entry Evaluation Report. The Evaluation Report provides the data necessary for the Commission of Transportation to make an informed decision regarding the composition and size of the system, as well as its ability to support Minnesota's air traveling public.

Applicability

Key stakeholders affected by the Guidance include:

- Commissioner of Transportation (Commissioner)
- Sponsors operating an existing or proposed publicly owned, public-use airport in Minnesota identified for potential inclusion in the system
- MnDOT Aeronautics Aviation Planning Director
- MnDOT Aeronautics Staff

Definitions

Airport sponsor (or sponsor) – A sponsor is a public agency or tax-supported organization such as an airport authority, joint powers, airport commission or local government authorized to own and operate an airport; obtain property interests; obtain funds; and otherwise be responsible for meeting all applicable legal and financial requirements of current laws, regulations, and other obligations associated with that airport.

Airport Layout Plan (or ALP) – An ALP is a graphical depiction of existing and proposed future airport boundaries and facilities thereon. An ALP must show the boundaries of and proposed additions to all areas owned or controlled by the airport sponsor for aeronautical purposes, as well as any non-aviation-related land uses and structures within those boundaries. ALP drawing sets may also include numerous

other components depending on the size and complexity of the airport and its long-term development plans.

State aviation system (or system) – The system encompasses all publicly owned, public-use airports in the state of Minnesota eligible to receive funding through the State Airports Fund in accordance with Minnesota Statutes Chapter 360.305.

Municipal airport – An airport owned by a county, city, town, or joint powers board within the meaning of Minnesota Statutes Chapter 360.042, exclusive of an airport formed and operated by the Metropolitan Airports Commission. This is in accordance with Minnesota Statutes Chapter 360.046.

Commissioner’s Order (or Order) – An Order is an official act of determination of the Commissioner of Transportation pursuant to Minnesota Statutes Chapter 360.015 for MnDOT Aeronautics.

Conditional Use Permit (CUP) – A CUP is an ordinance designation for certain types of developments, including planned unit developments, and certain land development activities as conditional uses under zoning regulations. This is in accordance with Minnesota Statutes Chapter 462.3595.

System Entry Request (or Entry Request) – The Entry Request details a prospective airport’s interest in inclusion in the system. This letter is submitted to the Commissioner to initiate the system entry process.

Airport Entry Evaluation Report (or Evaluation Report) – Completed by MnDOT Aeronautics, the Evaluation Report comprehensively evaluates an airport’s proposed inclusion in the system. The Evaluation Report documents the proposed airport’s fulfillment of the system entry criteria, ability to maintain the airport in conformance with state public airport licensing requirements, estimated cost of inclusion to MnDOT Aeronautics and the sponsor, and other associated components.

Clear Zone Acquisition Plan (CZAP) – The MnDOT Aeronautics Clear Zone Policy states that airports must own 100 percent of clear zones based off ultimate runway configurations to be eligible to receive state funding. Existing airport sponsors (i.e., airports already in the state system) that do not currently own 100 percent of clear zones based on ultimate build-out conditions are eligible to complete a CZAP to document their future acquisition plan and/or provide an alternative clear zone control strategy in accordance with the Clear Zone Guidance Statement (effective 01 June 2022). Sponsors that have an ALP approved by MnDOT prior to this date must comply with clear zone dimensional standards effective at the time MnDOT approved their ALP to be eligible to receive state support. Prospective new airport sponsors (i.e., those seeking entry into the system) are not eligible to complete a CZAP to comply with the MnDOT Clear Zone Guidance Statement. New system entrants must own 100 percent of clear zones based on ultimate build-out conditions prior to receiving a public airport license. Additionally, clear zone acquisition is not eligible for an Airport Planning Grant awarded in accordance with Minnesota Statutes Chapter 360.017, §1.

Responsibilities

Commissioner

- Receives the Entry Request from sponsors formally requesting inclusion in system

- Forwards the Entry Request to the MnDOT Aeronautics Airport Planning Director to develop the Evaluation Report
- Assesses the draft and final Evaluation Report in terms of potential impacts to the existing aviation system and the air traveling public, as well as other factors outlined in the Airport Entry SOP
- Makes the final determination to approve or deny an airport's entry into the system and issues an Order to formalize entry, as applicable
- Issues a public airport license

MnDOT Aeronautics Airport Planning Director

- Distributes the Entry Request and supplemental data provided by the sponsor to MnDOT Aeronautics Staff
- Communicates requirements associated with inclusion in the system to sponsors and other stakeholders, as applicable

MnDOT Aeronautics Staff

- Responds to Entry Requests received from sponsors seeking to enter the system
- Develops the Evaluation Report as detailed in the Airport Entry SOP for submission to the Commissioner
- Receives and approves ALPs developed by airports
- Receives and processes all applicable licensure forms to establish the airport as a new landing area
- Completes an airport inspection to ensure compliance with public airport licensure requirements per Minnesota Administrative Rules Part 8800.1600

Sponsor

- Submits an Entry Request to the Commissioner requesting to enter the system, including all supplemental data detailed in the Airport Entry SOP
- Works with MnDOT Aeronautics Staff to develop the Evaluation Report and addresses comments received from the Commissioner during report development
- Fulfills the following responsibilities once system inclusion has been approved by the Commissioner:
 - Submits all required documents and fees to the MnDOT Office of Aeronautics to initiate the public airport licensure process (Application for a New Landing Area, Landing Area Location Form, airport diagram, license fee)
 - Works with local planning/zoning authority to establish airport zoning in accordance with Minnesota Administrative Rules Part 8800.2400 and for inclusion in all applicable local/regional comprehensive and/or transportation planning efforts
 - Develops the airport layout, typically in the form of an ALP
 - Submits an Federal Aviation Administration (FAA) Form 7480 and Landing Area Location Form to the FAA Great Lakes Airport District Office (ADO) to initiate an airspace study (applicable to new airport construction only)

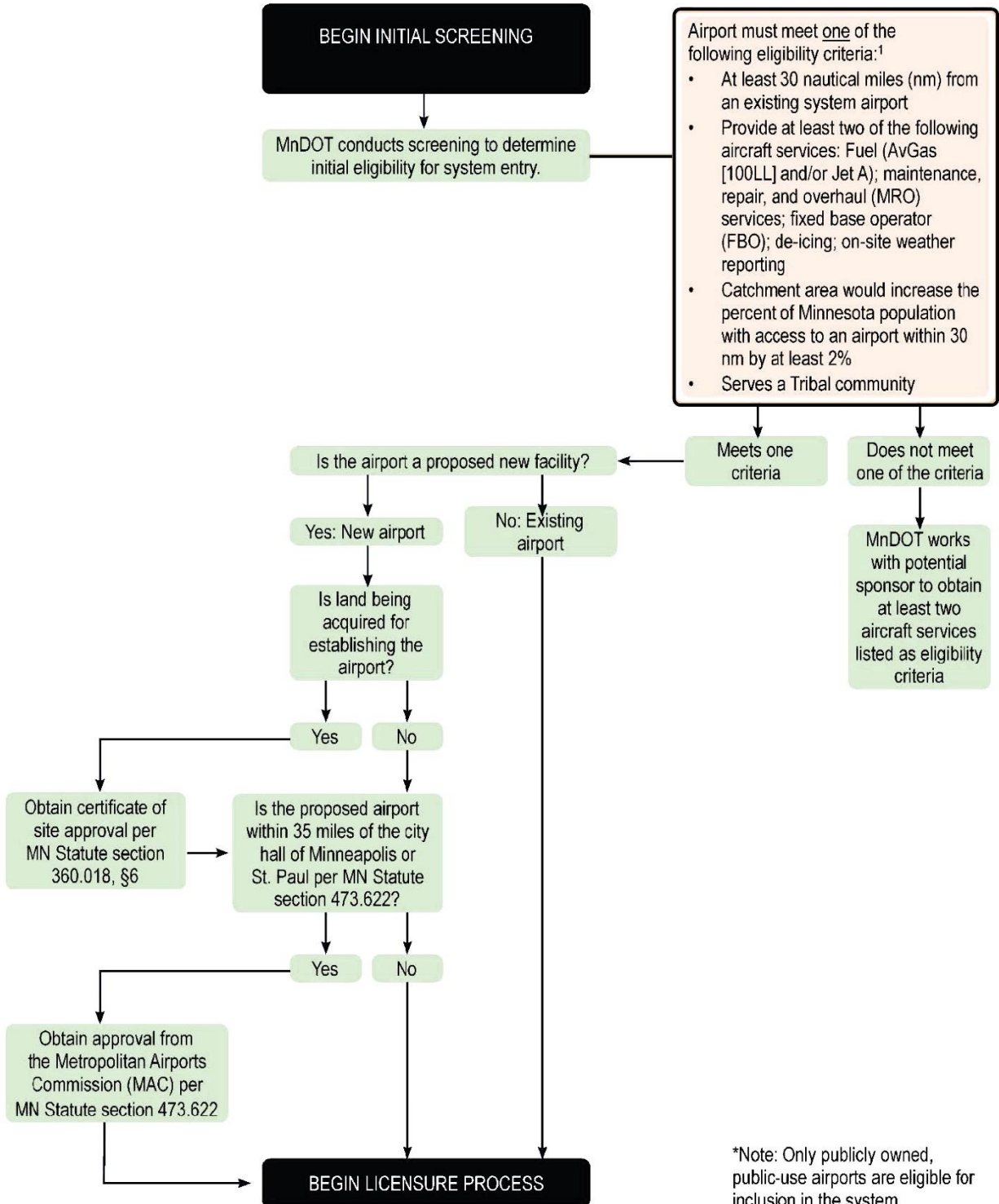
- Request site approval from MnDOT Aeronautics (applicable to new airport construction only)
- Submits an FAA Form 5010-3 to establish a new public-use airport with the FAA
- Completes all public airport licensure requirements per Minnesota Administrative Rules Part 8800.1600
- Requests that MnDOT Aeronautics complete an airport inspection and corrects any discrepancies identified prior to licensure
- Acquires 100 percent of clear zones in fee simple or develops a CZAP for MnDOT Aeronautics approval
- Fulfills all ongoing legal, financial, operational, and other obligations associated with inclusion in the system and the operation of a publicly owned, public-use airport

Airport Entry Process

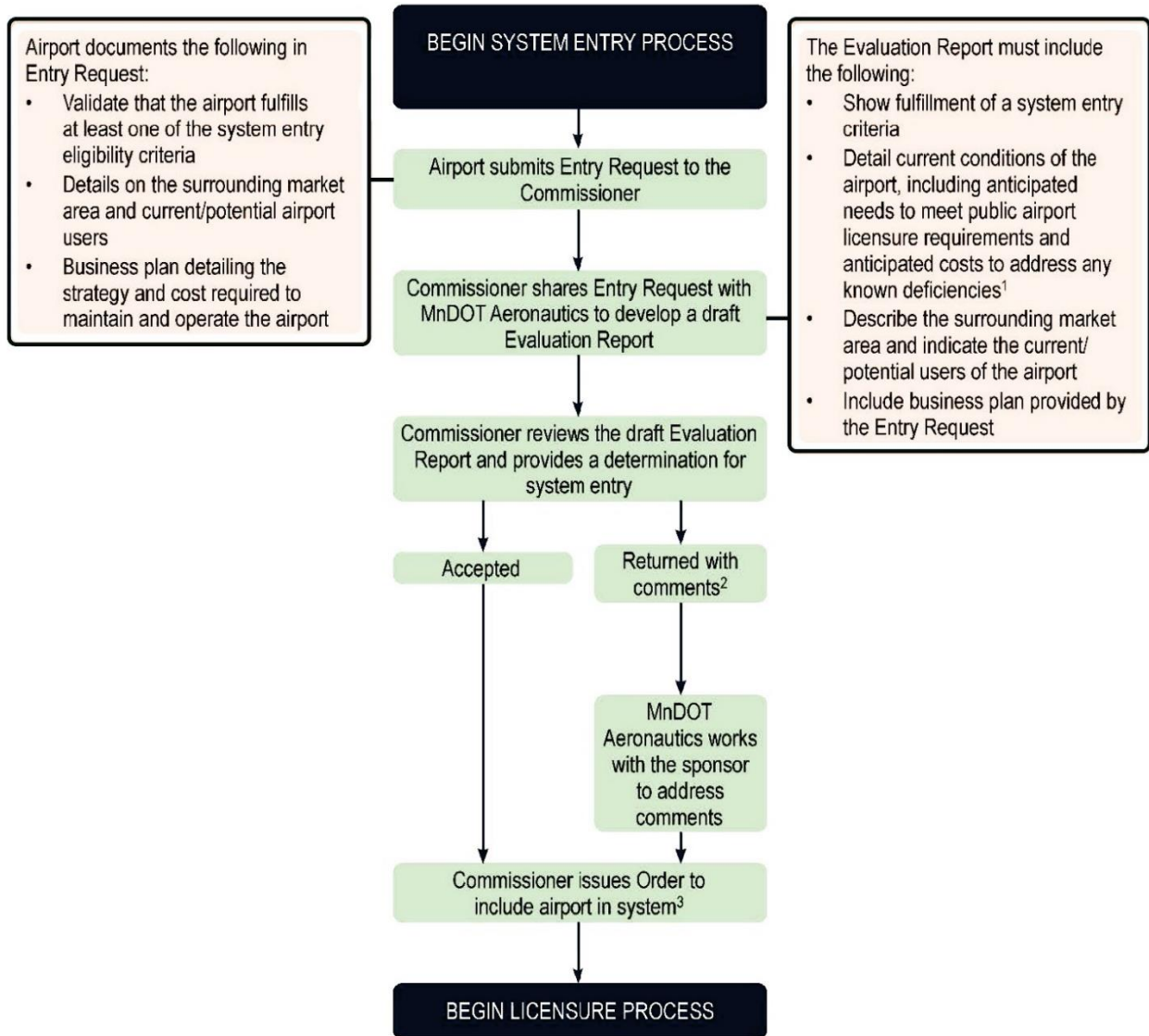
Figure 1 depicts the airport entry SOP.

Figure 1. Airport Entry SOP

Initial Screening



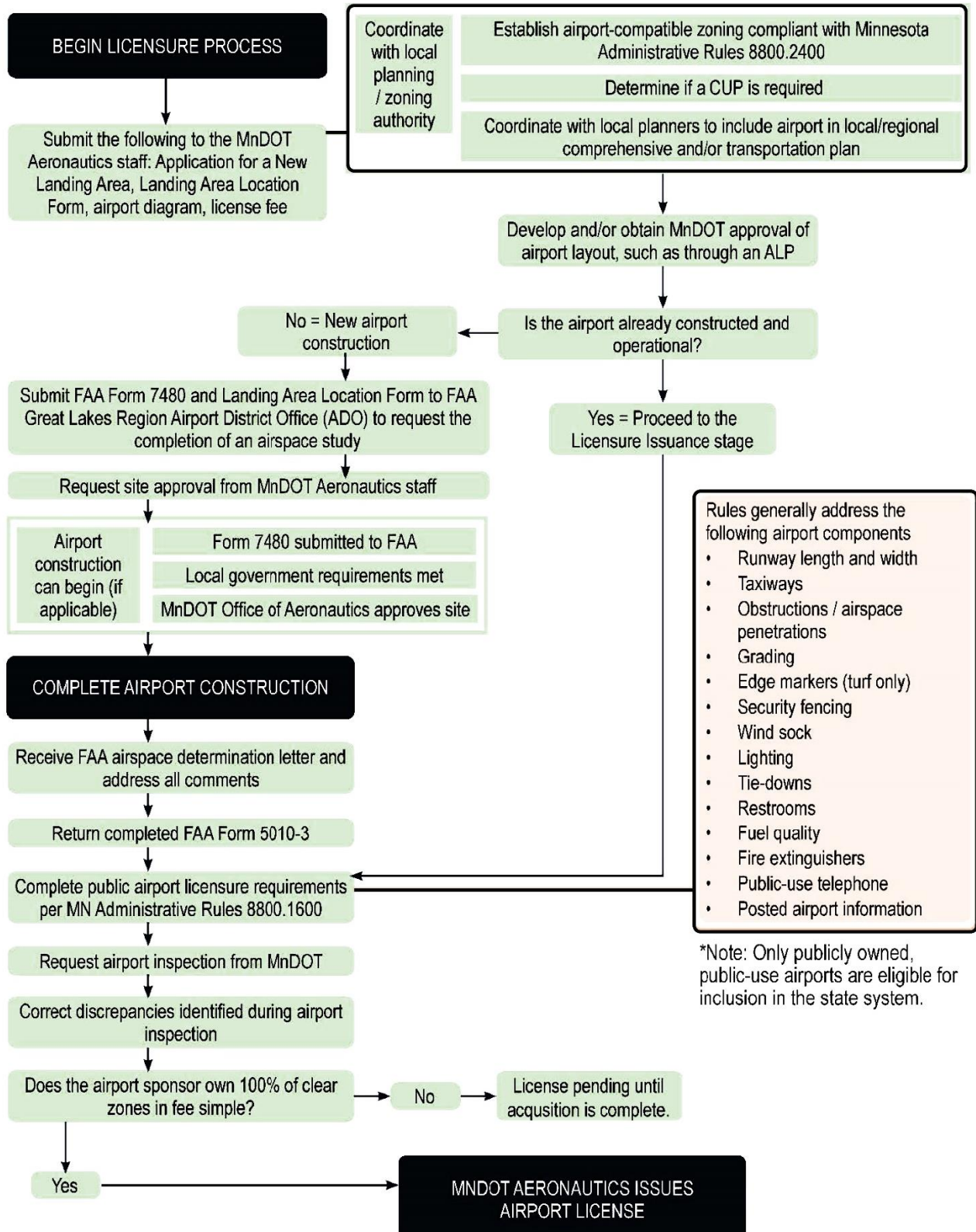
System Entry



Notes:

- 1) Additional costs may be required to address discrepancies identified during the airport licensure inspection noted in the Licensure Issuance process.
- 2) Prospective airport sponsors are permitted two rounds of review before the request is formally denied.
- 3) Once the Commissioner issues an Order to include the airport in the system, the airport sponsor may be eligible to receive a state Airport Planning Grant in accordance with Minnesota Statutes section 360.017. The "System Entry" section of the Airport Entry Guidance Document provides additional details about eligible project types and other state requirements associated with Airport Planning Grants.

Licensure and Licensure Issuance



Sources: Kimley-Horn, 2022; MnDOT Aeronautics, 2022

Airport Entry Standard Operating Procedure

The impetus for this Guidance is to formalize a consistent and thorough process for prospective sponsors to request entry into the system and for MnDOT Aeronautics to evaluate these requests. As detailed in this Airport Entry SOP, this process and include four key stages:

- Initial Screening
- System Entry
- Licensure
- Licensure Issuance

Before the entry process starts, the sponsor works with MnDOT Aeronautics Staff to complete an initial screening to confirm that the airport currently meets or can meet one of the system eligibility requirements. Upon confirming this, the sponsor can move onto the system entry process by submitting an Entry Request which triggers MnDOT Aeronautics to complete an evaluation of the airport via the Evaluation Report. If the Commissioner deems that the airport can enter the system, the sponsor must work with MnDOT Aeronautics to fulfill all state and federal requirements to be issued a public airport license. The following subsections details these four key stages of the Airport Entry SOP.

Initial Screening

1. New and existing sponsors seeking to enter the system should contact the MnDOT Aeronautics Planner assigned to the geographic region where the airport is located.² MnDOT Aeronautics will work with the sponsor to complete a screening determining that initial eligibility criteria are met.³ For airports to be eligible for entry into the system, at least one of the following criteria must be met:
 - a. Located at least 30 nautical miles (nm) from an existing state system airport
 - b. Provides at least two of the following aircraft services: fuel (Jet A and/or Avgas [100LL] provided by the sponsor or a third-party); maintenance, repair, and overhaul (MRO) services; fixed-base operator (FBO); de-icing; on-site weather reporting
 - c. Airport catchment area increases the percent of Minnesota population with access to an airport within 30 nm by at least 2 percent
 - d. Serves a Tribal community
2. If the airport fulfills one of the above criteria, is owned by a public sponsor in accordance with Minnesota Statutes Chapter 360.031, and is open for public use, the next steps are based off the current state of the airport. If the airport is an existing airport facility, the sponsor proceeds directly to the System Entry stage (below). In the cases of a proposed new airport, MnDOT and the prospective sponsor must evaluate the following:

² A regional map and contact information can be found on the MnDOT Aeronautics website at the following link: www.dot.state.mn.us/aero/planning/contacts.html.

³ Only publicly owned, public-use airports are eligible for inclusion in the system.

- a. Is land being acquired for establishing the airport? If so, the sponsor must work with MnDOT to obtain a certificate of site approval per Minnesota Statutes Chapter 360.108.
- b. Is the proposed airport within 35 miles of the city hall of Minneapolis or St. Paul per Minnesota Statutes Chapter 473.22? If so, the Sponsor must obtain approval from the Metropolitan Airports Commission (MAC).

System Entry

1. To initiate this process, the sponsor must submit an Entry Request to the Commissioner documenting the following:
 - a. Validation that the airport fulfills at least one of the system entry eligibility criteria
 - b. Detail the surrounding market catchment area and anticipated airport users. Letter(s) of intent from potential airport users are recommended, including individuals and businesses currently or interesting in basing an aircraft at the facility. A 30 nm service buffer is recommended to define the airport catchment area.
 - c. Business plan detailing the strategy and cost required to maintain the facilities/services for (1) licensure compliance and (2) system eligibility criteria, as applicable. This could include the plan to maintain at least two of the applicable aircraft services detailed in the previous section. Business plan must detail funding strategy to operate the airport for five years after acceptance into the system.
 - d. Known airport deficiencies based on airport licensure requirements outlined in Minnesota Administrative Rules Part 8800.1600 and the proposed plan to address those deficiencies including source(s) of funding and timeline(s). This could include but not be limited to airport zoning; obstruction removal; and required aviation-related airside and landside facilities such as runway length/width, public restroom facilities, and tiedowns.
2. The Commissioner will share the Entry Request with the MnDOT Aeronautics Planning Director, which will be used to develop the Evaluation Report. This Evaluation Report must document the following items based on data submitted with the Entry Request and supplemental research, as feasible and required:
 - a. Demonstrate fulfillment of at least one system eligibility criteria
 - b. Detail current conditions of the airport, including anticipated needs to meet public airport licensure requirements in accordance with Minnesota Administrative Rules Part 8800.1600 and anticipated costs to address any known deficiencies⁴
 - c. Describe the surrounding catchment area and indicate the potential users of the airport

⁴ Additional costs may be required to address discrepancies identified during the airport licensure inspection noted in the Licensure Process section.

- d. Include the business plan provided in the Entry Request, including any letters of intent submitted by current and/or anticipated future airport users
3. The MnDOT Aeronautics Planning Director will transmit the draft Evaluation Report to the Commissioner for evaluating proposed entry into the system.
 - a. If the Commissioner does not approve the request, MnDOT Aeronautics will work with the prospective airport sponsor to address the comments received. Sponsors are limited to two rounds of review before the request is formally denied.
4. Once all comments have been adequately addressed, the Commissioner will issue an Order declaring the airport is approved for inclusion in the system. Once the Order has been issued, the airport may be eligible to receive an Airport Planning Grant in accordance with Minnesota Statutes Chapter 360.017, §1(2).
 - a. Expenditures related to Airport Planning Grants are expected to be related with airport planning only. This is broadly defined as undertaking studies, surveys, and other analyses associated with developing guidance related to the extent, kind, location, timing, and need for airport development projects to meet the aviation-related needs and goals of the airport sponsor and Minnesota state aviation system. ALPs are eligible for state support under an Airport Planning Grant. State funding participation rates for Airport Planning Grants shall not exceed those established for system airports (and may be lower). Airport Planning Grants shall be awarded in compliance with the state funding prioritization model as established by the 2022 Minnesota State Aviation System Plan (MnSASP).
 - b. Maintenance and Operations (M&O) expenses; land acquisition including for clear zones; zoning-related expenses; and design- and construction-related work, including work associated with compliance with state licensure requirements, are ineligible for state funding assistance.

Licensure

1. The sponsor will submit the documents below to the MnDOT Aeronautics Staff. These forms are published at the following link: <https://www.dot.state.mn.us/aero/licensing/airportlicensing.html>.
 - a. Application for a New Landing Area
 - b. Landing Area Location Form
 - c. Airport Diagram
 - d. License Fee
2. Once MnDOT Aeronautics receives the documents noted in items a – d above, the sponsor must coordinate with the local planning/zoning authority to complete the following:
 - a. Establish airport-compatible zoning in compliance with Minnesota Administrative Rules Part 8800.2400
 - b. Determine if a CUP is required

- c. Coordinate with local planners to include the airport in local/regional comprehensive and/or transportation plans (if applicable)
3. The sponsor must establish an airport layout depicted through an ALP. This must be submitted to the MnDOT Aeronautics Staff and approved by MnDOT Aeronautics.
4. Newly constructed airports must complete the following steps (existing airports can move to the following section):
 - a. The prospective sponsor must submit an FAA Form 7480-1 and Landing Area Location Form to the FAA Great Lakes Region ADO to request the completion of an airspace study.
 - b. The sponsor must request a site approval from MnDOT Aeronautics.
 - c. Airport construction may commence once FAA Form 7480-1 has been submitted to the FAA, MnDOT Aeronautics approves the site, and all local government requirements are met.

Licensure Issuance

1. For new airports, the FAA will issue an airspace determination letter. The sponsor should address any comments received from the airspace determination letter and complete the FAA Form 5010-3 attached to the letter. Form 5010-3 must be returned to the FAA to be registered in the federal airports database.
2. To be issued a public airport license, the airport must comply with all licensure requirements per Minnesota Administrative Rules Part 8800.1600. Accordingly, the sponsor must request an airport inspection from MnDOT Aeronautics. The sponsor must correct any discrepancies identified during the airport inspection.
3. New airports entering the system must own 100 percent of clear zones in fee simple based on ultimate build-out conditions to receive a public airport license. New entrants may not develop a CZAP for compliance with this state requirement. The State Airports Fund cannot be used to support land acquisition for clear zones for new system entrants.
4. The Commissioner will issue a Minnesota public airport license when all licensure requirements are met. Airports must all have a MnDOT-approved ALP, be appropriately zoning in accordance with Minnesota State Statutes, and own 100 percent of clear zones in fee simple based on ultimate build-out conditions.

Resources and Related Information

- Minnesota Statutes Chapter 360.015, *Commissioner; Powers and Duties*
- Minnesota Statutes Chapter 360.018, *Regulating Aircraft, Airmen, Airports, Instructors*
- Minnesota Statutes Chapter 360.021, *State Airport*
- Minnesota Statutes Chapter 360.031, *Definitions of Municipality*
- Minnesota Statutes Chapter 360.305, *Expenditures for Airports and Navigation*
- Minnesota Statutes Chapter 462.3595, *Conditional Use Permits*

- Minnesota Statutes Chapter 473.622, *Existing Airports; Control, Jurisdiction*
- Minnesota Administrative Rules Part 8800.1400, *General Airport Licensing Provisions*
- Minnesota Administrative Rules Part 8800.1600, *Public Airport Licensing*

History and Updates

Title: *State Aviation System Entry Guidance Statement*

Revision	Year	Comments
Initial adoption	2022	Guidance adopted