

**OKLAHOMA AERONAUTICS COMMISSION  
TITLE 25 AIRPORTS & AIRCRAFT  
OKLAHOMA ADMINISTRATIVE CODE**

**Chapter 1 – Oklahoma Aeronautics Commission**

**25:1-1-1. Purpose**

The purpose of this chapter is to set forth rules, regulations, policies and procedures to govern the proper and orderly performance by the Oklahoma Aeronautics Commission of the aeronautical functions, duties and responsibilities required by law, including, but not limited to, effectively assisting in the development of a statewide system of airports, cooperating with and assisting the municipalities of the state of Oklahoma and others engaged in aeronautics, encouraging and developing aeronautics in all its phases, promoting safety in aeronautics, and cooperating with federal authorities in the development of a national system of civil aviation.

**25:1-1-2. Scope**

The rules of this chapter shall govern all proceedings before and dealings with the Oklahoma Aeronautics Commission, except as provided in Chapter 10, "Airport Zoning". Hearings and appellate proceedings shall be governed by the rules of this chapter and all applicable Oklahoma statutes, including, but not limited to, the Administrative Procedures Act, Title 75, Oklahoma Statutes 1981, Section 301 et seq.

**25:1-1-3. Definitions**

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Aeronautical hazard" means any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or that is otherwise hazardous to the operation and navigation of aircraft.

"Aeronautics" means the science, art and practice of flight, including, but not limited to, transportation by aircraft and matters relating to air commerce; 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 instruction in flying or ground subjects pertaining thereto.

"Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, any structures, mechanisms, lights, beacons, markers, 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, and any combination of any or all of such facilities.

"Aircraft" means any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air or airspace.

"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 any individual who is directly in charge

"Airport" means any area of land or water which is used, or intended for use, for the landing and take off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings, clear zones, or other airport facilities or right-of-ways, together with all airport buildings and facilities located thereon.

"Airspace" means the portion of the atmosphere overlying a designated geographical area considered as subject to territorial jurisdiction or international law in respect to its use by aircraft, guided missiles, and rockets.

"Commission" means the Oklahoma Aeronautics Commission.

"Director" means the Director of the Oklahoma Aeronautics Commission.

"Municipality" means any incorporated city, village, or town of this state and any county or political subdivision or district in this state which is, or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports, airstrips, and aeronautical navigation facilities.

"Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state of the inspection, maintenance, overhauling, or repair, of aircraft, aircraft engines, propellers, and appliances.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

"Resources" means services, facilities, funds, equipment, property, personnel, and such other activities as are customarily included within the term.

"State" means the State of Oklahoma.

#### **25:1-1-4. Organization and responsibilities of Commission**

(a) At the next regular meeting after the first of June of each year, the Commission shall organize itself by electing a Chairman, Vice-Chairman, and Secretary. The Chairman shall be the presiding officer at all official meetings and shall execute all documents, requiring the Commission's approval. The Vice-Chairman shall act in the capacity of the Chairman, in the absence of the Chairman. The Secretary shall be responsible for written recording of the Commission's actions and shall attest to the signature of the Chairman as required. The Secretary shall act in the capacity of Chairman or Vice-Chairman during their absence providing there is a quorum.

(b) The Commission shall meet as prescribed by law, and all meetings of the Commission shall be in conformance with the "Oklahoma Open Meeting Act", Title 25, Oklahoma Statutes 1981, Section 301 et seq.

(c) The Commission shall prescribe the basic rules, regulations, policies, and procedures by which the Oklahoma Aeronautics Commission operates.

(d) The Commission shall coordinate, develop, and maintain a comprehensive airport systems plan for the State of Oklahoma, develop measurable goals and objectives designed to carry out such a plan, and cooperate with local governments in the planning

and development of airport related activities, when consistent with the goals and objectives of the State master plan for airports and the laws of the State of Oklahoma.

(e) The Commission shall formulate and adopt a program of airport construction, improvements, and maintenance throughout the entire state. Its purpose shall be to monitor the construction and maintenance of the statewide system of airports with emphasis on current and future needs while considering the impact of population centers, traffic volume requirements, traffic data, and industrial development areas on these needs.

(f) The Commission shall appoint, by a majority vote of the entire Commission, a State Aeronautics Director to be the principal officer of the Oklahoma Aeronautics Commission in accordance with Title 3, Oklahoma Statutes 1985 Supp., Section 84.B.(1).

### **25:1-1-5. Director**

The Director is hereby granted all the powers and authority necessary for the orderly operation of the Oklahoma Aeronautics Commission, not in conflict herewith or prohibited by law, including, but no limited to the following:

(1) General duties.

(A) To approve claims for all lawful expenses of the Commission.

(B) To act as the claims and request officer for the Oklahoma Aeronautics Commission.

(C) To appoint an Assistant Director and to delegate to him/her the appropriate authority and responsibility.

(D) To keep the Commission informed on operations and official actions.

(E) To appoint and employ, supervise, and discharge such professional, clerical, skilled and semiskilled help, labor, and other employees as may be deemed necessary for the proper and lawful discharge of the duties of the Commission.

(F) To establish and maintain training and educational programs.

(G) To keep files and to record therein such matters as he/she may deem necessary or advisable, or which the Commission may direct.

(H) To be the keeper of the official seal of the Commission.

(I) To make budgetary transfers within the Commission, within the limits of statutory control and Commission authorization.

(J) To cooperate with governing bodies of cities and towns, boards of the various counties, and other entities, on the basis prescribed by state and federal laws, to the end that joint efforts will be coordinated to attain a maximum of airport development and service; and to execute any appropriate contracts and agreements necessary toward the accomplishment of the Commission's approved program.

(K) Contracts:

(i) To execute all contracts and agreements on behalf of the Commission as provided by law, and in accordance with Commission policy.

(ii) To approve necessary contract extensions or modifications made necessary by unexpected developments as allowed by law.

(L) Federal Aid:

(i) To act for and represent the Oklahoma Aeronautics Commission in all official matters involving the Federal Aviation Administration or any other agency of the United States government, for the purpose of executing Federal Grant Programs.

(ii) To make or withhold commitments, execute contracts and agreements, and to bind the Commission by any other action which the Commission may lawfully do.

(2) Administration. To develop forms and to issue more detailed instructions, not inconsistent with the rules of this Chapter, or applicable state and federal laws, by appropriate orders and memoranda for the general guidance and administration of the Commission.

### **25:1-1-6. Prohibited activities for Commission employees**

Commission employees shall not engage in any outside employment or enterprise which would constitute a conflict of interest, as defined by law, or which would violate the State Employees' Code of Ethics.

### **25:1-1-7. Printed material; fees**

Official Commission publications and reproductions of printed matter will be furnished to other states, the federal government, cities, towns, counties, and state officials without cost. The same matter will be offered to the general public in accordance with the Director's approved schedule of fees, as determined by actual cost. The official Oklahoma Aeronautics Commission aeronautical chart shall be distributed free in reasonable amounts upon request.

### **25:1-1-8. Windsock program**

In order to insure that a functional wind indicator is present and visible at each airport, open to the public, within the State of Oklahoma, replacement wind socks shall be made available, upon request and proof of need, free of cost to the airport. Airports which are not open to the public shall be provided a wind sock upon request for a fee equal to the cost of the item to the Oklahoma Aeronautics Commission.

## **Chapter 10 - Airport Zoning Act [Revoked]**

[Section 25:10-1-1](#)

[Purpose](#) [Revoked]

[Section 25:10-1-2](#)

[Statutory scope](#) [Revoked]

[Section 25:10-1-3](#)

[Definitions](#) [Revoked]

[Section 25:10-1-4](#)

[Notice of intent for construction](#) [Revoked]

[Section 25:10-1-5](#)

[Application for permit for proposed construction or alteration](#) [Revoked]

[Section 25:10-1-6](#)

[Acceptance of application for permit](#) [Revoked]

[Section 25:10-1-7](#)

[Issuance or denial of permit](#) [Revoked]

[Section 25:10-1-8](#)

[Airport Grant Program](#) [Revoked]

## **Chapter 15 – OAC Grant Program**

### **25:15-1-1. Purposes**

The purpose of this chapter is to set forth the requirement for participation in the various grant programs administered by the Oklahoma Aeronautics Commission, and to establish the procedures to be followed by the Commission in the administration and enforcement of its duties under Title 3, Oklahoma Statutes, Section 81-93 and Title 68, Oklahoma Statutes, Section 6003.1.

### **25:15-1-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

“Aeronautics Commission” means the organizational unit responsible for administering the aviation grant program for the State of Oklahoma and the Federal Aviation Administration.

“Capital Improvement Program” means a list of airport capital projects approved by the Commission for implementation within a three-year planning horizon showing a description of the project, the costs of each phase of the project, when the project is expected to occur, and the sources of funding.

“Biennial Element” means a list of those projects in the Capital Improvement Program scheduled for implementation in the most immediate two-year period.

“Airport Development Worksheet” means a listing of the capital projects needed at an airport over a ten-year planning horizon together with the estimated cost, construction type, objective code, and airport component for each project. Projects identified for a particular airport must be consistent with the service level, functional classification, design standard, and airport reference code identified for the airport in the Oklahoma Airport System Plan. An airport development worksheet is developed and maintained for each system plan airport cooperatively by the airport sponsor and the Aeronautics Commission staff.

“Airport Sponsor” means the owner of an airport. To be eligible for the state grant program, the airport sponsor must be a public organization and the airport must be included in the Oklahoma Airport System Plan.

“Oklahoma Airport System Plan” means the plan, adopted by the Commission, which identifies the airports included in the State’s airport system and identifies the service level, functional classification, design standard, and airport reference code for each system airport.

“Administrative Official” means an official of the airport sponsor who is authorized to legally bind the sponsor.

“Emergency” means a condition that could not have been foreseen and which affects the safety of the airport sufficiently that the airport or runway may need to be closed if the situation is not remedied.

“FAA” means the Federal Aviation Administration, a unit of the U.S. Department of Transportation.

“Letter of Interest” means a letter expressing the desire of an airport sponsor to have one or more projects included in the Capital Improvement Program.

“Letter of Intent” means a letter expressing the desire of an airport sponsor to have one or more projects included in the Biennial Program.

“Notification Letter” means correspondence prepared by the Aeronautics Commission staff informing an airport sponsor that one or more of their projects have advanced to the Biennial Program of the Capital Improvement Program. The letter sets forth the terms the Aeronautics Commission imposes on airport sponsors participating in the state grant program, describes the project, authorizes the airport sponsor to begin engineering work for the project, and directs the sponsor to prepare a grant application.

### **25:15-1-3. Planning**

#### **(a) Planning and Programming Process:**

- (1) The Aeronautics Commission staff shall, in consultation with airport sponsors, prepare and maintain the Oklahoma Airport System Plan. The Commission shall adopt and approve changes to the plan.
- (2) The Aeronautics Commission staff shall assist publicly owned, publicly used airports in identifying airport needs and deficiencies. Airport sponsors eligible to participate in grant programs are sponsors of publicly owned, public use airports included in the Oklahoma Airport System Plan. The Aeronautics Commission staff shall, in consultation with each airport sponsor, prepare and maintain an airport development worksheet for each airport included in the Oklahoma Airport System Plan. The airport development worksheet shall be reviewed and updated at least once every three years. The airport development worksheet shall identify the capital projects needed at the airport over a 10-year planning horizon, together with the estimated cost, construction type, objective code, and airport component for each project. The identified projects shall be consistent with the service level, functional classification, design standard, and airport reference code identified for the airport in the Oklahoma Airport System Plan.
- (3) The Aeronautics Commission staff shall, in consultation with airport sponsors, prepare and update annually the Capital Improvement Program. The Aeronautics Commission shall approve the Capital Improvement Program.

#### **(b) Capital Improvement Program Content:**

- (1) The Capital Improvement Program shall contain a list of proposed State and FAA funded projects that can be implemented with forecast revenues within the three-year planning horizon.
- (2) Projects included for an airport in the Capital Improvement Program shall be consistent with service level, functional classification, design standard, and airport reference code identified for the airport in the Oklahoma Airport System Plan.
- (3) The Capital Improvement Program shall show the proposed sources of funding for each project.
- (4) The Capital Improvement Program shall show the proposed implementation schedule for each project.
- (5) The Capital Improvement Program shall include other priorities, policies, and procedures as adopted by the Aeronautics Commission.

#### **(c) Capital Improvement Program Development:**

- (1) The Capital Improvement Program lists projects for which expenditures are expected to begin within the three-year planning horizon.
- (2) On a two-year cycle, the Aeronautics Commission staff shall invite each airport sponsor to submit a Letter of Interest identifying projects requested to be included in the Capital Improvement Program. The Letter of Interest shall include, for each requested project, the project description, project justification, project cost, project time frame, and a statement that the local matching funds for the project will be available. The sponsor's administrative official must sign the Letter of Interest.
- (3) The Aeronautics Commission staff shall evaluate each Letter of Interest and recommend projects for inclusion in the Capital Improvement Program based on:
  - (A) Airport system development priorities, policies, and procedures adopted by the Commission and/or the FAA.
  - (B) The project descriptions, justifications, and cost estimates provided by the sponsor in the Letter of Interest.
  - (C) The amount of aviation activity, the types of airplanes served, the numbers of based airplanes at the airport, and the population included in the airport's service area.
  - (D) Other factors as may be relevant (for example, the services provided at the airport, the sponsor's demonstrated ability to maintain and operate the airport, the sponsor's ability to address safety inspection deficiencies, the airport's pavement condition index, pavement life-cycle consideration as developed by the pavement management program, etc.)

**(d) Capital Improvement Program – Biennial Program:**

- (1) The Biennial Program lists projects listed in the Capital Improvement Program for which expenditures are expected to begin within the next two years.
- (2) Development.
  - (A) The Aeronautics Commission staff shall request from each airport sponsor a Letter of Intent for projects being recommended for inclusion in the Biennial Program. The request for the Letter of Intent shall provide the proposed project description based on the available funding.
  - (B) The airport sponsor's Letter of Intent shall include the project description, project justification, an updated project cost estimate, and a statement that the local matching funds are available. The sponsor's administrative official must sign the Letter of Intent.
  - (C) The Biennial Program shall be developed based on the Letters of Intent. A project will not be included in the Biennial Program that is not supported by a Letter of Intent.
  - (D) The Aeronautics Commission shall approve the Biennial Program annually. The Aeronautics Commission may, at its discretion, amend the Biennial Program in response to changed conditions.
  - (E) An emergency project request, with verifiable justification, may be submitted to the Aeronautics Commission for inclusion in the Biennial Program any time.

**25:15-1-4. Program Implementation**

- (a) Notification to Proceed:
- (1) The Aeronautics Commission staff shall send a notification letter to each airport sponsor that has a project included in the Biennial Program.
  - (2) The notification letter shall:
    - (A) Advise the sponsor that their project has advanced to the implementation phase, the proposed cost sharing for the project, and identify project development items eligible for funding.
    - (B) Authorize or direct the airport sponsor to:
      - (i) confirm in writing within 30 days the sponsor's intention to proceed with the project as programmed;
      - (ii) select an engineering consultant;
      - (iii) prepare project plans and specifications and to coordinate the project design with the Aeronautics Commission staff;
      - (iv) update project costs based on the final design;
      - (v) proceed to bid when directed by the Aeronautics Commission staff; and
      - (vi) prepare the grant application.
- (b) Grant Application:
- (1) The airport sponsor shall complete the grant application form(s) for reimbursement of the cost of engineering; or
  - (2) Upon completion of the bid process, the airport sponsor shall complete the grant application form(s) for the planning project or the construction project.
  - (3) The sponsor's administrative official must sign the grant application form(s).
  - (4) The Commission shall consider all grant applications.
  - (5) Reimbursement for the cost of engineering is contingent upon submission of the final set of plans and specifications to the Commission staff.
  - (6) The grant application forms shall indicate the following:
    - (A) the period of the grant agreement;
    - (B) the cost sharing and source of funds for the project;
    - (C) the amount of State funds to be deposited in a designate account;
    - (D) the amount of State funds to be deposited into an Commission controlled escrow account;
    - (E) verification of Sponsor's funding share;
    - (F) force Account requirements;
    - (G) pavement maintenance requirements;
    - (H) land ownership requirements;
    - (I) acknowledgement of the use of State funds;
    - (J) sponsor compliance with the "Public Competitive Bidding Act of 1984 (Oklahoma Statutes of 1991, title 61, Section 101 et seq.);
    - (K) the Sponsor's responsibility for funding shortfalls or excesses;
    - (L) identify remedies for Sponsor non-compliance;
    - (M) project audit requirements;
    - (N) acknowledgement that the State Auditor may conduct audit or investigation of entity receiving State funds;
    - (O) sponsor's legal authority and power to operate the facility;
    - (P) sponsor responsibilities for operations and maintenance of the facility;

- (Q) sponsor's requirement to make the facility available to all types, kinds, and classes of aeronautical use.
  - (R) no exclusive rights;
  - (S) construction time limits;
  - (T) acknowledgement of work started or completed;
  - (U) project engineering requirements and costs;
  - (V) project inspection requirements and costs;
  - (W) material testing cost and delivery of results;
  - (X) project final inspection, acceptance, and financial close-out requirements;
  - (Y) compliance of Title 3, Section 103 (Height Hazard Zoning);
  - (Z) project schedule;
  - (AA) sponsor compliance with the Municipal Airports Act of 1948 and certification of an Airport Fund.
- (c) Endorsement by the Aeronautics Commission:
- (1) Upon receipt of the fully executed and complete grant application, the Aeronautics Commission staff shall verify compliance with the terms of the notification letter.
  - (2) If the grant application is found to be in compliance with the terms of the notification letter, the Aeronautics Commission staff shall forward the grant application to the Aeronautics Commission for action.
  - (3) If the Aeronautics Commission approves the grant application, the Aeronautics Commission staff shall communicate that approval to the airport sponsor with authorization to proceed.
  - (4) If the Aeronautics Commission staff finds that the grant application is not in compliance with the terms of the notification letter, the Aeronautics Commission staff shall notify the airport sponsor of the non-compliance and suggest possible remedies.
  - (5) Upon receipt of the Aeronautics Commission staff's finding of non-compliance, the airport sponsor may:
    - (A) modify the grant application to bring it into compliance with the terms of the notification letter; or
    - (B) state the reason that the airport sponsor believes it is in compliance and request that the grant application be forwarded to the Aeronautics Commission for action; or
    - (C) agree that it is not in compliance and request that the grant application be forwarded to the Aeronautics Commission as is.
  - (6) The Aeronautics Commission staff shall forward non-compliant grant applications to the Aeronautics Commission for action.
  - (7) The Aeronautics Commission staff shall notify the airport sponsor of the Aeronautics Commission action.

## **Chapter 20 – Aircraft Excise Tax Credit Program**

### **25:20-1-1. Purpose**

- (a) The purpose of this chapter is to set forth the requirements for participation in the aircraft excise tax credit program administered by the Oklahoma Aeronautics Commission, and to establish the procedures to be followed by the Aeronautics Commission.
- (b) Title 68, Revenue and Taxation found in Section 6003.1 of the Oklahoma Statutes, allows a credit against the excise tax levied with respect to the sale of aircraft with a selling price in excess of \$2,500,000.
- (c) To be eligible to be claimed as a credit, the person/business owing the tax must:
  - (1) Spend funds for the benefit of public airports in Oklahoma.
  - (2) Be certified as such by the Aeronautics Commission.

### **25:20-1-2. Definitions**

“Aeronautics Commission” means the organizational unit responsible for administering the aviation grant program for the State of Oklahoma and the Federal Aviation Administration.

“Aircraft” means and includes every self-propelled plane, airplane, helicopter, or balloon or sailplane manufactured by mass production or individually constructed or assemble, use, or designated for navigation or flight in the air or airspace, and subject to registration with the Federal Aviation Administration;

“Airport” means any area of land or water which is used, or intended for use, for the landing and take off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings and facilities located thereon.

“Beneficiary Airport” the airport that directly benefits from the expenditure of excise tax credit funds.

“Director” means the director of the Oklahoma Aeronautics Commission.

“Expenditures” means eligible project items that have been identified and approved by the Commission.

“Letter of intent” means a letter from the sponsor’s chief administrative officer describing the project and providing an estimate of the project’s cost.

“Purchase price” means the total amount paid for the aircraft whether paid in money or otherwise. “Purchase price” is further defined as the fair market value when no current purchase is involved.

“Use” means and includes the operation or basing of an aircraft on or from any airport in this state for a period of thirty (30) days or more.

### **25:20-1-3. Project Identification**

- (a) The person/business who intends to purchase an eligible aircraft shall contact the Director and indicate their interest in participating in the program.
- (b) The purchaser shall meet with the Director and/or Aeronautics Commission staff and outline the proposed project. The proposed project, in as much as possible, shall be

consistent with the Aeronautics Commission's Aeronautical Improvement Program and/or the Airport Development Worksheet of the beneficiary airport. The proposed project shall benefit all the users of the airport and not just for the exclusive use and benefit of the purchaser or any entity or individual.

- (c) The Director and Aeronautics Commission staff shall inform the purchaser as to the eligibility of the proposed project.
- (d) The purchaser, Aeronautics Commission staff, and staff of the beneficiary airport shall determine the specific project.
- (e) By way of Letter of Intent, the purchaser shall provide to the Aeronautics Commission and beneficiary airport a detailed plan, estimated costs, and time frame for completion of the project.

#### **25:20-1-4. Project Certification**

- (a) The Aeronautics Commission staff shall present the request of the purchaser for an excise tax credit to the Aeronautics Commission for its determination as to whether the expenditures and project should be certified as benefiting the beneficiary airport.
- (b) The Director shall advise the purchaser in writing of the Aeronautics Commission's determination concerning the purchaser's request for an excise tax credit.
- (c) Within twenty (20) days after legal ownership or possession of the aircraft the purchaser shall expend funds equal to the excise tax owed on a Aeronautics Commission certified project, deposit an equal amount in an escrow account governed by an escrow agreement provided by the Aeronautics Commission, or pay the excise tax due to the Oklahoma Tax Commission.
- (d) If the purchaser expends the funds on the certified project or deposits them in an approved escrow account, the Director shall advise the Oklahoma Tax Commission of the following:
  - (1) The Aeronautics Commission's prior certification of the expenditures and project;
  - (2) The purchaser/taxpayer's name and federal identification number;
  - (3) The aircraft selling price;
  - (4) The amount of the expenditure or the amount deposited in an approved escrow account (both amounts must be equal to the excise tax which would be owed on the aircraft).
  - (5) Provide a copy of the Federal Aviation Administration registration.

#### **25:20-1-5. Project Implementation**

- (a) The purchaser shall commence the project in accordance with the Letter of Intent.
- (b) The purchaser is responsible to assure that the project is in compliance with the design and construction standards of the Federal Aviation Administration and/or the Oklahoma Department of Transportation.
- (c) Representatives of the Aeronautics Commission and beneficiary airport shall make periodic project inspections.

(d) Final acceptance of the project shall be by the purchaser, the Aeronautics Commission staff, and the beneficiary airport staff.