

## TRANSPORTATION

### (a)

**DIVISION OF MULTIMODAL SERVICES  
BUREAU OF AERONAUTICS  
Licensing of Aeronautical Facilities  
Readoption with Amendments: N.J.A.C. 16:54**

Proposed: August 21, 2023, at 55 N.J.R. 1821(a).  
Adopted: October 25, 2023, by Diane Gutierrez-Scaccetti,  
Commissioner, Department of Transportation.  
Filed: October 26, 2023, as R.2023 d.135, **without change**.  
Authority: N.J.S.A. 6:1-29, 6:1-44, 27:1A-5, and 27:1A-6.  
Effective Dates: October 26, 2023, Readoption;  
December 4, 2023, Amendments.  
Expiration Date: October 26, 2030.

**Summary of Public Comment and Agency Response:**  
No comments were received.

#### Federal Standards Statement

The rules readopted with amendments are prescribed by State law. However, the design standards for all types of aeronautical facilities must meet the design requirements of Federal Aviation Administration Advisory Circular 150/5390-2. The rules readopted with amendments meet, but do not exceed, any Federal law, standards, or requirements. Therefore, a Federal standards analysis pursuant to Executive Order No. 27(1994) and P.L. 1995, c. 65, is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 16:54.

Full text of the adopted amendments follows:

#### SUBCHAPTER 1. PURPOSE, SCOPE, AND APPLICABILITY

##### 16:54-1.3 Applicability

(a) The provisions of this chapter apply to the following types of aeronautical facilities:

1. (No change.)
  2. Vertical flight aeronautical facility:
    - i.-iii. (No change.)
    - iv. Helistop—Restricted Use;
    - v. (No change.)
    - vi. Vertiport—Public Use;
    - vii. Vertiport—Restricted Use; and
    - viii. Vertiport—Special Use;
  - 3.-4. (No change.)
  5. Temporary aeronautical facilities:
    - i.-v. (No change.)
    - vi. Parachute Drop Zone;
    - vii. Vertiport; and
    - viii. (No change in text.)
- (b)-(d) (No change.)

#### SUBCHAPTER 2. DEFINITIONS

##### 16:54-2.1 Definitions

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

“Aeronautical facility” means any airport, seaplane base, heliport, helistop, parachute drop zone, ultralight recreational facility, airship base, balloonsport, or vertiport.

1. (No change.)

“Notice to Air Mission” or “NOTAM” means a notice or advisory concerning the establishment, condition, or change in any aeronautical facility, service, procedure, or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

“Vertiport” means an area of land, or a structure, used or intended to be used, for electric, hydrogen, and hybrid VTOL aircraft landings and takeoffs and includes associated buildings and facilities.

“VTOL” means vertical take-off and landing.

#### SUBCHAPTER 3. APPLICATION FOR LICENSE

##### 16:54-3.1 Application forms for permanent facilities

(a) All persons proposing the opening of a new aeronautical facility, the alteration to an existing aeronautical facility listed at N.J.A.C. 16:54-1.3 shall submit to the Bureau an “Application for Aeronautical Facility License,” Form DA-1, and “Aeronautical Facility Agreement,” Form DA-2, including all applicable attachments and FAA Form 7480-1 “Notice of Landing Area Proposal,” if required. The forms may be found at <https://www.nj.gov/transportation/freight/aviation/forms.shtm>.

1. The application shall include, at a minimum:
    - i. (No change.)
    - Recodify existing iii.-v. as ii.-iv. (No change in text.)
    - v. The appropriate application or license renewal fee in accordance with the following schedule:
      - (1) For any public use airport, seaplane base, heliport, helistop, airship base, balloonsport, or vertiport, the fee for initial application for license or for annual renewal of any license shall be \$35.00.
      - (2) For any restricted use airport, seaplane base, heliport, helistop, airship base, balloonsport, or vertiport, the fee for initial application for license or for annual renewal of any license shall be \$25.00.
      - (3) For any special use airport, seaplane base, heliport, helistop, airship base, balloonsport, or vertiport, the fee for initial application for license or for annual renewal of any license shall be \$15.00.
      - (4) For any temporary airport, seaplane base, heliport, helistop, airship base, balloonsport, or vertiport, the fee for application for license shall be \$10.00.
      - (5)-(6) (No change.)
  2. Unless otherwise specified in this chapter, submit a scaled plan drawing(s) or an annotated scaled aerial photograph, showing the specific information required for the specific type of facility.
    - i. For airports, a scale of one inch equals 400 feet shall be used showing:
      - (1)-(9) (No change.)
      - (10) Include a listing of all aeronautical facilities located within five statute miles of the site; and
      - (11) (No change.)
    - ii.-iii. (No change.)
    - iv. For vertiports, a scale of one-inch equals 100 feet shall be used, showing:
      - (1) True north;
      - (2) Latitude and longitude to the nearest ten-thousandth of a minute or hundredth of a second;
      - (3) Field elevation (MSL);
      - (4) Actual dimensions of the TLOF, FATO, and Safety Area;
      - (5) Magnetic alignment of the approach/departure surfaces to the nearest degree; and
      - (6) Location(s), use, and height(s) of structures on or proposed for the facility.
    - v. For vertiports, a scale of one-inch equals 400 feet shall also be used showing:
      - (1) Location(s) and height(s) (MSL) of any obstructions within a radius of 4,000 feet of the reference point;
      - (2) Depiction(s) of approach/departure path(s); and
      - (3) Facility property lines and municipal boundaries.
- Recodify existing iv.-x. as vi.-xii. (No change in text.)
- 3.-9. (No change.)
  - (b) (No change.)

## SUBCHAPTER 4. LICENSES

## 16:54-4.3 Abandonment, deactivation, and surrender of license for an existing aeronautical facility

(a) All licensees proposing the deactivation or abandonment of an existing aeronautical facility listed at N.J.A.C. 16:54-1.3 shall submit to the Bureau:

1. A completed copy of Form DA-3, Application for Aeronautical Facility Alteration Deactivation or Abandonment, to the Bureau not less than 30 days prior to the desired date of closure. The form may be found at <https://www.nj.gov/transportation/freight/aviation/forms.shtml>;

2. (No change.)

3. A plan, satisfactory to the Manager, explaining how facility tenants and/or users are to be notified for any change that will require relocation, transfer, or eviction of tenants, and what opportunities are available for relocation; and

4 (No change.)

(b) The Manager shall determine, within 10 days of receipt of the application, whether the request to deactivate or abandon the facility is in the best interest of the State, the aviation community, and the general public.

1.-2. (No change.)

3. Final recommendations will be made by the Director based on the determination of the Bureau.

4. In the event that the Director determines that in the best interests of the State of New Jersey, the aeronautical facility should remain open, he or she will recommend that the Commissioner exercise the authority granted pursuant to N.J.S.A. 6:1-95 to acquire the facility. If the Commissioner does not acquire the aeronautical facility, the licensee's request for abandonment or deactivation will be approved.

(c)-(d) (No change.)

## SUBCHAPTER 6. DESIGN STANDARDS

## 16:54-6.2 General design standards for public use aeronautical facilities

(a) Each proposed or licensed public use aeronautical facility shall meet or exceed the minimum standards specified for the respective type of aeronautical facility.

1. Public use airport (land or water) shall be as follows:

i.-iii. (No change.)

iv. Operational lighting systems are required for airports operating during hours of darkness. Minimum airport lighting will consist of runway lights, threshold lights, and a lighted wind indicator. Runway lights will be spaced not more than 200 feet apart. Additional lighting and visual aids may be required consistent with airport use. FAA Advisory Circular 150/5340-30J, as amended and supplemented, will be used for lighting standards. Water facilities will comply with U.S. Coast Guard and other agencies requirements for lighting of sealanes.

v. (No change.)

2. Public use heliports are as follows:

i. Public use heliports shall be not less than 100 feet by 100 feet or 100 feet in diameter, exclusive of the safety area. This minimum size may limit user access and larger facilities may be required to accommodate anticipated aircraft size and activity. FAA Advisory Circular 150/5390-2D, as amended and supplemented, will be used in designing heliports.

ii. (No change.)

iii. Lighting and visual aids are required for operation during hours of darkness and shall, at a minimum, include perimeter lighting and a lighted wind indicator. FAA Advisory Circular 150/5390-2D, as amended and supplemented, will be used in determining the extent and location of lighting systems.

iv. Heliport marking will be as required in FAA Advisory Circular 150/5390-2D, as amended and supplemented.

3. Public use vertiports:

i. Vertiport dimensions shall be in compliance with the criteria found in FAA Engineering Brief #105, Vertiport Design, as may be amended.

ii. Lighting and visual aids are required for operation during the hours of darkness.

iii. Vertiport surface markings shall be in compliance with FAA Engineering Brief #105, Vertiport Design, as may be amended.

Recodify existing 3.-4. as 4.-5. (No change in text.)

6. Parachute drop zone shall be as follows:

i. Public use parachute drop zones shall comply with the drop zone requirements of the USPA Skydivers Information Manual, 2021-2022 Edition, incorporated herein by reference, as amended and supplemented.

ii. (No change.)

7. (No change in text.)

## 16:54-6.3 General design standards for restricted use aeronautical facilities

(a) All restricted use aeronautical facilities shall meet the minimum design standards for the respective type of public use aeronautical facility as set forth below:

1. (No change.)

2. Restricted use heliports and helistops shall meet the design requirements of FAA Advisory Circular 150/5390-2D, as amended and supplemented;

3. Restricted use vertiports shall meet the design requirements of FAA Engineering Brief #105, Vertiport Design, as amended and supplemented;

Recodify existing 3.-5. as 4.-6. (No change in text.)

(b) (No change.)

## 16:54-6.4 General design standards for special use aeronautical facilities

(a) All special use aeronautical facilities shall meet the minimum design standards for the respective type of aeronautical facility as set forth at (a)1 through 6 below:

1. Special use airports shall meet the standards set forth for restricted use airports as set forth at N.J.A.C. 16:54-6.3;

2. Special use heliports and helistops shall meet the design requirements of FAA Advisory Circular 150/5390-2D, as amended and supplemented;

3. Special use vertiports shall meet the design requirements of FAA Engineering Brief #105, Vertiport Design, as amended and supplemented;

Recodify existing 3.-5. as 4.-6. (No change in text.)

(b)-(c) (No change.)

## SUBCHAPTER 8. TEMPORARY AERONAUTICAL FACILITIES

## 16:54-8.1 Temporary licenses

(a) (No change.)

(b) Temporary licenses may be issued for the following facilities:

1.-4. (No change.)

5. Parachute drop zone;

6. Vertiport; or

7. (No change in text.)

(c)-(f) (No change.)

## 16:54-8.2 Application for temporary license

(a) (No change.)

(b) Applications shall include:

1. (No change.)

2. A sketch or current satellite photograph with the landing area annotated, which includes sufficient detail to demonstrate that the proposed facility is capable of accepting the operation proposed.

i. (No change.)

3.-7. (No change.)

(c)-(e) (No change.)

## 16:54-8.4 Design standards for temporary aeronautical facilities

The design standards for temporary facilities, including those that are licensed in conjunction with an application for a permanent license, shall substantially meet the requirements for permanent facilities, as outlined at N.J.A.C. 16:54-5.

## APPENDIX A

## PUBLIC NOTICE

Notice of Proposed Aeronautical Facility Licensing

ALL INTERESTED PERSONS are hereby advised that the Bureau of Aeronautics, of the New Jersey Department of Transportation, has

received an application from \_\_\_\_\_ (insert applicant name) for a license to establish a \_\_\_\_\_ (insert type of facility) at \_\_\_\_\_ (insert location).

Accordingly, the Bureau of Aeronautics invites written comments or objections regarding this proposed license. All comments or objections must address the issue of the effect of the proposed license upon the public health and safety.

Upon receipt of written comments or objections, and a determination by the Bureau of Aeronautics that the proposed licensing is a “contested case,” as defined by N.J.S.A. 52:14B-1 et seq., this matter may be scheduled for a public hearing.

The above-named application and all related documents are available for public inspection by appointment between the hours of 9:00 A.M. and 4:00 P.M. at the Bureau of Aeronautics, New Jersey Department of Transportation, 1035 Parkway Avenue, PO Box 600, Trenton, New Jersey. Telephone (609) 963-2100.

Any interested persons may submit questions or comments, in writing, no later than 30 days from today.

All submissions regarding this matter should be directed to:

Bureau of Aeronautics  
 New Jersey Department of Transportation  
 1035 Parkway Avenue  
 PO Box 600  
 Trenton, NJ 08625-0600

**TREASURY—GENERAL**

**(a)**

**DIVISION OF REVENUE AND ENTERPRISE SERVICES**

**Uniform Commercial Code (UCC) Rules**

**Adopted New Rules: N.J.A.C. 17:33**

Proposed: June 19, 2023, at 55 N.J.R. 1280(a).

Adopted: October 26, 2023, by Elizabeth Maher Muoio, State Treasurer.

Filed: October 26, 2023, as R.2023 d. 36, **without change**.

Authority: N.J.S.A. 12A:9-501, 12A:9-526, and 52:16A-41.

Effective Date: December 4, 2023.

Expiration Date: December 4, 2030.

**Summary of Public Comment and Agency Response:**

**No comments were received.**

**Federal Standards Statement**

A Federal standards analysis is not required because the expired rules adopted herein as new rules relate strictly to the State of New Jersey and its Uniform Commercial Code (UCC) statutes. The expired rules adopted herein as new rules are, therefore, independent from any Federal statutes or requirements.

Full text of the expired rules adopted herein as new rules follows:

**CHAPTER 33  
 UNIFORM COMMERCIAL CODE RULES**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**17:33-1.1 Purpose**

(a) This chapter outlines the basic procedures of the Filing Officer, the State Treasurer, and the Filing Office, Division of Revenue and Enterprise Services in relation to the State of New Jersey’s Uniform Commercial Code system.

(b) Generally, this chapter is designed to foster uniformity by documenting New Jersey’s basic UCC policies and procedures, as administered by the Division of Revenue and Enterprise Services.

**17:33-1.2 Definitions**

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

“Amendment” means a UCC filing that purports to amend the information in a financing statement. Amendments include assignments, continuations, and terminations.

“Assignment” is an amendment that purports to reflect an assignment of all or a part of a secured party’s power to authorize an amendment to a financing statement.

“Continuation” means an amendment that purports to continue the effectiveness of a financing statement.

“Correction statement” means a written statement that purports to indicate that a financing statement is inaccurate or wrongfully filed.

“Decipher” means being able to read and index information presented on a UCC filing or work order with sufficient clarity to effect either a filing or search request within the meaning of the Uniform Commercial Code system.

“Document” means any document associated with a filed financing statement, correction statement, or amendment.

“DORES” means the Division of Revenue and Enterprise Services, within the Department of the Treasury.

“Filing Office” means the Department of the Treasury, Division of Revenue and Enterprise Services.

“Filing Officer” means the Treasurer of the State of New Jersey.

“Filing number” or “File number” means the unique identifying information assigned to an initial financing statement by DORES for the purpose of identifying the financing statement and UCC filings relating to the financing statement in DORES’ information management system. The filing number bears no relation to the time of filing and is not an indicator of priority.

“Financing statement” means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.

“Individual” means a human being, or a decedent, in the case of a debtor that is such decedent’s estate.

“Initial financing statement” means a UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required at N.J.S.A. 12A:9-512, 514, or 518.

“Organization” means a legal person who is not an individual pursuant to this subchapter.

“Remitter” means a person who tenders a UCC filing to DORES for filing, whether the person is a filer or an agent of a filer responsible for tendering the filing. “Remitter” does not include a person responsible merely for the delivery of the document to DORES, such as the postal service or a courier service, but does include a service provider who acts as a filer’s representative in the filing process.

“Secured party of record” means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed pursuant to N.J.S.A. 12A:9-514.a, the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed pursuant to N.J.S.A. 12A:9-514.b, the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement, which deletes the person.

“Termination” means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.

“UCC” means the Uniform Commercial Code as adopted in this State at N.J.S.A. 12A:9-1 et seq.

“UCC filing” means an initial financing statement, an amendment, an assignment, a continuation, a termination, or a correction statement. The word “filing” shall not be deemed to refer exclusively to paper or paper-based writings. UCC filings may be expressed or transmitted electronically or through media other than such writings.