



Guide for the Private Airfield Owner

*Considerations when allowing others
to use your airfield*

Prepared by the
Recreational Aviation Foundation

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*“The Recreational Aviation Foundation preserves, maintains,
and creates airstrips for recreational access.”*



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Dear Airfield Owner,

We at the Recreational Aviation Foundation (RAF) are reaching out to private airfield owners, encouraging them to consider joining our mission to save and even create more places to recreate with airplanes. We fully understand the commitment involved in maintaining an airfield. Many of us own private use airfields. We wholeheartedly thank you for your efforts.

Perhaps your airfield has been vital to a pilot needing a safe place to make an emergency landing or a precautionary landing for weather.

Local communities benefit if an airfield is close by, and available for medical evacuation or other emergencies such as wildland or forest fire.

Maybe you've enjoyed watching wildlife graze on your meadow airfield, taking advantage of the improved habitat you have provided.

We understand that you may have a desire to allow others to use your airfield, yet you have concerns. We have prepared this guide for people like you. We hope that it helps you understand the options, benefits and challenges inherent in sharing your special place with others. Perhaps it will help you realize a dream now and long after your own lifetime.

Private airfields are invaluable, especially as pressure increases to close public use airports and restrict aviation access to many of our nation's special places. There are few guarantees that our favorite recreational destinations will remain accessible by small aircraft in perpetuity.

Regardless of the level of involvement in the RAF that you decide upon, we thank you for taking time to understand our mission.

The RAF Board of Directors,

John McKenna, Bill McGlynn, Jack Tyler, Mike Perkins,
Pete Bunce, Todd Simmons, Pete Burwell, and Steve Taylor
July, 2019

Board members receive no compensation. They love flying as much as the rest of us and they're here for us, the pilots... not profits.

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A Brief History of the RAF

The Recreational Aviation Foundation (RAF) was founded by a group of Montana pilots in 2003 who realized the threat of recreational airfield closure was of national concern. Beginning with a half-dozen dedicated folks, the organization now stands at over 7,000 members from throughout the United States and several foreign countries, all dedicated to preserving and creating new public-use airfields offering recreational opportunities on both public and private lands.

How is the RAF mission accomplished?

The RAF unifies efforts to protect airfields and to encourage working relationships among private use airfield owners, managers of public lands, pilots and aviation groups. To facilitate this, the RAF enlists its cadre of State Liaisons knowledgeable in their respective states. To see the current list of RAF State Liaisons, see: <https://theraf.org/state-liaisons/>

The RAF has worked to clarify that state recreational use statutes include aviation. These state laws help protect private landowners from liability when others are using their land for recreation in a non-commercial manner.

Why this Guide?

Many of us in the RAF own and maintain airfields. There are those who are concerned that our airplanes disturb wildlife. Cell towers can be proposed right on our final approach path. We have worried about being sued if there is an accident. Some airfield owners need help with maintenance. We wonder what will become of our airfield if we no longer fly or wish to maintain it. We continue to get questions about allowing others to use our privately-owned airfields. The RAF Board appointed a working committee to research and report their findings in this Guide for your benefit. It may be of help to you when discussing concerns your local municipality may have about your airfield.

AOPA reviewed this Guide and stated, "it is a very good resource . . . and provides a very good 'roadmap' and decision tree to assist a private airport owner in his/her decision-making processes."

This easy-to-understand **Guide for the Private Airfield Owner** is designed to answer many of the questions you have and to provide accurate information on important topics, such as

- Should my airfield be open to the public?
- Should it be added to the FAA chart? How do I go about it?
- What if I'm only comfortable allowing conditional use?
- What is my exposure to liability and my obligation of care?
- Can I prevent obstructions such as cell towers near my airfield?
- What are the impacts to the environment and wildlife?
- How do I preserve my airfield in the event I'm no longer able to care for it?

To Chart or Not to Chart

In the United States, charted Private Use airfields outnumber Public Use Airports three to one. You can easily understand why the RAF feels that this is an incredible resource to tap for increasing aviation access to recreation.

We understand that whether or not to put your private airfield on the sectional chart is an important consideration. Federal Regulation 14CFR Part 157 states that whenever opening or modifying a landing area, the FAA must be notified. Yet many airfield owners do not contact the FAA about their airfields. It seems that some owners feel that state and municipal regulations are rather heavy-handed, which has a negative influence on the airfield owner's decision.

There are good reasons to contact the FAA and request that your airfield be placed on the sectional chart. For example, pilots of Unmanned Aircraft Systems (UAS include drones and model aircraft) are required to contact airport managers when flying within five miles of an airport, **including private use airfields**. Charted airfields are identified in the databases UAS pilots use to locate airfields. Being on the chart is how UAS pilots will find your airfield. According to AOPA, by the year 2020, there will be seven million drones in the U.S., some able to reach speeds over 90 mph.

Appearing on a sectional chart has provided protection from encroachments such as a cell tower being erected on adjacent property in close proximity to a runway. While the FAA may be of limited help in this regard, local governments take a charted airfield much more seriously when considering zoning variances for tower placements and such. Towns have adjusted proposed tower placements because the airfield was on the FAA charts and "was

The FAA designates private airfields as "Restricted, Private Use" airports. Yet, many owners allow other pilots to use them. Some think a better term would be "Conditional Use" because other pilots may use the airfield if certain conditions are met. Some owners want to be called and asked first. Some owners require that pilots obtain a safety briefing first. One owner we know does not allow Sunday morning flights because there is a church nearby. Others just allow access as if it were a "Public Use" airport. As the airfield owner, you make the rules - you set the conditions for use of your airfield. (The RAF is working on a project outlined later in this Guide to categorize "Restricted, Private Use" airports based on the airfield owner's wishes.)

Wildlife Concerns

We share the outdoors with all types of other users. Some have voiced concerns regarding stress to wildlife and domesticated animals when aircraft operations are present.

The Recreational Aviation Foundation has always based its advocacy on sound, credible information. In 2014 the RAF initiated a two-year wildlife study to determine if there are noise effects around backcountry airfields; and if so, how these effects compare with other uses. Ric Hauer, Ph.D. of the University of Montana's Institute on Ecosystems, oversaw the study. Major funding was provided by an AOPA Foundation grant. Montana's Department of Transportation also provided funds, matched by the RAF.

University of Montana post-graduate wildlife biologist Devin Landry and his colleagues used a sophisticated technique of evaluating stress levels in mammals by measuring the presence of stress hormones excreted in wildlife feces. They collected samples among a suite of six Montana and Idaho backcountry airfields; and six control sites devoid of aircraft noise.

After laboratory analysis, Landry and Hauer published an 18-page document subjected to peer-review. Titled "Effects of Backcountry Aviation on Deer Stress Physiology," it is now available as a reference for the public. It summarizes:

*"Based on the results of our study, we concluded that **there is no significant increase in stress levels among deer due to recreational aviation activity** (e.g., takeoffs, landings, prop noise, camping, human presence) at backcountry airfields compared to that expressed by deer as a result of similar, but non-aviation recreational activity (e.g., camping, motorized access to campground or trailhead, human presence) at campground and recreation access sites."*

Dr. Hauer wrote, "We believe that when ethically used, recreational aircraft is one of the lowest-impact means of backcountry access."

User Safety Considerations

Most likely you are a pilot, or someone in your family is. You know the qualifications to achieve and maintain certification with the Federal Aviation Administration. An airfield therefore, is subject to use by only highly-trained, qualified users, who have a lot to lose by abusing the privilege. In addition, the volume of aircraft suitable to utilize the typical private airfield is very low, compared to other motorized recreational vehicles, such as four-wheelers and motorcycles.

A 2010 national analysis of risk associated with recreational airfields illustrates this. Statistics indicate there were 762 Off Highway Vehicle (OHV) fatalities compared to 30 takeoff and landing fatalities, resulting in a ratio of 24:1 OHV to aviation fatalities. The study states:

"Pilots are among the most highly trained operators; they are required by the FARs to pass regular medical exams by FAA certified doctors, pass biennial flight reviews by FAA certified instructors, and pass annual aircraft inspections by FAA certified mechanics."

RAF Public Lands and Arizona State Liaison Mark Spencer summarized the findings: "This illustrates the safety of access by air and the low exposure to landowners, both on private and public lands." With reasonable duty of care, a private airfield owner can safely "host" folks who share a very special common interest in General Aviation, and are likely to make friendships once their facility is open to others.

Liability Concerns

A common concern among airfield owners is the possibility of a lawsuit in the event of a mishap. An important RAF initiative is increasing private landowners' level of protection. The RAF has made significant progress in these two ways:

- 1) Advocated for recreational aviation language to be included in liability protection laws;
- 2) Reached out to major insurance companies to provide affordable coverage for airfield owners.

Each state has a law to provide protection for landowners from liability lawsuits when others are using their land for recreational use. This is commonly referred to as the Recreational Use Statute - RUS. These statutes were created with the stated purpose of keeping private lands open for public recreation. In 1965 the Council of State Governments published Recommended Legislation which has been adopted in some form by all 50 states. Generally, this protection is in force only if the landowner does not charge a fee, and if the landowner does not have malicious intent to injure. In most states, the person recreating only has the same rights as a "trespasser" even if granted permission to use the land.

While these Recreational Use Statutes will not prevent all lawsuits, the outcome of the lawsuit is much more likely to be in favor of the landowner.

The customary RUS language covers recreational activities with the words, "including, but not limited to . . ." followed by a list of common recreational activities - even spelunking and disc-golf! The reasonable person realizes that it is impossible to include all of the recreational activities that humans can think of doing. But the clause, "including, but not limited to..." indicates that the statute is meant to include all forms of outdoor recreation. In four states there is no list of specific recreational activities. The statute merely says "recreation." And as of this date, twenty-eight states have added non-commercial aviation. (In a few states, it is in a separate statute other than the RUS.) Three states have raised the level of the airfield owner's responsibility from no "malicious intent" to no "gross negligence," which is a higher duty of care than is owed to a trespasser.

The RAF website includes each state's RUS. From the Home Page, click the "ADVOCACY" drop-down menu.

The Recreational Aviation Foundation is not aware of any litigation regarding non-commercial recreational aviation vs. a private landowner. If you know of a lawsuit against a private use airfield owner please tell us about it. We would like to know.

Some airfield owners prefer to have an insurance policy. Affordable insurance to protect airfield owners is available. *The RAF can make a referral for such insurance upon request.*

Access to Airfields on Public Lands

The RAF worked hard with policy makers from the US Forest Service, the Bureau of Land Management and the National Park Service to reinforce the benefit and suitability of aviation access to airfields on lands they manage. The result was a series of Memoranda of Understanding that not only acknowledge and permit public recreational aviation, but reinforce a strong working partnership between the signers.

We refer to these to demonstrate government support and precedent for allowing recreational aviation on public lands, while the recreational use statutes indicate similar support for such recreation on private lands.

Memorandum of Understanding (MOU) with US Forest Service regarding recreational aviation access to airfields managed by this government agency. See:
<https://theraf.org/advocacy/#collaborators>

Memorandum of Understanding (MOU) with Bureau of Land Management:
<https://theraf.org/advocacy/#collaborators>

The RAF also signed an MOU with the **National Park Service** that ensures access to Death Valley's three airfields within Park boundaries. In some cases the MOU allows the RAF to partner on maintaining the airfields.

The RAF's advocacy was formally recognized in 2010 when the **United State Congress** passed this Resolution supporting backcountry airfields and recreational aviation:

HOUSE RESOLUTION. 1473

"Whereas recreational aviation represents a significant portion of the Nation's aviation activity; Whereas recreational aviators utilize backcountry airstrips as access points for a variety of activities; Whereas backcountry airstrips provide multiple benefits to the general public, including search and rescue, fire management, research, disaster relief, and wildlife management; Whereas recreational aviation helps State economies by providing efficient access for visitors seeking recreational activities; Whereas backcountry airstrips serve as emergency landing sites in the event of mechanical problems or inclement weather; Whereas backcountry airstrips provide access for those who do not have the physical ability to access backcountry areas by other means; and Whereas recreational airstrips have a small footprint on the landscape, provide for dispersed recreational activity, and act as internal trailheads within backcountry areas: Now, therefore, be it

Resolved,

That the House of Representatives recognizes the value of recreational aviation and backcountry airstrips located on the Nation's public lands and commends aviators and the various private organizations that maintain these airstrips for public use."

Help with Airfield Maintenance

The Recreational Aviation Foundation backs up its advocacy with a culture of volunteerism. Work parties are common during flying season and the RAF helps organize pilot volunteers often in cooperation with state pilot organizations. By contacting us we may be able to help you with some maintenance issues as a way of thanking you for making your airfield available.

Categorizing Your Airfield

We hope the information in this Guide helps you make informed decisions about your airfield. To whatever degree you wish to make your land available to the recreational flying public, the RAF is here to help. Feel free to discuss your preferences with us. The RAF respects your decisions and can help share that information so that others are informed.

You can ask us to:

- List that your airfield is open to any pilot;
- List that your airfield is open for "Conditional Use" - and stipulate the conditions, for example:
 - Pilot must first receive your Safety Briefing regarding specifics of your airfield. (The RAF has a template for such a briefing for your consideration.)
 - Pilot must call for agreeable landing times; conversely, "blackout" times.
 - Pilot must first complete your waiver.
 - Airfield may only accommodate certain types of airplanes.
 - Any other conditions you may wish to stipulate.
- List that your strip is closed to all pilots.

Discuss this with your RAF State Liaison or contact us at contact@theRAF.org.

The Future of My Airfield (after I am gone...)

The RAF may be able to help you with planning for the future. Contact us and we will discuss your wishes and what we may be able to do to fulfill those wishes.

The Recreational Aviation Foundation is a non-profit 501(c) (3) public charity, Federal EIN 42-1613294; Montana State ID D-128852.

Bequests, legacies, devises, transfers and gifts are deductible for federal estate and gift tax purposes.

Thank you again for maintaining an airfield. We understand that it is a great deal of work. But we also realize that your hard work is due to your "labor of love" for aviation. We encourage you to contact us if you have any questions. The RAF has a wide variety of representatives who have expertise in subjects pertaining to airfield ownership.

Your RAF Connection - State Liaisons

For current list of RAF State Liaisons, see: <https://theraf.org/state-liaisons/>

Appendix

The RAF Code of Conduct

Vision of excellence for recreational aviators -

The Recreational Aviation Foundation offers recommendations to advance flight safety, airmanship, professionalism, consideration and courtesy toward the people and wildlife who share the recreational environment. Each of us is an ambassador to the non-flying public, and to the landowners or managers responsible for the airstrips we enjoy. We want to be the friendliest and most helpful recreational users working with land owners and managers. Significant negotiation and work go into protecting backcountry airstrips and trust is earned through fulfilling our commitments to the land managers and owners. Honoring these agreements can go a long way toward these efforts, and even opening new airstrips. A few rogue pilots can destroy this trust and set our backcountry efforts backwards for years. This Code of Conduct presents a vision of excellence for recreational aviators. Its principles complement and underscore legal requirements and agreements for land use.

Pilot

- Make safety your highest priority, acting with responsibility and courtesy.
- Develop the skills necessary for safe backcountry aviation. Use instructors and knowledgeable pilots to seek excellence in airmanship through training and practice.
- Establish and adhere to personal minimums based on objective evaluation of ability.
- Research and practice prudent operating practices for the area and airstrip you wish to explore, i.e. reporting points and altitudes.
- Anticipate, recognize, share with passengers, and manage risks using sound principles of risk management and aeronautical decision-making.
- Maintain a comprehensive awareness of, and consideration for all in the flying environment, avoiding all operations that may alarm, disturb, or endanger passengers, people or wildlife on the surface.

Aircraft

- Use an aircraft that is capable and maintained for the intended mission.
- Be competent in the use of appropriate technologies for navigation, communication, and emergency rescue.
- Carry redundant transceivers and navigational equipment.
- Equip with proper water, food, clothing, shelter, first aid and tools. Prepare for an extended time on the ground if necessary.
- Secure your aircraft.

The RAF Code of Conduct, *continued*

Environment

- Use "Pack it in / Pack it out" and "Leave No Trace" practices.
- Keep your aircraft/seaplane clean of weed traces and seed to prevent the spread of invasive vegetation.
- Recognize and minimize the environmental impact of aircraft operations.
- Go beyond applicable agreements, laws and regulations in being considerate stewards of the environment and others who may be sharing it.
- Act with courtesy to other recreators. Maintain reasonable distance and altitude and reduce your noise signature to a safe minimum.
- Know wildlife refuge boundaries and seasonal areas of wildlife congregation to avoid low level overflights.
- Minimize discharge of fuel and oil during refueling, preflight preparations, servicing and flight operations.
- Avoid very early morning departures unless safety of flight requires a deviation.
- Do not use sensitive backcountry airstrips for training. Stay long enough to enjoy their special recreational benefits.

Appendix, continued

We have included the following FAA Regulations regarding the process of placing your airstrip on the Sectional Chart. Here is a link to FAA Part 157, the information you will need to chart your airfield. <http://www.faa.gov/airports/central/engineering/part157/>

If you have any questions, or need help with this process, the RAF may provide further guidance. Contact the RAF Liaison in your state, or contact the RAF at 406-582-1723, or contact@theRAF.org.

Federal Regulation 14 CFR Part 157 establishes standards and notification requirements for anyone proposing to construct, alter, or deactivate a civil or joint-use (civil/military) airport. This regulation also addresses proposals to alter the status or use of such an airport.

This notification serves as the basis for evaluating the effects of the proposed action on the safe and efficient use of airspace by aircraft and the safety of persons and property on the ground. These effects include but are not limited to evaluating:

- The effects the proposed action would have on existing or proposed traffic patterns of neighboring airports,
- The effect the proposed action would have on the existing airspace structure and projected programs of the FAA,
- The effects that existing or proposed objects (on file with the FAA) within the affected area would have on the airport proposal.

Notification allows the FAA to identify potential aeronautical hazards in advance, thus preventing or minimizing the adverse impacts to the safe and efficient use of navigable airspace.

Who Must File?

§ 157.3 - Each person who intends to accomplish any of the following actions must notify the FAA.

- Construct or otherwise establish a new airport or activate an airport
- Construct, realign, alter, or activate any runway or other aircraft landing or takeoff area of an airport
- Deactivate, discontinue using, or abandon an airport or any landing or takeoff area of an airport for a period of one year or more
- Construct, realign, alter, activate, deactivate or discontinue using a taxiway associated with a landing or takeoff area on a public-use airport
- Change the status of an airport from private use or from public use to another status
- Change any traffic pattern or traffic pattern altitude or direction
- Change status from Instrument Flight Rules (IFR) to Visual Flight Rules (VFR) or vice versa

An airport that is subject to Federal obligations that require them to maintain a current approved airport layout plan (ALP) on file with the FAA does not need to file notice under Part 157.

Appendix, continued

Form of Notification

§ 157.5 - Proponents must submit their Notice on FAA Form 7480-1 (PDF, 249 KB). In completing this form, please pay particular attention to the following:

- Describe the proposed landing area by geodetic coordinates (NAD 83) as well as length and width;
- List visual flight rule (VFR) airports with 20 nautical miles;
- For heliports, list all VFR airports and heliports within 3 nautical miles and all IFR airports within 10 nautical miles;
- List all obstructions within 3 nautical miles of a VFR airport or a seaplane base, within 5 nautical miles of an IFR airport; or within 5,000 feet of a heliport;
- List schools, churches and residential communities within a 2 nautical mile radius for airports and within one nautical mile for heliports;
- List all waste disposal sites within a 5 nautical mile radius of the proposed landing area.

Information Required for Airport Submittals

In addition to the standard form 7480-1, submittals affecting an airport must include the following:

1. **Landing Area Sketch (MS Word):** Provide a detailed drawing of the proposed landing area depicting latitude, longitude, length and width, and ALL obstructions (examples of obstructions are: buildings, high line wires, roads, railroads, towers, etc.) within the vicinity of the runway and its approaches as depicted above. Also identify the section, township, and range your landing area is to be located in on the enclosed Landing Area Sketch.
2. **7.5 minute USGS Quadrangle Map:** Provide a photo copied portion of the quadrangle map, detailing the exact location of the subject landing area coordinates by latitude and longitude. Plot locations of the facility with an accuracy of the nearest second. Include runway alignments, associated taxiways or seaplane alignments. Also plot on the quadrangle map, any obstructions within:
 - 3 nautical miles of a Visual Flight Rule (VFR) airport or a seaplane base;
 - 5 nautical miles of an Instrument Flight Rules (IFR) airport;
 - or 5,000 feet of a heliport.

Please be sure to clearly identify which Quadrangle map you are using. To obtain a USGS Quadrangle map, proponents should consult The USGS Store website for the nearest commercial dealer.

Here is a link to the USGS maps: <http://nationalmap.gov/ustopo/index.html>