**Section 14.120 Transfer/Modification/Rescission of Certificate of Approval**

a) Transfer of Certificate of Approval. Any applicant desiring to have an airport or RLA Certificate of Approval transferred to his or her name must complete the following process.

1) Complete and sign an Application to Transfer Certificate of Approval form (Form AER 2058). This application must also be signed by the present Certificate Holder (if available) and notarized. An original application must be mailed or delivered to the Division.

2) Include proof that the applicant has the authority to operate the requested airport or RLA on the subject property as evidenced by:

A) the written approval of the prior Certificate Holder or, if deceased, executor or administrator of the estate; or

B) a copy of the deed or long-term lease.

3) Division personnel will visit the airport or RLA, as early as Division priorities will allow, to determine whether it meets the minimum standards found in this Part or whether it meets the minimum standards in effect at the time of certification for the operation of an airport or RLA, before a transfer will be approved.

A) If the Division finds that the minimum standards have been met, the Division will issue an Order approving the transfer of the Certificate of Approval that will become effective immediately, with a copy simultaneously mailed to the applicant along with a new Certificate of Approval. No Notice is required for this action and the Order is not required to be published in the newspaper.

B) If the minimum standards of this Part have not been met, or, if the airport or RLA is not in compliance with the minimum standards in effect at the time of certification, the Division will advise the applicant as to what corrective measures need to be taken to achieve compliance (e.g., cut trees, clear brush). Once the Division has determined that standards have been met, the Division will issue an Order approving the transfer of the Certificate of Approval that will become effective immediately, with a copy simultaneously mailed to the applicant along with a new Certificate of Approval.

b) Modification of Certificate of Approval. No person shall make an extension or alteration to an existing airport or RLA that will require a modification of the Certificate of Approval without first having secured an Order from the Division approving the extension or alteration. Extensions or alterations will be considered in accordance with the applicable standards provided in either Section 14.510(a), 610(a), 710(a) or 810(a).

1) The Certificate Holder shall complete an Application for Approval of Extension or Alteration to an Airport or RLA form (Form AER 2057) and shall state the nature of the proposed extension or alteration to the airport or RLA in the application. An extension or alteration requiring a modification to the Certificate of Approval includes, but is not limited to, the following:

A) Construction, realignment, alteration, or activation of any runway or other aircraft landing or takeoff area on an airport or RLA, or a taxiway associated with a landing or takeoff area on an airport or RLA, that causes any material change in the length, width or direction of any runway, other aircraft landing or takeoff area, or taxiway on an airport or RLA.

B) Change of any traffic pattern or traffic pattern altitude or direction.

C) Construction or installation of any building or other structure on the airport or RLA property that would extend above an approach slope, transition slope or turning zone.

D) Planting or permitting to grow any vegetation or placement of any other obstacle on the airport or RLA property that would extend above an approach slope, transition slope, or turning zone.

E) Discontinuance of any runway or other aircraft landing or takeoff area of an airport or RLA, as such, or any taxiway associated with a landing or takeoff area of an airport or RLA, for a period of one year or more.

F) Change in status of an airport or RLA from private-use to public-use, or change in status of any airport from public-use to private-use or RLA.

2) If the extension or alteration is such that an FAA Form 7480-1 must be submitted to the FAA for airspace approval (the requirements are listed on the instruction sheet for the Form 7480-1), the Division will submit the form on behalf of the applicant.

3) Once the Division has received an airspace determination from the FAA, if required, the applicant will be notified in writing and the Division will proceed in processing Form AER 2057. If the FAA issues a non-favorable airspace determination, the applicant will be notified in writing as to the criteria that led to the determination.

4) The Division will publish a Notice in the local newspaper, within the county where the airport or RLA is located, indicating that the Division intends to publish an Order granting or denying the modification to the Certificate of Approval, with a copy of the Notice simultaneously mailed to the applicant. All interested persons may, prior to the publication of the Order in the newspaper, file objections to or comments on the proposed Order by writing to the Division, within 15 days after the date of publication of the Notice in the newspaper. The Division will consider any comments or opposition received within the 15-day period prior to making a decision to grant or deny a modification of the Certificate of Approval and prior to publishing the Order. (See Section 60 of the Act.)

5) If no comments or opposition to the proposed extension or alteration of the airport or RLA are received by the Division within the 15-day period, the Division will publish an Order in the local newspaper, within the county where the airport or RLA is located, approving the proposed extension or alteration of the airport or RLA and the modification of the Certificate of Approval, with a copy simultaneously mailed to the applicant. The Order will include a description of the proposed extension or alteration, any terms and restrictions (e.g., runway orientation, length) associated with the issuance of a modified Certificate of Approval, a completion date for the extension or alteration, and a provision that a final inspection of the airport or RLA is to be conducted prior to the issuance of the modified Certificate of Approval.

6) After the Order is published, interested persons may write or e-mail comments to the Division, or request a hearing in writing (see Subpart K), as to the validity or reasonableness of the Order. Comments will be accepted for a 15-day period after publication of the Order in the local newspaper. Unless the Division finds that a hearing is necessary or that a longer period of time is appropriate, the Order will be effective 20 days after publication in the local newspaper. A modified Certificate of Approval may be issued to the Certificate Holder any time after the effective date of the Order. The Division will consider any comments received within the 15-day period prior to making a decision to grant or deny a modified Certificate of Approval. (See Section 60 of the Act.)

7) If a hearing is requested, the Division will schedule it at the earliest date possible in the county seat of the county where the airport or RLA is located. All interested persons will be notified in writing at least 10 days prior to the scheduled date of the hearing. After the hearing has been held, the Division will issue a Supplemental Order indicating the findings and conclusions of the hearing and whether the original Order will stand or whether it will be modified. A copy of the Supplemental Order will be mailed to the Certificate Holder as well as to the person or persons requesting the hearing.

8) The Certificate Holder will have 18 months from the effective date of the Order to complete the extension or alteration of the airport or RLA. The Certificate Holder shall contact the Division in writing or by phone, as noted in Section 14.100(d), within 30 days after the completion of the extension or alteration of the airport or RLA to schedule a final inspection with the Division. If the minimum standards of this Part have been met upon completion of the extension or alteration and final inspection, the Division will issue a modified Certificate of Approval to the Certificate Holder for the operation of the airport or RLA that includes any extension or alteration made to the airport or RLA.

9) If the Certificate Holder is unable to complete the extension or alteration of the airport or RLA within 18 months of the effective date of the Order, the Certificate Holder may request in writing an extension of time of the expiration date in the Order. The Certificate Holder must state the reasons for requesting the extension of time (e.g., delay in starting the project, weather delays) in the written request. The Division may grant or deny an extension of time based on whether the Certificate Holder has shown good cause to justify the request. If an extension of time is granted, the additional period of time allowed will be at the Division's discretion. If the request for an extension of time is denied, the application for the extension or alteration to the airport or RLA becomes null and void on the date the Order expires.

10) The Division may initiate the modification of a Certificate of Approval if it finds, upon inspection, that the airport or RLA is not being operated in accordance with this Part or with the standards in effect at the time the original Certificate of Approval was issued for the airport or RLA. Modifications will be made after the issuance of a Notice, Order and opportunity to be heard as outlined in subsections (b)(4), (5), (6) and (7).

c) Rescission of Certificate of Approval. The Certificate Holder, the property owner, and the Division each have the authority to request that a Certificate of Approval to operate an airport or RLA in Illinois be rescinded. Additionally, rescission may be accomplished by Operation of Law as provided in subsection (c)(4).

1) Rescission by Certificate Holder. The Certificate Holder shall submit a completed Rescission of Certificate of Approval form (Form AER 2548) authorizing the closing of an airport or RLA and requesting that the Division rescind the Certificate of Approval. The form shall include the reasons for the rescission. A voluntary rescission by the Certificate Holder requires that the Division issue an Order of Rescission and mail a copy to the Certificate Holder. No Notice is required. The Order is not required to be published in the local newspaper but will be entered into the Division's records.

2) Rescission by Property Owner. The owner of the property that an airport or RLA is located upon shall submit a completed Rescission of Certificate of Approval form authorizing the closing of an airport or RLA and requesting that the Division rescind the Certificate of Approval. The form shall include the reasons for the rescission, as well as a notarized statement indicating that the Certificate Holder no longer has the authority to operate the airport or RLA on the subject property. A voluntary rescission by the property owner requires the Division to issue an Order of Rescission and mail copies to the property owner and the Certificate Holder. No Notice is required. The Order is not required to be published in the local newspaper but will be entered into the Division's record.

3) Rescission by the Division. The Division will rescind a Certificate of Approval if it finds that an airport or RLA is not being operated in accordance with this Part, or is not safe or is not being maintained or operated safely. The abandonment of an airport or RLA for a period of two consecutive years shall be just cause for the Division to rescind a Certificate of Approval. Any rescission by the Division will be after the issuance of a Notice, Order and an opportunity to be heard as outlined in subsections (b)(4), (5), (6) and (7). (See Section 49 of the Act.)

4) Rescission by Operation of Law. Each Certificate of Approval will automatically expire, with no further action required, upon the death of the Certificate Holder or dissolution of the corporation, Limited Liability Company (LLC), Limited Liability Partnership (LLP), Association, etc. holding the Certificate of Approval, unless the Division receives an Application to Transfer Certificate of Approval form (Form AER 2058) and the airport or RLA is in compliance with the minimum standards of this Part.

(Source: Amended at 42 Ill. Reg. 7104, effective March 30, 2018)