

DCA01MA034  
March 29, 2001  
Aspen, CO

**NATIONAL TRANSPORTATION SAFETY BOARD**  
Washington, D.C.

**ATTACHMENT 2**

**Sardy Field Curfew Documentation**

**(9 pages)**

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# H.R.2739

## Federal Aviation Administration Authorization Act of 1994 (Enrolled Bill (Sent to President))

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### SEC. 517. SAFETY AT ASPEN-PITKIN COUNTY AIRPORT.

(a) NIGHTTIME OPERATIONS- On and after November 1, 1994, nighttime operations (takeoffs and landings) at Aspen-Pitkin County Airport in the State of Colorado shall be allowed for a pilot operating under instrument flight rules or visual flight rules under parts 91 and 135 of title 14, Code of Federal Regulations, between 30 minutes after official sunset and 11 p.m., local time, as follows:

(1) A pilot may operate under instrument flight rules between 30 minutes after official sunset and 11 p.m., local time (or such other operating hours as are established uniformly for all classes of operators), only if the pilot--

(A) is granted clearance by air traffic control;

(B) is instrument-rated;

(C) is operating an aircraft that is equipped as required under section 91.205(d) of such title 14 for instrument flight; and

(D) is operating an instrument approach or de-parture procedure approved by the Federal Aviation Administration.

(2) A pilot may operate under visual flight rules between 30 minutes after official sunset and 11:00 p.m., local time (or such other operating hours as are established uniformly for all classes of operators), only if the pilot--

(A) is instrument-rated;

(B) has completed at least one takeoff or landing in the preceding 12 calendar months at such airport; and

(C) operates an aircraft equipped as required under section 91.205(d) of such title 14 for instrument flight.

(b) COMMITMENTS OF AIRPORT OWNER OR OPERATOR- The owner or operator of the Aspen-Pitkin County Airport shall be considered to be in compliance with the requirements of subchapter II of chapter 475 of title 49, United States Code, and not otherwise unjustly discriminatory when such owner or operator notifies the Administrator that such owner or operator--

(1) commits to modify its existing regulation to expand access to general aviation operations under such special operating restrictions as are created under subsection (a) and such conditions applicable to aircraft noise certification as are currently in effect for night operations at such airport; and

(2) commits permanently not to enforce its 1990 regulatory action eliminating the so-called 'ski season exception' to its nighttime curfew.

To remain in compliance, such owner or operator shall carry out both such commitments on or before November 1, 1994.

(c) MOUNTAIN FLYING- The Administrator shall issue a notice of proposed rulemaking on mountain flying.

**ASPEN-PITKIN CO/SARDY FLD** (ASE) 3 NW UTC-7(-6DT) N39°13.39' W106°52.13'

DENVER

7820 B S2 FUEL 100LL, JET A1 + OX 3 TPA—See Remarks ARFF Index B

H-2C, L-5D, GE

RWY 15-33: H7006X100 (ASPH-PFC) S-80, D-100, DT-160 MIRL 2.0% up SE

IAP

RWY 15: REIL. PAPI(P4L)—GA 3.0° TCH 55'.

RWY 33: Road. Rgt tfc.

**AIRPORT REMARKS:** Attended 1400-0600Z†. Airport CLOSED

0600-1400Z†. Stage II/III acft only from 1400Z† to 30 minutes after sunset by county ordinance. Stage III acft only from 30 minutes after sunset to 0600Z†. No departures after 0530Z†. All Stage I acft operations prohibited, violators will be prosecuted. Hang gliders, para gliders, hot air balloons and glider operations on and in vicinity of arpt up to 18,000' MSL. Uncontrolled tfc on the terminal ramp, Aspen Aviation Ramp, south ramp and ABO ramp. Rwy 33 run-up area not visible from twr. Noise abatement required—fly ATC assigned heading or standard departure procedure. If no heading or departure procedure is assigned; turn right noise abatement heading of 360° for 2 miles before proceeding on course. Use of NBAA standard apch/dep procedures and manufacturers recommended noise abatement procedures is encouraged. Terrain will not allow for normal tfc patterns. High rates of descent may be required due to terrain and local procedures. Unique VFR dep procedures exist. Call

800-488-2776, arpt manager 970-920-5384, or fixed-base operator 970-920-2016 for more information.

Noise abatement procedures and Stage I prohibition. For all general aviation operations between 30 minutes after sunset to 0600Z† the following applies: acft equipped as required under FAR 91.205(D) for instrument flight—pilot is instrument rated; VFR pilot in command has completed at least one tcf or ldg in the preceding 12 months at ASE. IFR: execute apch/dep procedures with air traffic control clnc. Arpt located in high mountain valley with mountainous terrain from 12,500'-14,000' MSL in near proximity to arpt, numerous unlighted obstructions. Unless ceilings are at least 2000' above highest terrain and visibility is 15 miles or more, mountain flying is not recommended. FBO requires 4 hours advance notice for staging acft prior to departure. Acft requiring IFR should file flight plan with appropriate FSS 45 minutes prior to estimated dep. Review of airplane performance recommended including density altitude, weight and balance and climb performance. Ops during periods of reduced visibility discouraged for pilots unfamiliar with area. Tcf not authorized on Rwy 15 without written permission from arpt manager. Due to poor visibility in valley, use landing lights in tfc pattern. Rwy 15 REIL not avbl when twr is clsd. Rwy 15 PAPI unusable byd 4 NM from rwy thld and byd 7° rgt of rwy centerline. Due to high apch minimums pilots may need an IFR alternate even though weather is forecast to be higher than 2000'-3. Arpt lgts opr dusk-0600Z†. TPA for light acft 9005(1185), for heavy acft 9505(1685). Ldg fee.

**WEATHER DATA SOURCES:** ASOS (970) 925-9168. LAWRS.

**COMMUNICATIONS:** CTAF 118.85 ATIS 120.4 (1400-0500Z†) UNICOM 122.95

DENVER FSS (DEN) TF 1-800-428-7652. NOTAM FILE ASE.

Ⓡ ASPEN APP/DEP CON 123.8 (1400-0500Z†)

Ⓡ DENVER CENTER APP/DEP CON 134.5 (0500-1400Z†)

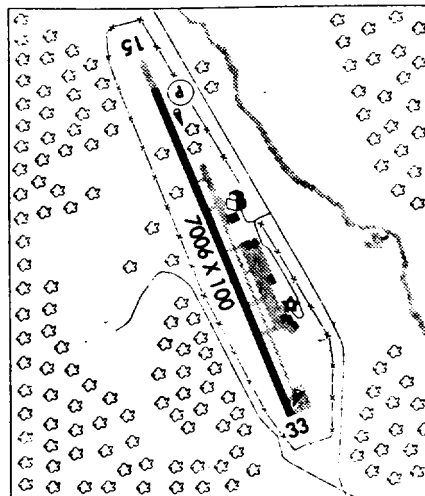
TOWER 118.85 (1400-0500Z†) GND CON 121.9

**AIRSPACE:** CLASS D svc 1400-0500Z† other times CLASS G.

**RADIO AIDS TO NAVIGATION:** NOTAM FILE DEN.

RED TABLE (H) VOR/DME 113.0 DBL Chan 77 N39°26.36' W106°53.68' 163° 13.0 NM to fld.  
11758/12E.

**COMM/NAV/WEATHER REMARKS:** Primary radar not avbl. Radar traffic advisories and services available for transponder equipped acft only. MSAW not avbl due to mountainous terrain. LDA 108.5 I-PKN available for missed approach/departures only. LDA unmonitored when twr clsd.



**AN ORDINANCE OF THE BOARD OF COUNTY  
COMMISSIONERS OF PITKIN COUNTY, COLORADO,  
AMENDING ORDINANCE NO. 89-3 CONCERNING THE  
REGULATION OF FLIGHT OPERATIONS ASSOCIATED  
WITH SARDY FIELD**

Ordinance No. 94-21

WHEREAS, the Board of County Commissioners is the owner and operator of the Aspen-Pitkin County Airport (Sardy Field); and

WHEREAS, the Board of County Commissioners has since its opening regulated the hours of operation of aircraft at Sardy Field for the general welfare and for the benefit of the surrounding residential neighborhoods and public open spaces, and has more particularly restricted nighttime access to the airport by general aviation operations based upon safety concerns for said operations; and

WHEREAS, the federal government, by virtue of Public Law 103-305, which went into effect on November 1, 1994, has established special airspace restrictions for all nighttime operations at Sardy Airfield on the basis of safety concerns with respect to said operations; and

WHEREAS, it is the desire of the Board of County Commissioners to amend its ordained operating hours, as most recently established by Ordinance 89-3, in order that said operating hours accommodate those operations permitted pursuant to federal law and regulation,

WHEREAS, it is necessary for the immediate preservation of public safety to accommodate nighttime access at Sardy Field through the immediate adoption of this ordinance in order to comply with the provisions of Public Law 103-305.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Pitkin County, Colorado, that effective immediately upon adoption, Title IV of the Pitkin County Code (Airport Rules and Regulations) be amended as follows:

Section 1

Section 2-18 of Title IV (Airport Regulations), Pitkin County Code, shall be repealed and re-enacted to read as follows:

"2-18.1 Except as noted in this section, all aircraft flight operations (aircraft arrivals or departures), including General Aviation, Certificated Air Carriers and Air Taxis, shall take place at the Airport only during the authorized hours of operation of the Airport".

"2-18.2 The following operations shall be permitted to occur outside the authorized hours of operation of the Airport:

- a. Operations responding to Bona fide in flight aircraft emergencies as defined by the Federal Air Regulations.
- b. Operations necessary to public health and safety (such as emergency medical transport) provided that such operations have received prior authorization by the Director of Aviation (or in the

event of the Director's unavailability, his or her designee, the Pitkin County Sheriff, or his or her designee).

Section 2

**"ARTICLE 6 - AIRCRAFT OPERATIONS"**

Sections 6-37 and 6-38 of Title IV (Airport Regulations) Pitkin County Code, shall be repealed and re-enacted as follows:

**6-37 Hours of Operation.**

The hours of operation for all aircraft at Sardy Field shall be that period beginning at 0700 hours (7:00 a.m.), local time each morning until 2300 hours (11:00 p.m.), local time each evening, except that Sardy Field shall be closed for all aircraft departures, other than those specifically provided for by these regulations, after 2230 hours, local time.

**6-38 Nighttime Operations.**

The following shall apply to all aircraft operations which shall occur at Sardy Field during that period daily defined as one-half (1/2) hour past sunset, local time, and airport closure as set out in Section 6-37 (which shall be referred to sometimes hereinafter as "nighttime operations").

**6-38.1 Nighttime Operations by Scheduled Part 121/135 Commercial Airlines**

All scheduled Part 121/135 Commercial Airlines shall be subject to the following limitations:

a. All aircraft certified under Part 25 and all turbo jet aircraft engaging in such nighttime operations shall be required to comply with or be exempt from "FAR Part 36, Stage III" noise regulations.

b. All such commercial operations shall have arrived at Sardy Field (landed on the ground) prior to 2300 hours, local time. It is the responsibility of the pilot and the operator of each aircraft, jointly and severally, to have departed all aircraft from its last previous point of departure non-stop to Aspen at such a time to have allowed for arrival at Aspen within this time limitation taking into account all factors, including, without limitation, the following:

- (1) foreseeable gate delays;
- (2) foreseeable air traffic control (ATC) delays
- (3) foreseeable weather conditions at point of departure, en route to Aspen and at Aspen;

(4) individual aircraft performance capabilities;

(5) information contained in all applicable NOTAMS;

c. If such a flight operation is expected to arrive at Sardy Field at any time after 2300 hours, local time, that air carrier shall immediately report that flight prior to arrival to the Director of Aviation, or to the Director's designee.

d. For all actual late arrivals and departures, (landed or departed after airport closure, whether or not they were required to be reported pursuant to c., above), the air carrier must file a full written report (signed and certified as accurate by an authorized official or employee of the carrier) on that flight operation to the Director of Aviation on the day following the late arrival, which report must include the following:

- (1) Certified scheduled departure time and actual gate departure time;
- (2) Copy of original flight plan of the non-stop to Aspen flight leg;
- (3) Stated reason for the late departure and/or late arrival;
- (4) Weather report at point of departure, en route and at Aspen at the time of gate departure;
- (5) Number of passengers on board the aircraft;
- (6) Time of arrival at Aspen; and
- (7) Time of any departure, pursuant to e., below, and number of passengers on departing aircraft.

e. In the event of any operation conducted after closing as defined herein, Pitkin County reserves all rights to enforce against pilots and operators, jointly and severally, all penalties prescribed in Article 50, Title IV (Airport Regulations). However, the County, through its Hearing Officer, will consider mitigating factors including, without limitation, the following:

- (1) Facts indicating compliance with Sections 6-38.1 (b)(1)-(5), and d. (1)-(7).
- (2) Facts or circumstances causing the delay beyond the control or reasonable foreseeability of the pilot and/or operator.
- (3) The extent of the closure violation.
- (4) A number and/or pattern of closure violations indicating a lack of an intent to evade the closure regulations.

f. Any Denver to Aspen non-stop flight operation that arrives at Sardy Field under the provisions of subsection c. above, may depart from Aspen and return to Denver, if the turnaround departure is prompt and is necessary for the operational plan of the air carrier without incurring any further violation of this provision.

g. All Scheduled Part 121/135 Commercial Airlines departures from Aspen, except as expressly provided in f., above, shall depart prior to 2230 hours, local time.

### Section 3

A new Section 6-39 to Title IV of Pitkin County Code shall be enacted to read as follows:

\*6-39 All nighttime operations at Sardy Field, other than those Commercial Operations covered by the provisions of Section 6-38 above, shall be subject to the following:

a. All aircraft certified under Part 25 and all turbo jet aircraft, engaging in nighttime operations at Sardy Field shall be required to be in compliance with, or exempt from, "FAR Part 36, Stage III" regulations.

b. All aircraft engaging in nighttime operations at Sardy Field shall comply with all relevant Federal Air Regulations and any special operating restrictions established by Public Law 103-305, Section 517 as follows:

#### **Safety at Aspen-Pitkin County Airport**

(a) **Nighttime operations.**—On and after November 1, 1994, nighttime operations (takeoffs and landings) at Aspen-Pitkin County Airport in the State of Colorado shall be allowed for a pilot operating under instrument flight rules or visual flight rules under parts 91 and 135 of title 14, Code of Federal Regulations, between 30 minutes after official sunset and 11 p.m., local time, as follows:

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(B) is instrument-rated;

(C) is operating an aircraft that is equipped as required under section 91.205(d) of such title 14 for instrument flight; and

(D) is operating an instrument approach or departure procedure approved by the Federal Aviation Administration.

(2) A pilot may operate under visual flight rules between 30 minutes after official sunset and 11:00 p.m., local time (or such other operating hours as are established uniformly for all classes of operators), only if the pilot--

(A) is instrument rated;

(B) has completed at least one takeoff or landing in the preceding 12 calendar months at such airport; and

(C) operates an aircraft equipped as required under section 91.205(d) of such title 14 for instrument flight.

(b) Commitments of Airport Owner or Operator.--The owner or operator of the Aspen-Pitkin County Airport shall be considered to be in compliance with the requirements of subchapter II of chapter 475 of title 49, United States Code, and not otherwise unjustly discriminatory when such owner or operator notifies the Administrator that such owner or operator--

(1) commits to modify its existing regulation to expand access to general aviation operations under such special operating restrictions as are created under subsection (a) and



such conditions applicable to aircraft noise certification as are currently in effect for night operations at such airport; and

(2) commits permanently not to enforce its 1990 regulatory action eliminating the so-called "ski season exception" to its nighttime curfew.

To remain in compliance, such owner or operator shall carry out both such commitments on or before November 1, 1994.

(c) Mountain Flying.--The Administrator shall issue a notice of proposed rulemaking on mountain flying.

c. Sardy Field shall be closed to all departures at and after 2230 hours, local time, daily.

d. In the event of any operation by any aircraft at Sardy Field after closing hours as established by these regulations, Pitkin County reserves the right to enforce against pilots, operators and owners of said aircraft, jointly and severally, all of the penalties set out in Article 10 of this Title IV of the Pitkin County Code (Airport Regulations). In the course of such enforcement, however, the County, through its Hearing Officer shall consider mitigating factors including, without limitation, the following:

- (1) Facts or circumstances creating the violation which are beyond the control and reasonable foreseeability of the pilot and/or operator of the aircraft.
- (2) The extent of the airport closure violation.
- (3) A number and/or pattern of curfew violations tending to indicate a lack of intent to violate the airport closure regulations.

INTRODUCED, FIRST READ, AND SET FOR PUBLIC HEARING ON THE  
25TH DAY OF OCTOBER, 1994.

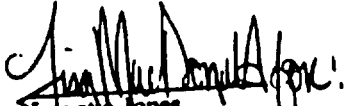
NOTICE OF PUBLIC HEARING PUBLISHED IN THE ASPEN TIMES ON  
THE 28TH DAY OF OCTOBER, 1994.

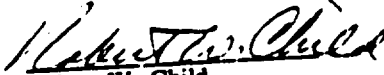
APPROVED AND ADOPTED UPON SECOND READING AND AFTER  
PUBLIC HEARING ON THE 15TH DAY OF NOVEMBER, 1994.

PUBLISHED AFTER ADOPTION IN THE ASPEN TIMES ON THE  
18TH DAY OF NOVEMBER, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF PITKIN COUNTY, COLORADO

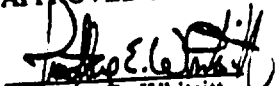
ATTEST:

  
Jeannette Jones  
Deputy Clerk & Recorder

By:   
Robert W. Child  
Chairman

Date: November 18, 1994

APPROVED AS TO FORM:

  
Timothy B. Whitsitt  
County Attorney

APPROVED:

  
Reid Haughey  
County Manager