**Section 14.130 Waivers**

a) The Division may waive strict compliance with any portion of this Part in connection with any particular application or request for a waiver, if the applicant demonstrates that the waiver:

1) is necessary;

2) will not adversely affect air traffic;

3) will not interfere with future development of the airport or RLA;

4) will not substantially impair the safety of the public's use of the airport; and

5) will not diminish the safety of those using or living near the airport or RLA (i.e., the applicant must produce documentation indicating that the aircraft he proposes to utilize at the airport or RLA only requires a short strip for takeoff and landing, thereby allowing a waiver of the minimum length requirements).

b) In evaluating a request for a waiver, the Division will consider, but is not limited to considering:

1) the volume and type of aircraft using the airport or RLA;

2) the navigational aids;

3) the length and width of the landing strip;

4) the instrument approaches;

5) the function of the airport or RLA in the current national and State airport and airway plan;

6) the nature of the terrain;

7) the possibilities for future development;

8) the proximity to neighbors;

9) the population density; and

10) the pattern agreements.

c) The applicant must complete and sign an Application for Waiver form (Form AER 2056) that shall be submitted with the application for Certificate of Approval for an airport or RLA, or for an extension or alteration of an existing airport or RLA, in accordance with Section 14.115 and Section 14.120. The Application for Waiver must contain clear and concise statements of the facts together with a request that a certain regulation be waived.

d) An Application for Waiver will be checked for accuracy by Division personnel and must be approved by the Bureau Chief of Aviation Safety and the Director of the Division. The applicant will be notified by the Division either in writing or by telephone, as soon as Division priorities will allow, as to whether the Application for Waiver has been approved.

e) All decisions either approving or disapproving requests for waivers are final and are reviewable pursuant to Section 14.1196, Administrative Review.