

DR 71-28 - Review of Rucker
Airport

ACTION

DATE

COMMITTEE _____

M.A.P.C. _____

B.C.C./B. CO. C. _____

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE November 3, 1971



TO H. Jay Setter, Acting Director of Parks

FROM Ralph Wulz, City Manager

SUBJECT Private Airport Operation by
Ira M. Rucker

I received the attached copy of a letter from the Director of Planning to Mr. Ira M. Rucker on November 6, 1970.

In this letter, Mr. Lakin advises Mr. Rucker of the requirements for the establishment of a private airport and the feelings of the staff on such an airport.

Last week this office received an inquiry from Mr. Dennis Pearce, a reporter for the Wichita Eagle - Beacon. Mr. Pearce states that Mr. Rucker is now operating an airport at the location mentioned in the letter and asked as to Mr. Rucker's authority.

Inquiries to other members of the staff indicate that you were handling this matter. Please advise me of the circumstances involved so I can respond to Mr. Pearce.

Ralph Wulz
City Manager

RW:fam

Attachment

cc: Robert A. Lakin, Director of Planning ✓
John Dekker, Director of Law



THE CITY OF WICHITA

OFFICE OF DEPARTMENT OF LAW **DATE** May 19, 1971

TO Robert Lakin, Director, Metropolitan Area Planning Commission

FROM H. Jay Setter, Assistant City Attorney

SUBJECT Airport Zoning - Rucker Airport


Section 28.08.100 of the Code of the City of Wichita prohibits the location of an airport within a radius of eight miles from any other airport. This section also provides for an exception to the spacing which may be granted by the City Commission upon proper application. At this point, I am assuming that no application has been made.

K. S. A. 3-703, in essence, provides for the adoption of airport zoning ordinances, and specifically states that such zoning regulations may apply irrespective of the fact that the hazard area is located outside the city limits.

It is the opinion of the Department of Law that the City of Wichita has sufficient authority under the existing ordinance and state statutes to prevent such airport development as proposed by Mr. Ira M. Rucker.

Provisions are included in Section 28.08.190 for appeals from the ruling in the case of a denial of an application, and the state statutes, K. S. A. 3-709 and 3-710, provide for appeals and remedies on the part of the applicant as well as on behalf of the City.

In the event Mr. Rucker proceeds without a permit or variance granted by the City, then it will be necessary to seek an injunction in the District Court. I have asked Mr. Straub, the Airport Manager, to make a report concerning the activities, if any, at Mr. Rucker's proposed airport. Upon receipt of this, he should probably get together with the Chief Building Inspector and again view the area and make a formal report which, if appropriate, would be the basis for whatever legal actions would be contemplated.


H. Jay Setter
Assistant City Attorney

HJS:cg



from: ERIK date:

admins. adv. plans com.dev. graphics

- | | | | |
|---|---|------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> takin | <input checked="" type="checkbox"/> doetsch | <input type="checkbox"/> galbraith | <input type="checkbox"/> pierce |
| <input type="checkbox"/> von | <input type="checkbox"/> kallenbach | <input type="checkbox"/> lytle | <input type="checkbox"/> garland |
| <input type="checkbox"/> ratke | <input type="checkbox"/> looney | <input type="checkbox"/> young | <input type="checkbox"/> king |
| <input type="checkbox"/> hoenig | <input type="checkbox"/> myers | <input type="checkbox"/> gist | <input type="checkbox"/> dills |
| <input type="checkbox"/> scott | <input type="checkbox"/> smith | <input type="checkbox"/> mock | <input type="checkbox"/> haines |
| <input type="checkbox"/> outanks | <input type="checkbox"/> mitchell | <input type="checkbox"/> shirkoy | <input type="checkbox"/> croak |
| <input type="checkbox"/> | <input type="checkbox"/> cast | <input type="checkbox"/> mannan | <input type="checkbox"/> livesay |
| <input type="checkbox"/> | <input type="checkbox"/> shen | <input type="checkbox"/> nowby | <input type="checkbox"/> schneider |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> handle | <input type="checkbox"/> | <input type="checkbox"/> information |
| <input type="checkbox"/> | <input type="checkbox"/> comment | <input type="checkbox"/> | <input type="checkbox"/> files |
| <input type="checkbox"/> | <input type="checkbox"/> note, initial | <input type="checkbox"/> | <input type="checkbox"/> signature |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> library |

route
all staff

for
your....

remarks: BUCKER AIRPORT

I believe we should save
until he files.

The Board of City Commissioners

Dear Gentlemen:

This letter is to inform you of action taken at the meeting of the Technical Advisory Committee for Transportation Planning on November 2, 1970, concerning a notice received from the Federal Aviation Administration which requested ~~submitted~~ ^{construction} comments or recommendations relative to the ~~fact~~ of an airport to be located approximately six miles south and west of the Wichita Municipal Airport. The proponent of the proposed airport is Ira M. Rucker of 446 South Maize Road. At ~~this~~ ^{the TAC} meeting Emory Cox, Director of the Wichita Park Board, reiterated the ~~Park~~ Board's concern about the potential hazards created by conflicting uses of air space (controlled and uncontrolled) that such an airport would create.

It was brought out that the proposed airport would be in disagreement with Wichita ordinance 28.08.100 concerning spacing of adjacent airports. Under extra-territorial authority, granted by State Statute, the City of Wichita must issue a permit for the construction of any new airport within a radius of eight miles from an existing airport. You will find attached a copy of this ordinance. The TAC unanimously approved a motion recommending to the FAA, the City Commission and the Metropolitan Area Planning Commission that any appeal allowing such an airport

be denied.

Should Mr. Rucker wish to pursue ^{the matter} ~~it~~ any further, I ^{will} suggest
that the Board of City Commissioners refer ^{this issue} ~~the matter~~ to the
Planning Commission for public hearing.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:EHE:bh

Copy

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

9 April 1971

CENTRAL REGION
OFFICE LOCATION: 4747 TROOST
MAIL ADDRESS: 601 EAST 12TH STREET
KANSAS CITY, MISSOURI 64106



Mr. Ira M. Rucker
446 South Maize Road
Wichita, Kansas 67209

Subject: Wichita, Kansas; Rucker Airport
Airspace Determination
Case No. 70-CE-55-NRA



Dear Mr. Rucker:

We have reviewed the proposed establishment of the subject personal use airport from an airspace use standpoint. This airport, with a 2600' x 100' N-S turf strip, will be located approximately five (5) miles southwest of the Wichita Municipal Airport at revised latitude 37°34'30", longitude 97°29'30".

This proposal was circularized for comment by our letter dated 6 October 1970. Objections were received from the Airline Pilots Association and the Wichita-Sedgwick County Metropolitan Area Planning Department. The Air Transport Association commented expressing concern over possible airspace use confliction due to the proximity of the landing strip to the ILS outer marker. This concern was primarily the basis for the two objections.

Our study disclosed that the airport is outside the Wichita control zone within a 700' AGL transition area and approximately 1.75 miles west-southwest of the ILS outer marker. Since Federal Aviation regulations permit flight clear of clouds with visibility as low as one mile in the area of the airport, we do not object to the proposal, provided the airport is restricted to your personal use and all flight operations are conducted in accordance with Visual Flight Rules. A personal use airport is one that is used exclusively by the airport owner. We wish to point out that your airport underlies the procedure turn and final approach area for aircraft making IFR approaches to the Wichita Municipal Airport.

This determination should not be construed to mean FAA approval of the physical development involved in the proposal. It is a determination that refers only to the safe and efficient use of airspace by aircraft and does not preempt or waive ordinances, laws, or regulations of any other governmental body or agency. In making this determination, the FAA has considered matters such as the effect the proposal would have on existing or contemplated traffic patterns of neighboring airports, the effect it would have on the existing airspace structure and projected programs of the FAA, and the effect that existing or proposed man-made objects and natural objects within the affected area would have on the airport proposal.

2

This airspace determination does not constitute endorsement of airport sites or approval of airport development plans. Approval of development plans and endorsement of sites are necessary when development of the airport will be accomplished with federal assistance under the Airport Development Aid Program.

We wish to advise that this agency does not have the statutory authority to prevent the construction of any structure near the airport.

★ Protection of the airport environs can be accomplished most effectively through such means as local zoning ordinances and acquisition of property rights.

This airspace determination does not indicate that the proposed development is environmentally acceptable in accordance with Public Law 91-190, Public Law 91-258, and Public Law 90-495. An environmental review and finding is a prerequisite to any FAA approval of an airport site for future federal participation in the development of an existing airport.

It appears from the information submitted that the clearance over the east-west road in the north approach is not adequate. For this reason, we recommend that the north end of your landing strip be displaced (marked) a sufficient distance from the near edge of the road to provide 15' vertical clearance over the road along a 20:1 approach surface. Enclosed is a drawing showing this approach clearance over traverse ways.

So that we may have up-to-date information on your airport, we would appreciate your completing and returning the enclosed FAA Form 5010-2.

Thank you for your cooperation in this matter.

Sincerely,

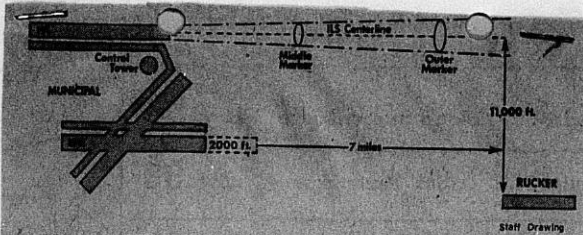
Original Signed by:
Edward G. Tatum

EDWARD G. TATUM
Chief, Planning & Programming Section, CE-675
Airports Field Branch

Enclosures

cc:
ATA, 9501 W. Devon Ave., Rosemont, Ill. 60018
Wichita-Sedgwick County Metropolitan Planning Dept.
CE-532
CE-222 (2)
Director, Aviation Division (Kansas)
GADO No. 22

EAGLE FEB 26, 1971



PRIVATE FIELD ALLEGEDLY CONFLICTS WITH MUNICIPAL
... Officials angry with Rucker's choice of airport location ...

Private Runway South of Airport Seen as Threat to Landings Here

By DENNIS PEARCE
Eagle Aviation Writer

Ex-crop duster Ira Rucker's decision to build a hangar and runway seven miles south and slightly west of Wichita Municipal Airport has angered several local authorities.

According to airport manager C. E. Straub, the private strip could cause the Federal Aviation Administration to remove the municipal airport from the National Airport Plan, which would cancel its eligibility for funds under the recently

passed Airport - Airway Act of 1970.

"We have \$30 million or more here (in the airport) and by the time it ends up the way we want it, it will be worth about \$100-million. We have to decide what's important," Straub said.

BUT RUCKER said there would be no problem. "If I make one landing a month there, it would be rare." These flights, he said, would be only in clear weather.

He said he purchased the 20 acres about two years ago, and checked with local officials and was told at that time that there was no problem.

"I've been in this business (aviation) a long time. I'm not stupid. I told the FAA the airport is strictly private, for my own use. The FAA told me that as far as it was concerned, there is no problem."

FAA AIRPORT Engineer Roland Elder, Kansas City, said the only requirement for establishment of a private airport is the filing of a notice of intent.

Elder said the FAA reviews each application to see if there is any infringement on airspace adjacent to established airports. It then requests comments from concerned and interested parties, which was done in regard to Rucker's application.

Legal measures have been sought to halt construction of Rucker's field until clarification of an ordinance, which gives the city control of

all activity within an eight-mile radius of the airport, is obtained.

Rucker's attorneys say the ordinance is unenforceable as there is no state law to support it.

AT ISSUE, presently, is the planned extension of the new north-south runway at Municipal, from 7,000 feet to 9,000 feet, and the installation of an ILS (instrument landing system) on the north end of that runway.

In many cases, the FAA funds up to 61 per cent of such construction costs and

(Turn to Page 6A, Col. 1)

Loss of Airport Aid Funds Feared

City Says Strip Perils Municipal

★ From Page 1

installations, and should Municipal be removed from the Federal Airport Plan, the funds would no longer be available. What's more, chances for ever installing the new ILS would be remote, since the federal government owns virtually all such systems in the U.S. and its territories.

MOST WORRISOME is the probability of overlapping traffic patterns, and the possibility that the required 1,000 foot altitude separation between aircraft could not be maintained.

Primarily involved would be aircraft approaching from the north on instrument flights (airlines are required to fly on instruments at all times) and having to land from the south.

In order to get turned around, the airplane, at times, flies southbound to about 12 to 15 miles south of the airport on the runway heading, then

swings out to the west and makes a sweeping "U" turn.

Under established rules, the "U" turn, called a "procedure turn," must be completed at 1,372 feet above the ground.

Conceivably, the aircraft making the instrument approach, would overlap the approach path to Rucker's field, and any airplane making an approach into Rucker's field, especially if it would be from five to seven miles from the strip, would likely be flying at about 1,000 feet. Such an occurrence would provide just 372 feet altitude separation between the two aircraft.

RUCKER SAID his strip is located 11,000 feet west of the ILS centerline, and "two miles west of the outer marker."

(The outer marker is an electronic position locator about seven miles from the south end of municipal's runway, where the pilot making the instrument

landing begins his descent for landing.)

THE NEW INSTRUMENT landing system is to be located on the north end of municipal's new runway, and will provide an identical system to the one now located on the south end of the present north-south runway.

Both systems will provide instrument approaches from either direction, but with considerably more precision from the end of the runway where it is installed.

In any case, the procedure turn would still be in effect, and would take approaching aircraft over Rucker's traffic pattern.

THE FAA, according to Eider, stays out of land use, except when construction penetrates federally controlled airspace, which includes the area surrounding Rucker's field.

"We do not pre-empt local regulations. Our determinations

are strictly for airspace," he said.

Rucker claims he has no intention of operating a commercial airport, and according to city attorney John Decker, there is a question of whether the field can be considered an airport, since it is located on private property.

THE METROPOLITAN Area Planning Commission "took a look" at Rucker's request, but said the property lies beyond the traditional zoning area of the three miles around the city. It, too, fears that its location may impair financing of the municipal airport on the federal level.

Rucker said that if he thought he was in violation of any regulation, he wouldn't have built where he did.

Would he consider closing it?

"Not unless the city paid me for it. I have \$24,000 invested out there."

December 14, 1970

John Dekker, Director of Law
Robert A. Lakin, Director of Planning

Rucker Airport Proposal

At a recent meeting of our Technical Advisory Committee for Transportation Planning a matter was brought up concerning the construction of an airport within approximately six miles of Wichita Municipal Airport. The Airport manager and the Park Board have indicated that they are very disturbed about the proposal and want to see it denied under Zoning Ordinance 28.08.100 concerning spacing of adjacent airports. At the request of Emory Cox this matter is being referred to your office for study. You will find attached copies of all previous correspondence on this matter.

On November 13, attorneys for Mr. Rucker met with members of my staff in our offices. During the ensuing discussion, Rucker's attorneys indicated that they would advise him to pursue his initial plans regardless of the ordinance. They felt that the ordinance did not have sufficient power to prevent him from carrying out his intent.

Assuming that Rucker fails to comply with the provisions for granting exceptions, we will need to determine the strength and possibilities of enforcing the ordinance in this case. Should you find that the City does not have the necessary control over such situation, then we should take steps to obtain control by enacting an up-to-date ordinance that would prevent such things in the future. Please advise.

RAL:EHE:bh

cc: Emory L. Cox, Director, Park Board
James O. Foster, Chamber of Commerce

ends of the runway of two thousand feet, and laterally from the runway center lines as extended, of one thousand feet.

B. Notwithstanding any other provisions or limitation in this chapter, none of the height limitations contained in this chapter shall restrict the erection, alteration or maintenance of any structure or tree to an elevation of less than twenty-five feet above the natural ground level. (Ord. No. 21-407, § 6.)

28.08.100 Spacing adjacent airports. A. No other airport shall be established hereafter, any portion of whose proposed boundary will be within a radius of eight miles from an airport reference point or under an airport approach zone of an airport established on the effective date of this chapter, unless a permit thereof shall have been applied for and granted in accordance with the provisions of this chapter.

B. Exceptions to the spacing requirements hereinbefore provided in this section may be granted by the board, upon receipt of proper application, but only after public hearing duly held in accord with provisions of this chapter, and where, owing to special conditions, the board duly finds that a literal enforcement of these provisions would result in unnecessary hardship and such variance would not be contrary to the public interest. Prior to granting any such exception or variance, the board shall, for the purpose of study and recommendation, refer the matter to the civil aeronautics administration and to any local planning body having the jurisdiction within the area affected.

If any of the aforementioned bodies to whom the matter shall have been referred does not within forty-five days transmit a report to the board, then it shall be deemed to have approved the proposal; provided, however, that upon request of any such body, the board shall grant a reasonable extension of such time.

In granting such exception or variance the board shall impose special conditions which will ensure the public interest is maintained. (Ord. No. 21-407, § 7.)

28.08.110 Existing nonconforming uses. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree or use of land not conforming to these regulations and any amendment thereto as of the effective date thereof, or otherwise interfere with the continuance of any nonconforming use. (Ord. No. 21-407, § 8.)

28.08.120 Enforcement of chapter by chief building inspector. It shall be the duty of the chief building inspector of the city to administer and enforce the regulations prescribed in this chapter. (Ord. No. 21-407, § 9.)

28.08.130 Promulgation of rules, regulations, etc., by building inspector.

2. October 25, 1955.

2-701
to
2-703

Erick

November 6, 1970

Ira M. Rucker
Rucker Brothers Aerial Sprayers
446 South Maise Road
Wichita, Kansas 67209

Dear Mr. Rucker:

It has been brought to our attention by the Federal Aviation Administration that you propose to construct an airport located approximately five miles north of Clearwater, Kansas. We have examined this proposal at the request of the FAA and have found that the location would be in conflict with Wichita Ordinance 28.08.100 concerning spacing of adjacent airports. Under extra-territorial authority, granted by State Statute, the City of Wichita may disallow the construction of any new airport within a radius of eight miles from an existing airport. You will find attached a copy of this ordinance.

Our office received written comments on October 20, 1970 from the Wichita Park Board (operator of Wichita Municipal Airport) expressing their concern for the potential hazard and conflicting use of air space that would be caused by such an airport even though it might be limited in operation. These comments plus those made by the Metropolitan Area Planning Department have been forwarded to the FAA. Copies of these items are on file in our office should you care to examine them.

During the November 2 meeting of the Technical Advisory Committee for Transportation Planning, the airport proposal was brought up for discussion. At this meeting, the Director of the Wichita Park Department reiterated his concern about the effects of the proposed airport and a motion was passed recommending to the FAA, the City Commission, and the Metropolitan Area Planning Commission that any appeal allowing such an airport be denied.

Page 2 - Ira M. Rucker - November 6, 1970

If you still feel an airport even of a private and limited nature is appropriate and needed, you will need to obtain special permission from the City of Wichita under the procedure set forth in that ordinance. Should this be your desire, I would suggest you submit to the City Manager of Wichita a formal request for an exception under the ordinance. I would also suggest you provide details concerning its location, operation, facilities, and proposed usage. The ordinance provides that before the City acts it will request the comments of the FAA and the Planning Commission. Should you have any questions on the ordinance or the procedures, please call.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:EEE:bh

Attachment

cc: Ralph Wuls, City Manager
Emory Cox, Director, Park Board
bcc: Jack Horner, Amortibanc

November 5, 1970

Mr. Eldon Basel, Chief
Air Space and Procedures Branch
Air Traffic Division
Federal Aviation Administration
601 East 12th Street
Kansas City, Missouri 64106

Re: CE-532 - Case No. 70-CE-55-NRA

Dear Mr. Basel:

This letter is to inform you of action taken at the meeting of the Technical Advisory Committee for Transportation Planning on November 2, 1970 concerning the Rucker Airport application. At this meeting Emory Cox, Director of the Wichita Park Board (Operator of Wichita Municipal Airport) reiterated the Park Board's concern about the potential hazards created by conflicting uses of air space (controlled and uncontrolled) that such an airport would create. The Park Board's comments were forwarded to your office in my letter of October 21.

During the meeting it was found that the proposed airport would be in violation of the extra-territorial powers of the City of Wichita concerning airport location (paragraph 28.08.100 of the City Code - see enclosure). Under this ordinance the only recourse for the applicant would be to seek approval from the Board of City Commissioners after two public hearings. Provided the applicant chooses to carry the matter further a hearing by the Planning Commission and later the Board of City Commissioners would be required.

Page 2 - Eldon Basel - November 5, 1970

The committee moved, seconded and unanimously passed a motion recommending to the FAA, the City Commission and the MAPC that any appeal to allow such an airport be denied. The committee then directed that notice of this action be forwarded to the appropriate bodies and to the applicant.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:EHE:hh

Enclosure

October 21, 1970

Mr. Eldon G. Basel
Chief, Air Space and Procedures Branch
Air Traffic Division
Federal Aviation Administration
601 East 12th Street
Kansas City, Missouri 64106

Re: CE-532 - Case No. 70-CE-55-NRA

Dear Mr. Basel:

In reply to your letter of October 6, 1970 concerning the proposed construction of Rucker Airport, Clearwater, Kansas, we are supplying you with the following interim comments and recommendations.

Our agency is the local organization charged with Clearinghouse responsibility as prescribed in the U. S. Bureau of the Budget Circular A-95 of July 24, 1969. We are aware that this project does not involve Federal funds, but we do feel that there is a legitimate concern in that, possibly, other facilities constructed with Federal aid (particularly the Wichita Municipal Airport) would be adversely affected by such an airport. We have found after contacting the Wichita Municipal Airport Operator (Wichita Park Board) that there are complicated issues that need to be resolved before the Rucker Airport is approved, and that these issues include such problems as conflicting use of air space, airport zoning regulation and ultimately, public safety.

It is emphasized that the proposed airport does not fall within this Agency's land use zoning jurisdiction; however, the proposal is not in conformance with the existing Airport Section of the area's Transportation Plan. We, therefore, ask that, if at all possible, the approval of this airport be deferred until such time as we are able to study the problem in greater detail.

Page 2
October 21, 1970

We intend to take this item up at the next meeting of the Technical Advisory Committee for Transportation Planning, which is to take place on November 2, 1970. Attached is a copy of comments which we have received from the Wichita Municipal Airport operator. We hope that many of these issues can be resolved at the TAC meeting.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:EHE:rme

Enclosure

THE CITY OF WICHITA

OFFICE OF Park Board

DATE October 20, 1970

TO Willard L. Stockwell, Chief Planner, Advance Plans

FROM Charles E. Straub, Airport Manager

SUBJECT Rucker Airport
Clearwater, Kansas
FAA Case No. 70-CE-55-NRA

The following comments are made in general about any proposed airport within our present Zoning Ordinance area, and expresses our concern about the future requirements, restrictions and reduction of use of the Wichita Municipal Airport by the construction of any other Airport within the 8 mile limits as stated in the Zoning Ordinance.

We know an Airport System Plan for Wichita and surrounding counties is not yet in existence, however, your Operations Plan for continuing transportation planning will provide such a system plan for use in the future.

Each time we receive notice of a proposed airport within the limits of our Airport Zoning Ordinance we are reminded of the need for protection of the public investment in the Municipal Airport, the conflicts in air traffic control, and the delays to scheduled carrier operations. Are our operations also to graduate into the four and more hour delays that characterize operations at other large terminals? Approximately two percent of the total number of aircraft within the Continental United States have already closed a number of our major metropolitan areas to general aviation aircraft. This is because of crowding and the danger of collision with the larger scheduled airline aircraft. It was said that we were running out of air space. We can qualify that because it is apparent that we are also making improper use out of our ground space. It is our opinion that the Federal Aviation Administration takes no responsibility for the location of an airport. They can not foresee the type of restrictions that the future might bring as measures for the safe control of aircraft. Their chief responsibility is in determining adverse effect, safe, efficient use of airspace, and specified conditions of operations. Those agencies of local government which exercise the right over land use are responsible for the location of the airport. The Federal Government will invoke



October 20, 1970

whatever restrictive measures over the aircraft using the air space serving that airport as in its judgment is necessary for its safe and efficient use. The location of airports must be taken into account in order to minimize delays.

The "Conditional Use" Airports within the present limits of our Airport Zoning Ordinance may well prove to place adverse conditions upon aircraft operating from the Municipal Airport. The movement by air transport of many people will be penalized, if not endangered, for the benefit of a few. Values can be placed upon the delays that adverse effect can generate with respect to the operation of the aircraft itself. The possibility of having to condemn one or more of such "conditional use" airports at some future time should not be overlooked. Possibly an ordinance requiring the appraisal value of a "conditional use" airport could be made to serve as the base to place its owner on notice that future added improvements would not be permitted to increase its value in the event that the community decided to condemn its use as an airport.

We have another area in which help is needed. The numerous airports within the immediate area surrounding the Wichita Community do not conform to any ground plan for optimum location with respect to utilities, communications, roads, community, or to any Federal System of area air traffic control. Our negative approach to the aviation industry can be changed. Instead of knowing where we do not want an airport, we can locate specific areas where major and minor airport development can take place in a long range Federal Air Traffic Control System for Wichita.

At the present time the Federal Government is trying to determine guide lines for the certification of airports. In time it will no doubt be necessary for airport officials to be certificated as well. That such certification will result in airports having to meet increasingly higher and more exacting requirements in physical characteristics is the reason underlying the certification. Until these requirements for certification are known we do not know the effect of airports within the limits of the Airport Zoning Ordinance. We can not assess what future restrictions the FAA will make with respect to Municipal air traffic because of their presence.

This is especially so with respect to those airports which are in line with the approaches to our instrument runways.

We would summarize our objections briefly as follows:

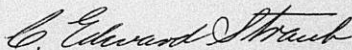
1. We would be permitting and continuing the same unrelated development of minor airports on the west side of town that has already taken place on the east side of the community. A definite stand must be taken sometime to protect and defend the investment in the Municipal Airport for the present and future citizenry. It is our opinion that such an installation or use damages this investment and places its future development in jeopardy. Unless and until we are assured of an air traffic control system for the handling of air traffic at both locations, which in no way delays or endangers air traffic entering or departing the Wichita Municipal Airport, now or in the future, the Municipal Airport investment has been irreparably damaged.
2. As a future consideration we would recommend consideration of an ordinance which would fix liability of the community with respect to airports within the limits of our Airport Zoning Ordinance to values at the time they were declared "conditional use" airports. Owners would be put on notice that improvements placed on such airport would not increase the value of the airport use as against the community if it should seek to condemn.
3. The location of this airport with respect to Municipal is such that operations during IFR weather will result in definite delays to aircraft arriving and departing Municipal. Every IFR operation from this airport will delay Municipal traffic by just that much.
4. Proponent's airport is such that operation from both our instrument runways pass in close proximity. Aircraft being vectored into the approach to these runways have every chance of becoming involved with aircraft operating on or from his airport. This is especially true of aircraft operating from Municipal on controlled VFR clearances. Under present regulations the control tower exercises no control over aircraft operating to or from such airports where it is out of the control zone. The pilots clearing to or from the airport are authorized to estimate their own visibility. It is going to be difficult, if not

October 20, 1970

doubtful, to separate or to conduct two separate air space uses simultaneously, where one is controlled and the other uncontrolled. What are the procedures for a controller when an uncontrolled aircraft appears suddenly in the approach path of a controlled aircraft being monitored on approach. Avoidance maneuvers suddenly given or taken can make secondary problems that devalue a dependable system. While IFR operations are not now contemplated, there is no restriction which would prevent this from occurring when the aircraft are properly equipped and meet minimum requirements.

5. Present VFR Regulations do not require communication or permission to conduct flight operations between aircraft operating from this airport and the Municipal Airport Control Tower. VFR aircraft entering or departing applicant's airport can cross through the Municipal Airport air traffic area without advising the Control Tower of such operation. FAA now has a volunteer program to provide areas for descent of jet aircrafts. The proposed Airport will be in the jet descent area. Looking forward into the future we have the terminal control area concept coming. These latter two plans would, in my opinion, be adversely affected by the proposed Airport. In fact, in the future either of these two plans might require closure of such an Airport.
6. In order to protect and insure the integrity of the present major airport operation, and at the same time encourage and direct future airport development on the west side of the community, that the FAA withhold approving the use of air space within the eight mile radius of the Wichita Airport Zoning Ordinance, unless and until, a plan for the location of major and minor airports is coordinated with a long range system of air traffic control for such airports. FAA, City and County Officials, Utility Agencies, State Highway Department should result in the best use of all facilities to produce an effective air transportation system for the future.

We also suggest that if others receiving copies of this proposal were also presented with the same shortness of time there may not have been time for full consideration of the matter. It is hardly a yes or no subject. We would appreciate your adding our comments as you feel appropriate.



C. E. Straub, Airport Manager

CES:ct

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

DATE: 6 October 1970

CENTRAL REGION
601 EAST 12TH STREET
KANSAS CITY, MISSOURI 64106

IN REPLY REFER TO: CE-532 Case No. 70-CE-55-NRA

SUBJECT: Rucker Airport, Clearwater, Kansas



TO: All Known Interested Persons:

The Federal Aviation Administration has received notice for the following airport proposals described below:

1. Name : Rucker Airport
2. Proposal : Personal-use airport
3. Proponent : Ira M. Rucker
446 South Maize Road
Wichita, Kansas 67209
4. Location : 5.0 miles north of Clearwater, Kansas
Latitude $37^{\circ} 34' 30''$
Longitude $97^{\circ} 29' 30''$
5. Elevation : 1345' AMSL
6. Airport Layout : Proposed 2600' x 100' N/S turf landing strip
7. Federal Aid : Not involved
8. Chart : Wichita Sectional

Interested persons are invited to submit comments or recommendations relative to the effect this airport will have on the use of airspace by aircraft.

Please address reply to Chief, Airspace & Procedures Branch, Attn: CE-532, 601 East 12th Street, Kansas City, Missouri 64106. Replies received by 21 October 1970 will be considered before final action is taken on this proposal.

for Egon C. Kant
E. G. BASEL
Chief, Airspace & Procedures Branch, CE-530
Air Traffic Division



