
BBS MEMO

Ohio Board of Building Standards

September 15, 2017

6606 Tussing Road, P.O. Box 4009, Reynoldsburg, Ohio 43068-9009

CONSTRUCTION IN & AROUND AIRPORTS

There are both state and federal laws that apply to new construction and alterations to buildings located in and within close proximity to large and small airports. While certified local building departments and the state's building department are not responsible for enforcement of these laws, building department personnel can significantly help assure all those affected by the laws are aware of the process. We suggest that all building departments distribute this memo to its personnel and other local agencies that may be in a position to review applications for permits (zoning, architectural review boards, fire departments, boards of health, etc.) Although your jurisdiction may not have an airport located within its boundaries, a building proposed in your locality could be located close enough to an airport to be affected. Posting a notice for the processors and applicants for plan approval and offering copies of this memo with attachments will help all interested parties.

The following information has been provided to the board from the Ohio Department of Transportation for distribution:

Airport Construction Notification Requirements

Local government officials and zoning and building departments should be aware of federal and state notification and permitting requirements when construction is proposed on or near airports in Ohio. Title 14 of the Code of Federal Regulations, Part 77 - Objects Affecting Navigable Airspace, outline the specific criteria for FAA notification. The Ohio Administrative Code, Section 5501:1-10, outlines the state filing and permitting requirements.

The FAA Form 7460-1, "Notice of Proposed Construction or Alteration," is used for Federal Aviation Administration (FAA) notification. The Form 7460-1 must be submitted thirty days prior to the proposed start of construction.

Additionally, a permit from the Ohio Department of Transportation, Office of Aviation, must be obtained prior to the start of any construction on or near airports in Ohio. A separate application to ODOT is not required; filing the FAA form 7460-1 satisfies the ODOT notification process.

Filing Criteria

The FAA Form 7460-1 must be filed for any construction or alteration extending outward and upward in excess of one of the following slopes:

- (i) 100 to 1 slope for a horizontal distance of 20,000 feet from the nearest runway greater than 3,200 feet in length, excluding heliports.
- (ii) 50 to 1 slope for a horizontal distance of 10,000 feet from the nearest runway of each less than 3,200 feet in length, excluding heliports.
- (iii) 25 to 1 slope for a horizontal distance of 5,000 feet from the nearest landing and takeoff area of a heliport.

Additionally, any construction or alteration of more than 200 feet in height above ground requires filing, regardless of location.

(see over for additional directions)

The original Form 7460-1 must be submitted online at:

<http://oeaaa.faa.gov>

Once the Form 7460-1 has been submitted to FAA and the Office of Aviation, a determination will be issued as to whether or not the proposed construction or alteration will constitute a hazard to air navigation. After the FAA has issued a determination, ODOT will then issue either a permit or a permit denial. ODOT conducts a separate and independent analysis and is not bound by any determination made by the FAA. It is important to note that the FAA issues an advisory opinion only and has no jurisdictional authority to regulate construction in the State of Ohio.

If it is determined that the proposed construction is a hazard to air navigation, FAA and the Office of Aviation will work with the petitioner to alleviate or mitigate the hazard. In some instances, a slight relocation of the project will alleviate a hazard. In other cases, marking and lighting the proposed structure will mitigate a hazard.

The FAA and the Office of Aviation appreciate the assistance of local government officials and zoning and building departments in disseminating information on the requirements for filing FAA Form 7460-1 and obtaining permits for structures subject to the Ohio Airport Protection Act. Questions concerning these subjects should be directed to ODOT Office of Aviation at:

Ohio Airport Protection Hotline: (614) 466-6804
Ohio Airport Protection Toll Free: (855) 867-1852
ODOT Office of Aviation Main Line: (614) 793-5040

Email: Ohio.Airport.Protection@dot.ohio.gov

For additional information, visit the ODOT Office of Aviation web site at:

[http://www.dot.state.oh.us/aviation/.](http://www.dot.state.oh.us/aviation/)

and the FFA web site at:

<http://www.faa.gov>

A copy of ODOT Airspace Protection informational brochure is attached. It contains detailed information on the application and permitting process, and diagrams of protected airspace.

WHEN IN DOUBT

File a FAA Form 7460-1 “Notification of Proposed Construction or Alteration” at <http://oeaaa.faa.gov>

OR

Contact the Ohio Department of Transportation
Office of Aviation

Contact Information:



ODOT Office of Aviation
2829 West Dublin-Granville Road
Columbus, Ohio 43235-2786

Ohio Airport Protection Hotline: (614) 466-6804
Ohio Airport Protection Toll Free: (855) 867-1852
ODOT Office of Aviation Main Line: (614) 793-5040

Email: Ohio.Airport.Protection@dot.ohio.gov

Web: transportation.ohio.gov/aviation & click
on *Ohio Airport Protection Act*

AIRSPACE PROTECTION



*Guidance and considerations for development
in the vicinity of Ohio's airports and heliports*

SUMMER 2017



The Ohio Airport Directory:

All Public Use airports, heliports and seaplane landing areas and their runway lengths are listed in the Ohio Airport Directory.

The Ohio Airport Directory can be found online at:

<http://transportation.ohio.gov/aviation>
& click on “Aeronautical Publications.”

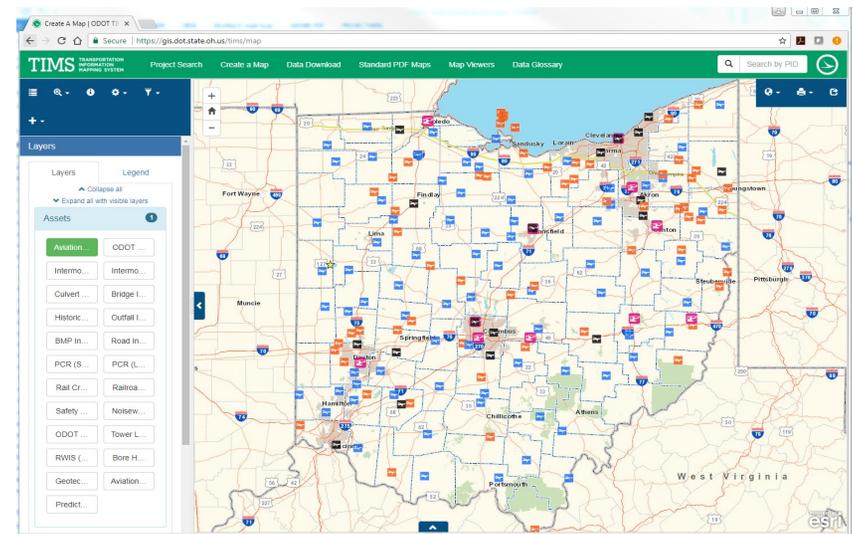
This information is available as well in ODOT’s Transportation Information Mapping System (TIMS).

Transportation Information Mapping System (TIMS) found at:

<http://gis.dot.state.oh.us/tims>

Although notification to the FAA is not required when building around private use airports and heliports, it is strongly encouraged. Coordinate with the private owner of the airport or heliport and ODOT, Office of Aviation. Private use airports, heliports, and seaplane bases can be located in the TIMS system.

Select “Create A Map”, under “Assets”, select “Aviation Facilities (Private Use).”



Airport: Any area of land or water used in maneuvering for landing and taking off of aircraft.

Aeronautical Study: The FAA's or State's review of the effects of proposed construction or alteration of a structure on navigable airspace.

AGL: Height Above Ground Level.

Hazard: An obstruction that the FAA determines to interfere with air navigation.

Helipport: Any area used in maneuvering for landing and taking off of helicopters.

Imaginary Surface: A surface defined in 14 CFR Part 77 and used to identify objects that exceed that surface and may, therefore, affect air navigation. Imaginary surfaces are typically three-dimensional sloping surfaces and are determined based on approach and departure aircraft procedures.

Navigable Airspace: The air and surface space that an aircraft requires to remain clear of obstructions when taking off and landing at an airport or heliport.

Object: Any structure, natural or artificially made, permanent or temporary, existing or future, that lies within the notification criteria area surrounding any public use airport/heliport.

Obstacle: Any object that penetrates clearance requirements within 14 CFR Part 77 protected surfaces.

Obstruction: Any obstacle that impacts navigable airspace.

Runway: The surface of the airport used for landing and taking off of aircraft.

Traverse Way: Any roadway, highway, driveway, railroad, waterway or bikeway that allows mobile objects and vehicles to navigate.

When construction is proposed near public use airports and heliports in the State of Ohio, airport authorities, local government officials, zoning and building departments, contractors and everyone else in the planning and construction process should be aware of federal and state notification and permitting requirements.

The criteria for when the Federal Aviation Administration (FAA) requires notification is found in *14 Code of Federal Regulations (CFR) (a.k.a. Federal Aviation Regulations [FAR]) Part 77 - Objects Affecting Navigable Airspace*. In addition to notifying the FAA, a permit is required to be issued by the Ohio Department of Transportation, Office of Aviation. The filing and permitting requirements are found in the *Ohio Administrative Code Section 5501:1*.

IT MAY BE A PROBLEM IF:

The closer the proposed project is to an airport or heliport, the shorter the structure must be.

If the proposed construction, alteration or associated construction equipment exceeds (or in the case of trees and other vegetation may eventually exceed) any of the following limits:

- ♦ The construction or alteration is 500 feet or more above ground level at any location within the State of Ohio, or
- ♦ For airports with a runway length of 3,200 feet or more, any construction or alteration greater than 200 feet but less than 500 feet between 3 and 6 nautical miles of an airport, or
- ♦ For airports with a runway length less than 3,200 feet or if it is closer than 3 nautical miles, the structure cannot exceed 200 feet (**but may be required to be shorter**), or
- ♦ For heliports, any construction or alteration greater than 200 feet within 5,000 feet of a heliport

...then you need to file a notification and get permission to build, alter or plant.

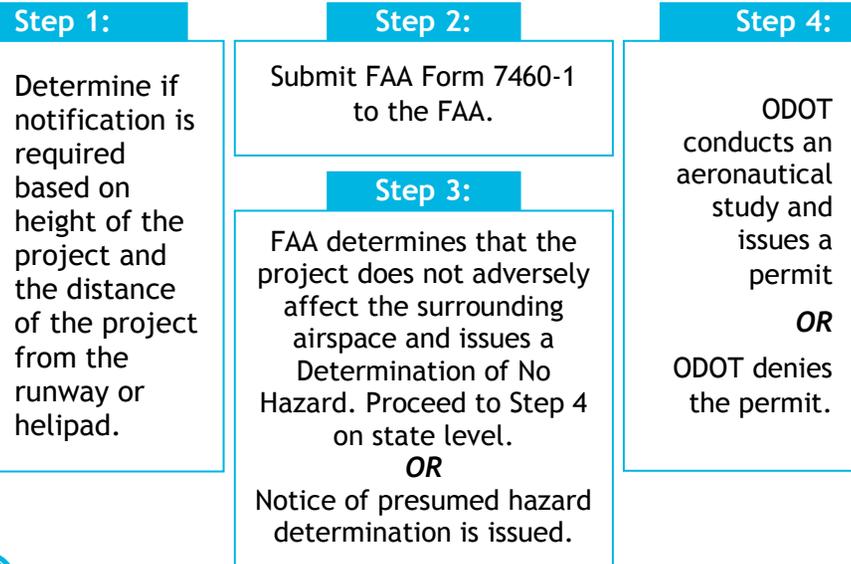


FILE BEFORE YOU BUILD

- WHO:** The owner of the land, the development or the project that wants to construct, build or alter any structure or plant anything near an airport or heliport (overpasses, light poles, antenna or cell towers, wind turbines, buildings, billboards, trees...)
- WHAT:** 1. File FAA Form 7460-1 "Notification of Proposed Construction or Alteration" with the FAA **and**
2. Obtain a permit from the Ohio Department of Transportation, Office of Aviation.
- WHEN:** 90 days prior to the proposed start of construction (45 days for the FAA review and an additional 45 days for ODOT's review)
- WHERE:** File electronically at <http://oeaaa.faa.gov>
- WHY:** To protect the navigable airspace from obstructions, obstacles and hazards.

NOTIFICATION PROCESS

All Four Steps are required even if the FAA issues a Determination of No Hazard



OFFICE OF AVIATION PROTECT?

PERMIT APPROVALS

A permit is issued, allowing the proposed construction to move forward.

PERMIT DENIALS

In accordance with the Ohio Administrative Code, anyone denied a permit has the right to request an administrative hearing pursuant to section 119.06 of the Revised Code.

WAIVER REQUESTS

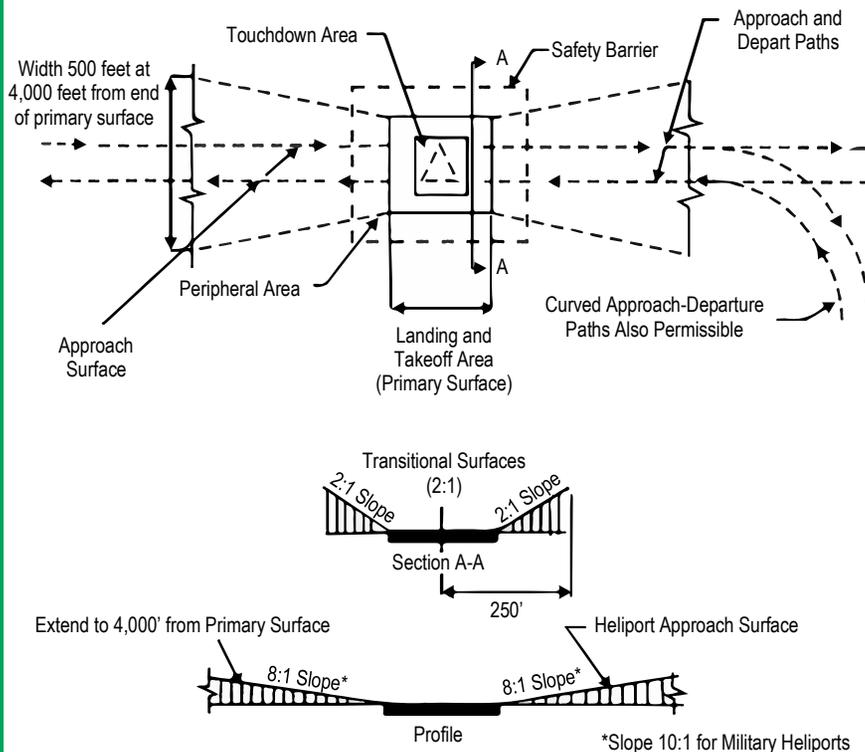
The Department may grant a permit that includes a waiver from compliance with the obstruction standards, but must be based on sound aeronautical principles. The consideration of safety shall be paramount to considerations of economic or technical factors. Waivers are considered on a case by case basis.



WHAT AIRSPACE DOES ODOT

77.23 Heliport Imaginary Surfaces:

- ♦ **Primary Surface** - a surface consisting of a horizontal plane at the elevation of the established heliport elevation that coincides in size and shape with the designated take-off and landing area.
- ♦ **Approach Surface** - a surface that begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet to a width of 500 feet. The slope of the approach surface is 8 to 1.
- ♦ **Transitional Surface** - surfaces that extend outward and upward from the lateral boundaries of the primary and approach surfaces for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces. The slope of the transitional surface is 2 to 1.

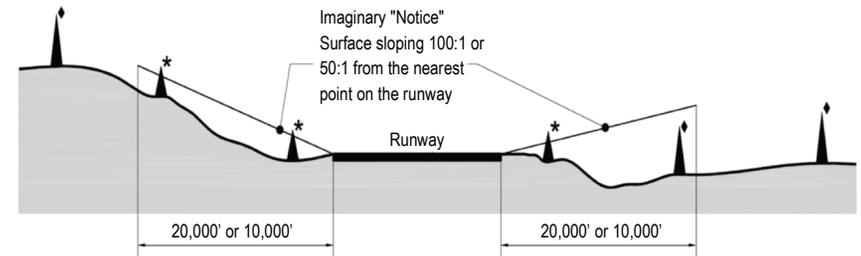


WHEN IS A PERMIT APPLICATION (FAA FORM 7460-1) REQUIRED?

The FAA Form 7460-1 must be filed for any proposed construction, alteration or associated construction equipment of more than 200 feet in height.

Additionally, any construction or alteration that exceeds extending outward and upward in excess of one of the following slopes requires filing:

- 100 to 1 slope for a horizontal distance of 20,000 feet from the nearest public use runway greater than 3,200 feet in length, excluding heliports.
- 50 to 1 slope for a horizontal distance of 10,000 feet from the nearest public use runway less than 3,200 feet in length, excluding heliports.
- 25 to 1 slope for a horizontal distance of 5,000 feet from the nearest touchdown and liftoff area of a public use heliport.



- ♦ §77.13(a)(1) Any proposed construction or alteration more than 200 feet in height above ground level (AGL) at its site requires notice
 - * §77.13(a)(2) Any proposed construction or alteration penetrating imaginary surfaces in proximity to runways or heliports require notice
- Note: Proposed construction or alteration that is lower than 200 feet AGL and is lower than the 100:1 or 50:1 notification surfaces may require notification under other types of notification requirements. Please see §77.13(a)(3), §77.13(a)(4) and §77.13(a)(5)

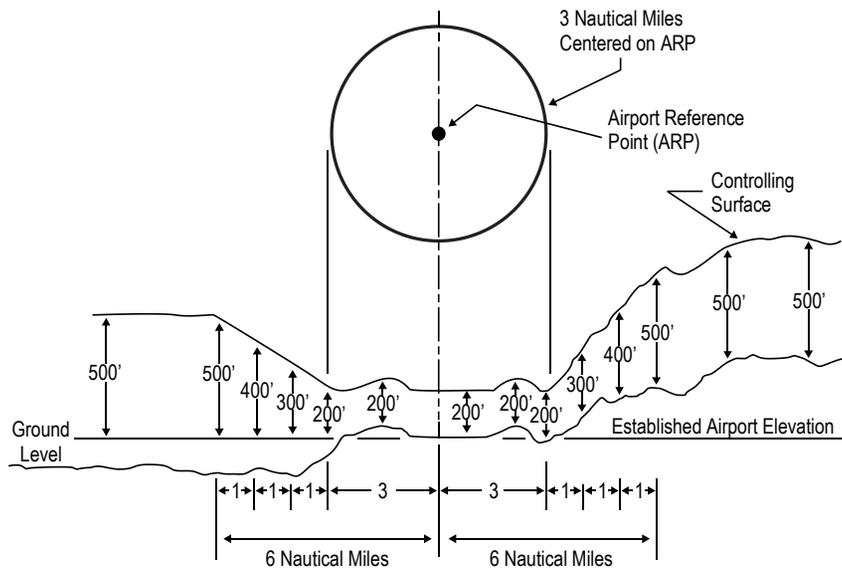
Sources: FAR Part 77. FAA Order 7400.2
Prepared by: Jacobs Consultancy



ODOT Office of Aviation protects all of 14 CFR Part 77 airspace as a whole for every public use airport and heliport in the State of Ohio. These surfaces are described as:

77.17 Obstruction Standards:

- 499 feet AGL anywhere in the State of Ohio
- 200 feet AGL or above airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport that has a runway more than 3,200 feet in length. This height increases at a rate of 100 feet per nautical mile up to a maximum of 499 feet.
- Any height within a terminal obstacle clearance area which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area to be less than the required obstacle clearance.



77.19 Civil Airport Imaginary Surfaces:

- **Horizontal Surface** - a surface 150 feet above the established airport elevation for a distance of 5,000 feet or 10,000 feet, depending on the classification of the runway
- **Conical Surface** - a surface extending outward and upward from the limit of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- **Primary Surface** - a surface centered longitudinally on the runway, the elevation of which is the same as the runway. The width and length are dependent on the classification of the runway.
- **Approach Surface** - a surface longitudinally centered on the extended runway centerline and extending outward and upward from the end of the primary surface. The width and length are dependent on the type of approach available or planned for each end of the runway.
- **Transitional Surface** - surfaces that extend outward and upward at right angles to the runway centerline and extended runway centerline at a slope of 7 to 1 from the sides of the primary surface and approach surface.

