

Airspace Obstructions

Construction Notification and Permitting

Federal, state, and local regulations exist to protect the national airspace system that must be considered when planning and implementing construction that may adversely impact military or public-use aviation facilities (airplane, seaplane or helicopter facilities), navigational aids, and instrument approach flight procedures located in Florida.

FAA Notification

Federal law, Title 14 Code of Federal Regulations (CFR), Federal Aviation Regulations (FAR), Part 77, "Objects Affecting Navigable Airspace", requires that prior notification must be given to the Federal Aviation Administration (FAA) regarding any construction or alteration of structures that meet specific criteria. Those structures may include, but are not limited to: highways, roads, railroads, waterways, traverseways (parking or rest areas), bridges, overpasses, high-mast light poles, utility poles, antenna towers, buildings, signs or billboards, fences, or gates, plus temporary-use construction materials or equipment, including dirt piles and cranes, as well as natural growth, vegetation, and landscaping, depending on location in proximity to an aviation facility, navigational aid, or instrument procedure ground track.

Specifically, according to FAR Part 77.13, notification to the FAA is mandatory for any construction or alteration (permanent or temporary) under the following criteria:

1. Any structure more than 200 feet above ground level (200 ft AGL) at its site.
2. Any structure that is near an aviation facility and that penetrates an imaginary obstacle surface extending outward and upward at one of the following criteria:
 - a. A slope of 100 to 1 (1 foot upward for each 100 feet outward) for a horizontal distance of 20,000 feet from the nearest point of the nearest military or public-use airport runway that is more than 3,200 feet in length (excludes heliports).
 - b. A slope of 50 to 1 (1 foot upward for each 50 feet outward) for a horizontal distance of 10,000 feet from the nearest point of the nearest military or public-use airport runway no more than 3,200 feet in length (excludes heliports).
 - c. A slope of 25 to 1 (1 foot upward for each 25 feet outward) for a horizontal distance of 10,000 feet from the nearest point of the nearest military or public-use heliport landing and takeoff area.
3. Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward by the amount below, would exceed standard 1 or 2 above:
 - a. An adjusted height of 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where over-crossings are designed for a minimum of 17 feet vertical distance.

- b. An adjusted height of 15 feet for any other public roadway.
 - c. An adjusted height of 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - d. An adjusted height of 23 feet for a railroad
 - e. An adjusted height equal to the height of the highest mobile object that would normally traverse it, for a waterway or traverse way not previously mentioned.
4. Any structure located directly on a public-use aviation facility property, including any facility that is currently existing, planned, proposed, or under construction.
 5. Any structure that is located in an instrument approach area and available information indicates it might exceed federal obstruction standards, if specifically requested by the FAA.

If FAA notification is required, FAA Form 7460-1, "Notice of Proposed Construction or Alteration" is submitted to the FAA Southern Regional Office in Atlanta. This notification must be submitted at least 30 days before the earlier of the following dates:

1. Date proposed construction or alteration is to begin.
2. Date an application for a construction permit is to be filed.

FAA Supplemental Notification

If advised by the FAA that supplemental notice is required, the sponsor of the notice of construction or alteration is also required to submit supplemental notice as follows:

1. Notice to be received by FAA Southern Regional Office in Atlanta within 48 hours of the start of construction or alteration, using FAA FORM 7460-2 (Part 1),
2. Notice to be sent to FAA Southern Regional Office in Atlanta within 5 days after construction or alteration reaches its greatest height, FAA Form 7460-2 (Part 2).

FAA Emergency Notification

In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day advance notice requirement does not apply. In such a case, the required notification may be sent by telephone or any expeditious means to the nearest FAA Flight Service Station, and within 5 days thereafter, a completed copy of the FAA Form 7460-1, must be submitted to the FAA Southern Regional Office in Atlanta.

FDOT Airspace Obstruction Permit

Florida law in Chapter 333, Florida Statutes, "Airport Zoning", and in Chapter 14-60, Florida Administrative Code, "Airport Licensing and Airspace Protection", provides for protection of national airspace in Florida through prevention of airport hazards or uses of land in the vicinity of military and public-use airports contrary to the public interest.

As the result of the notification to the FAA, the FAA conducts an aeronautical study to determine the structure's potential impact on the navigable airspace. That study results in an "FAA Determination" of "Hazard or No Hazard" with respect to the proposed structure's exceeding or not exceeding FAA established obstruction standards.

By the state laws referenced above, the Florida Department of Transportation (FDOT) has the responsibility and authority to issue an Airspace Obstruction Permit for any proposed structure, within a 10-nautical mile radius of the geographical center of a military or public-use aviation facility in Florida, which exceeds the federal obstruction standards, as determined by the FAA aeronautical study. Subsequent to the sponsor's receipt of the FAA Determination, the sponsor must submit an FDOT application for the FDOT Airspace Obstruction Permit directly to the FDOT Aviation Office in Tallahassee.

Any marking and/or lighting of a structure that is considered an airspace obstruction and that has been recommended by the FAA in its aeronautical study, in order to enhance pilot visual awareness of the structure's presence and location, is made a mandatory requirement to be included on the structure by Florida state law.

State law also prevents the location and construction of any landfill so that it attracts hazardous bird movements from feeding, water, or roosting areas into, or across the runways or approach and departure patterns of aircraft. Location of retention ponds should be carefully considered in this regard, as well.

Local Variance for an Airspace Obstruction

State law also provides for airspace obstruction permitting to transfer to the jurisdiction of each county or local, incorporated municipality. By Florida law, every applicable political subdivision should have enacted its own local ordinance, consistent with the provisions of Chapter 333, Florida Statutes, by October 1, 1977. Additionally, a copy of such ordinance should have been placed on file with the FDOT Aviation Office in Tallahassee. In such case and subsequent to the receipt of the FAA Determination, the sponsor makes application for Variance to the local ordinance directly to the local authority with a concurrent copy provided by the sponsor to the FDOT Aviation Office in Tallahassee. The FDOT Aviation Office will provide comments or waiver of that right to the sponsor and local authority considering the application for Variance within 45 days.

FDOT Aviation Office Coordination

While the responsibility for filing FAA notifications and permitting applications for FDOT Airspace Obstruction Permits or Variances to the local ordinance rests with the project sponsor, the FDOT Aviation Office is available to provide any requested technical assistance on planned projects that may impact the national airspace system in Florida. Please direct your request to the following:

FDOT Aviation Office
Airspace and Land Use Manager
605 Suwannee St., M.S. 46
Tallahassee, FL 32399-0450
Tel: 850-414-4500
Fax: 850-922-4942