

FDOT Airspace Obstruction Permit

Florida law protects the national airspace in Florida by preventing airport hazards and by preventing inappropriate uses of land near military and public-use airports.

Florida law also gives FDOT 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 if the proposed structure exceeds the federal obstruction standards.

However, an FDOT airspace obstruction permit is only required when an airport zoning ordinance has not been adopted by the local government and they (local government) have not executed an interlocal agreement with the county that has adopted an airport zoning ordinance. So, if the county has adopted an airport zoning ordinance however, the proposed structure is located in an incorporated municipality that has not, then a state airspace obstruction permit is required. The permitting authority does not revert to the county as one might think.

To apply for a Florida Department of Transportation (FDOT) airspace obstruction permit, the sponsor must submit an application to the FDOT Aviation Office in Tallahassee. Most likely, if you require a state airspace obstruction permit, FDOT will send notification along with the airspace obstruction permit application and a copy of Chapter 333, "Airport Zoning", Florida Statutes. Once a complete application has been received, FDOT has 30 days to issue or deny the permit.

It is imperative for every airport manager to understand their local airport zoning ordinance and which department is responsible for its enforcement. In addition, every airport manager should also verify that the FAA has the most current runway endpoint data (Including planned runways and runway extensions). Every OE/AAA case study depends on the accuracy of this data.



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 after receiving the FAA determination, the sponsor applies for variance to the local ordinance directly to the local authority and sends a copy to the FDOT Aviation Office in Tallahassee. Within 45 days the FDOT Aviation Office may provide comments or waiver of that right to the sponsor and local authority considering the application for variance. It is the responsibility of local government to incorporate FDOT's 45 day comment period as part of the local variance process.

Marking and Lighting Requirements

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 a mandatory requirement to be included on the structure by Florida law. All airspace obstruction permits contain provisions which require obstruction marking and lighting. Advisory Circular 70/7460-1K, "Obstruction Marking and Lighting", describes the standards for marking and lighting structures such as buildings, chimneys, antenna towers, cooling towers, storage tanks, supporting structures of overhead wires, etc and is available on FAA's OE/AAA web site listed below.

FDOT Aviation Office Coordination

While the responsibility for filing notifications and permit applications or variances rests with the project sponsor, the FDOT Aviation Office is available to provide additional guidance for projects that may impact the national airspace system in Florida. In addition, FDOT is also available to provide technical assistance to local governments and airports. Please direct your request to: FDOT Aviation Office, Airspace and Land Use Manager, 605 Suwannee Street, MS 46, Tallahassee, Florida 32399-0450, or call (850) 414-4500, fax (850) 414-4508.

Airspace Regulations and Information

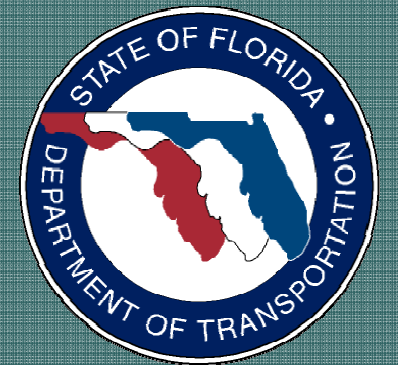
- FAA's OE/AAA web site is <https://oeaaa.faa.gov>
- FDOT's Aviation Office web site should provide all the state and federal information you need. Click on "Safety Info" at www.dot.state.fl.us/aviation
- 14 C.F.R., Part 77, "Objects Affecting Navigable Airspace", Federal Aviation Regulations, is available at http://www.access.gpo.gov/nara/cfr/waisidx_04/14cfr77_04.html
- Chapter 333, "Airport Zoning", Florida Statutes, is available at www.flsenate.gov/statutes
- Chapter 14-60, "Airport Licensing, Registration, and Airspace Protection", Florida Administrative Code, is available at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=14-60>
- FDOT Airspace Obstruction Permit Application, Form #725-040-11, is available at <http://formserver.dot.state.fl.us/capture>



Information for this article was compiled by Aaron Smith, Airspace and Land Use Manager, FDOT Aviation Office, from Part 77, Federal Aviation Regulations; Chapter 333, Florida Statutes; and Chapter 14-60, Florida Administrative Code.

2007

Florida Airspace Obstructions



Florida Department of Transportation

Aviation Office

Florida Airspace & Tall Structures

In General

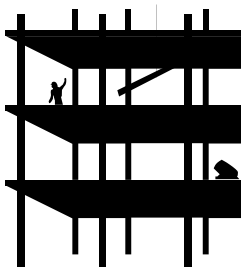
When planning to build or modify a structure in Florida, one of the considerations must be the impact of the structure on the national airspace system. This consideration is vitally important to Florida's public airports; military aviation facilities; navigational aids; and instrument approach flight procedures.

A number of federal, state, and local regulations exist to protect our airspace system. In the paragraphs below we discuss FAA and state of Florida regulations concerning airspace obstructions.

FAA Notification

Federal law requires that the FAA must receive "prior notification" regarding construction or alteration of a structure, whether permanent or temporary, that meets specific criteria per 14 C.F.R. Part 77.

Whether or not the proposed structure meets these criteria depends on its location in relation to an aviation facility, navigational aid, or instrument procedure ground track. These structures may include but are not limited to highways, roads, railroads, waterways, traverse ways (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.



**Proposed Construction?
Notify the FAA via:
www.eoaaa.faa.gov**

For additional information to persons proposing to erect or alter an object that may affect the navigable airspace, see Advisory Circular 70/7460-2K, "Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace", on the FAA's Obstacle Evaluation / Airport Airspace Analysis web site, <http://www.eoaaa.faa.gov>.

If FAA notification is required, the project sponsor must submit FAA Form 7460-1, "Notice of Proposed Construction or Alteration," electronically via FAA's OE/AAA web site or submit hard copy documents to:

Express Processing Center
Federal Aviation Administration
Southwest Regional Office
Air Traffic Airspace Branch, ASW-520
2601 Meacham Boulevard
Fort Worth, TX 76137-0520

Submitting FAA Form 7460-1 to any other FAA address may significantly delay the OE/AAA process.

Notification must be submitted at least 30 days before the earlier of two dates: the date the proposed construction or alteration is to begin, or the date an application for a construction permit is to be filed.

Notification to FAA for Large Projects

A large project, such as a power line or a road or maybe a bridge, includes the submittal of at least 12 or more study points. If the structure is a building, FAA will want the latitude and longitude for the corner of the building closest to the nearest public use runway, the latitude and longitude for all other corners, as well as the appropriate elevations, including a picture and or a diagram. In addition, file the highest height of any of the points and let the FAA build a worst case scenario.

If you are planning a large project in Florida, consider contacting the FAA Southern Region Technician at 713-553-4542. He/She may provide guidance which will save you and the FAA time during the aeronautical study process. In addition, time and money spent on a professional aviation consultant may benefit you greatly.

FAA OE/AAA Web Site

The FAA OE/AAA web site, <http://www.eoaaa.faa.gov>, has become the single source for all OE/AAA case studies and information. You may view proposed, determined and circularized cases, as well as supplemental notices. FDOT highly recommends all airports sign up for automatic notification of circularized cases.

Once a username and password has been set up, submitting structures for analysis becomes very simple, especially if there are multiple structures. In addition, you may track the progress of your case studies by logging onto the OE/AAA web site. You may also submit additional materials to the FAA electronically. All OE/AAA related information and instructions are just a click away.

FAA Supplemental Notification

If the FAA advises that supplemental notice is required, the sponsor of the notice of construction or alteration is also required to submit a supplemental notice (FAA Form 7460-2, Part 1) to the FAA Southwest Regional Office in Fort Worth, Texas within 48 hours of the start of construction. Also, within five days after the construction or alteration reaches its greatest height, the sponsor must notify the FAA Southwest Regional Office using FAA Form 7460-2, Part 2.



**Sign up to receive
automated notification of proposed
structures via
eoaaa.faa.gov**

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 (800-992-7433) or any expeditious means to the nearest FAA Flight Service Station. Within five days thereafter, the sponsor must submit a completed copy of FAA Form 7460-1 to the FAA Southwest Regional Office in Fort Worth, Texas.

FAA Notification for On-Airport Structures

For structures to be located on a public-use airport, the airport sponsor must notify the FAA's Airports District Office (ADO). For additional information pertaining to submitting on airport structures, please contact your Orlando Airports District Office representative at 407-812-6331.

FAA Determinations

After receiving a notice of proposed construction or alteration, 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," and the FAA indicates whether or not the proposed construction exceeds the FAA's standards. In some cases, the FAA determination is "no hazard" even though the structure exceeds the standards.

If the FAA indicates the proposed construction poses no hazard *and* does not exceed standards, then from the standpoint of an airspace obstruction the sponsor is not required to obtain a permit from the state of Florida or from a local authority.

If, however, the proposed construction *does* exceed standards (even if it poses "no hazard"), then the sponsor must apply for a permit from the state or from a local government, if a local ordinance governs the matter.

Florida Department of Transportation

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