

For More Information

The following resources provide additional information on the Part 77 notification process.

www.oaaaa.faa.gov

FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website

Includes links to:

- FAA Form 7460-1
- FAA Notice Criteria Tool
- Frequently Asked Questions, and more

FAA Washington Airports District Office

Federal Aviation Administration
13873 Park Center Road, Suite 490S
Herndon, Virginia 20171

Phone: (703) 487- 3980

Federal Regulations and Orders Related to the Obstruction Evaluation Process

- Title 14 Code of Federal Regulations, Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace
- FAA Order 8260.3B, U.S. Standard for Terminal Instrument Procedures (TERPS)
- FAA Order 7400.2H, Procedures for Handling Airspace Matters, Chapter 7, "Determinations"

Title 49 of the United States Code,

Establishes civil penalty for persons who knowingly and willingly fail to comply with the notification requirements of Part 77.

Notification Process

An overview of the process for notifying the FAA of proposed construction or alteration near an airport is summarized in the following steps.

STEP 1

Project sponsor submits FAA Form 7460-1 to the FAA Washington Airports District Office (WADO).

STEP 2

FAA conducts an Initial Aeronautical Study and determines if the structure exceeds obstruction standards, has a substantial adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities, or would be a hazard to air navigation. The FAA issues one of the following determinations:

Does Not Exceed Determination

The FAA determines that the structure does not result in a substantial adverse effect. The notification is complete.

Notice of Presumed Hazard Determination

Upon receipt, the project sponsor may contact the FAA within 30 days to review the determination and potentially study the project further (see step 3).

STEP 3

Project sponsor contacts the FAA and either achieves resolution through negotiation or requests the FAA to conduct a Detailed Aeronautical Study, following which the FAA issues one of the following determinations and the notification process is complete:

Determination of No Hazard

The FAA determines that the structure would NOT have a substantial adverse effect.

Determination of Hazard

FAA determines that the structure would have a substantial adverse effect.

FAA determinations may specify the need to mark and/or light structures.

What you need to know

The Federal Aviation Administration (FAA) is responsible for promoting air safety and the efficient use of navigable airspace. As part of fulfilling this mission, the FAA conducts aeronautical studies based on information provided by proponents of proposed projects (project sponsors) to construct structures or alter existing structures that have the potential to affect navigable airspace, as established in [Title 14 Code of Federal Regulations Part 77 \(Part 77\)](#).

Project sponsors are required to complete and file [FAA Form 7460-1, Notice of Proposed Construction or Alteration](#) with the FAA. This form summarizes information necessary for the FAA to assess whether a proposed project poses a hazard to air navigation.

The Hagerstown Regional Airport (HGR) has developed information in this brochure to help project sponsors that are planning construction or alteration projects that may affect navigable airspace to:

- Determine if a construction or alteration project is subject to requirements to notify the FAA;
- Be familiar with the regulatory context of the notification requirement and aviation terms pertinent to the notification process; and
- Develop a basic understanding of the notification process, including timelines and implications for not complying with this notification requirement.



A guide to
Building on and Around
AIRPORTS



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Should I notify the Airport or the FAA?

If your organization is planning to sponsor a construction or alteration project on Airport Property, you should first notify the **Airport**, not the FAA.

- Notification/discussion with the airport and its consulting airport engineers is needed well in advance. This allows the airport to discuss potential changes in land leasing arrangements with the project proponent. These discussions should happen before the project proponent begins any architectural, engineering or Washington County permitting processes.

Project proponents should expect:

- The airport will have to determine the suitability of each project with airport master planning/goals/land use considerations.
- They will be responsible to reimburse the airport for any costs incurred, including for services rendered by airport consultants to perform the steps described below:

For all development on Airport Property, the Airport is required to submit the following to the FAA for evaluation and concurrence to proceed:

Notice of Intent (NOI) Filing. This initiates a Section 743 Determination to ascertain if the FAA has Airport Layout Plan (ALP) approval authority over the development. The FAA has 45 days to respond to a formal NOI Filing.

ALP Pen & Ink Update. If the FAA finds they have the authority, an Airport Layout Plan (ALP) Pen & Ink Update shall be prepared by the Airports Consultant and submitted to the FAA for review and concurrence.

National Environmental Policy Act (NEPA) Finding. FAA is required to conduct environmental review for major Federal actions pursuant to the NEPA, 42 U.S.C. §§ 4321 et seq., the Council on Environmental Quality (CEQ) implementing regulations, 40 CFR parts 1500-1508, and FAA Order 1050.1F, Environmental Impacts: Policies and procedures. ALP approval of a project (or portion thereof) is a major Federal action triggering NEPA review.

Airport Airspace Analysis (AAA). All proposed development on public-use airport property is subject to an AAA and is commonly processed as a Non-Rulemaking Airport (NRA) case regardless of Federal funding participation. The appropriate FAA Regional Airports Division is responsible for initiating the coordination of NRA aeronautical studies, which consist of: (1) Evaluating the effect of the construction or alteration on existing and planned operating procedures (2) Determining the potential hazardous effect of the proposed construction on air navigation (3) Identifying mitigating measures to enhance safe air navigation.

When to Notify the FAA

If your organization is planning to sponsor a construction or alteration project that meets any of the following conditions, your organization must notify the FAA of the proposed project by filing FAA Form 7460-1:

- If the height of the new or altered structure will exceed 200 feet above ground level (AGL);
- If the construction or alteration (1) will occur within 20,000 feet of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 feet and (2) within 10,000 feet of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 feet. (3) within 5,000 feet of a public use heliport which exceeds a 25:1 surface;
- When requested by the FAA* or when any highway, railroad, or other traverse way whose prescribed adjusted height would exceed the above noted standards or;
- If the construction or alteration is located on a public use airport or heliport.

*see **Pre-Screening Tool** here:
<https://oeaaa.faa.gov/oeaaa/oe3a/main/#/noticePrescreen>

Aviation Terms

The navigable airspace in the vicinity of airports is governed by operationally related federal guidance. Standards defined in Part 77 and requirements defined in FAA Order 8260.3B, United States Standard for Terminal Instrument Procedures (TERPS).

Part 77 governs all navigable air space in proximity to airports. The purpose of Part 77 is to protect the airspace and approaches to each runway from hazards that could affect the safe and efficient operation of aircraft, including obstruction to air navigation and to navigation and communication facilities. Part 77 establishes a set of imaginary surfaces associated with runways at airports defined to evaluate the height of objects in the vicinity of airports.

Terminal Instrument Procedures (TERPS) defines three-dimensional areas of navigable airspace to be protected that support specific arrival and departure procedures to and from airports.

Above Ground Level (AGL): A measurement for expressing an object's height above the base project site elevation.

Aeronautical Study: The FAA's review of the effect of the proposed construction or alteration of a structure on navigable airspace, as described in Part 77, Subpart D.

Federal Aviation Administration (FAA): The FAA is the government agency tasked with oversight of aircraft operations and navigable airspace. The FAA is responsible for evaluating potential effects on navigable airspace by construction of new structures, modification to existing structures, and temporary construction equipment, as established in Part 77.

FAA Form 7460-1, Notice of Proposed Construction or Alteration Form: FAA Form 7460-1 is the form that project sponsors must complete and submit to the FAA to notify the FAA of proposed construction or alteration. The FAA considers the information submitted on the form to evaluate an object's potential effect on air navigation.

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

Imaginary Surface: A surface defined by federal regulations and used to identify objects that exceed that surface and may, therefore, affect air navigation. Imaginary surfaces are typically sloping surfaces and are based on approach and departure aircraft procedures.

Navigable Airspace: The airspace at and above minimum flight altitudes defined in 14 Code of Federal Regulations Part 1.1, including airspace needed for safe airspace approaches and departures to an airport.

Obstruction: A structure penetrating an existing or proposed imaginary surface associated with a runway or an object that is required to be marked and/or lighted.

Procedure: A predefined set of guidance instructions that define a route for a pilot to follow.

Terminal Instrument Procedures (TERPS): FAA order that defines airspace procedure design and object height limiting surfaces. These imaginary surfaces are directly tied to navigational procedures and aircraft performance characteristics. Structures typically cannot penetrate TERPS surfaces.

Title 14 Code of Federal Regulations Part 77: Typically referred to as "Part 77", are the federal regulations outlining requirements for airspace protection and processes necessary for the evaluation of the effects of structures or other objects on air navigation.

Frequently Asked Questions

What does a determination permit?
Determinations made by the FAA do not give project sponsors notice to proceed on construction projects or necessarily limit the construction of structures. Rather, FAA determinations should be factored into final approvals for construction or alteration of structures made by agencies responsible for construction approval.

Who is required to notify the FAA?
The project sponsor is required to submit all information to the FAA for review. The project sponsor is the person or organization responsible for the construction or alteration project and will be the point of contact for additional coordination, if needed.

How are notifications submitted?
The project sponsor must complete and submit FAA Form 7460-1 to the FAA, either electronically via the FAA OE/AAA website or via mail to the local FAA representative with jurisdiction over the airport near which the construction is located. For airports located in Maryland, contact the FAA's Washington Airports District Office.

When should the FAA be notified?
All FAA Form 7460-1 materials must be submitted to the FAA a minimum of 45 days prior to the start of construction or alteration. The Hagerstown Regional Airport suggests contacting the FAA during early planning stages if an effect on air navigation is anticipated and to protect against unanticipated delays or potential changes to a project that may arise during the notification process.

Are there penalties for not complying?
Project sponsors failing to comply with the provisions of Part 77 can be subject to a civil penalty of \$1,000 per day until the notice is received.