Aviation Terms

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

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 three-dimensional sloping surfaces and are determined 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 aircraft approaches to and departures from an airport.

Obstruction: An object, such as a structure or construction equipment, that exceeds a Part 77 obstruction standard, including the penetration of an imaginary surface associated with a runway.

Terminal Instrument Procedures (TERPS): FAA order that defines airspace procedure design and imaginary surfaces that provide for clearance of obstacles by aircraft. 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: The federal regulations setting airspace obstruction standards and describing processes necessary to evaluate the effects of structures or other objects on air navigation.

CITY OF CLEVELAND
Mayor Frank G. Jackson

Resources for more information

The FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website – https://oeaaa.faa.gov

FAA Form 7460-1
www.faa.gov/documentLibrary/media/form/faa7460_1.pdf

FAA Form 7460-1 Mailing Address
https://oeaaa.faa.gov/oeaaa/external/content/oeaaaOffices.jsp

Notice Criteria Tool
https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm

Frequently Asked Questions
https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp?action=generalFAQs

FAA Contacts

Obstruction Evaluation Group
oeaaa.faa.gov/oeaaa/external/content/oeaaaOffices.jsp

Detroit Airports District Office
11677 South Wayne Road, Suite 107
Romulus, MI 48174
(734) 229-2900

Federal Regulations and Orders

Part 77 – Click "14 CFR Part 77" link at:
https://oeaaa.faa.gov/oeaaa/external/content/links.jsp

TERPS
www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/11698

Airport Design (FAA Advisory Circular 150/5300-13)
www.faa.gov/airports/resources/advisory_circulars/

Procedures for Handling Airspace Matters (Joint Order 7400.2J)
http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1019806

AIRSPACE NOTIFICATION REQUIREMENTS FOR Construction and Alteration Projects in Proximity to Cleveland's Airports

CLEVELAND HOPKINS INTERNATIONAL AND BURKE LAKEFRONT AIRPORTS

CLEVELAND® AIRPORT SYSTEM

What Developers Need to Know

This informational brochure provides an overview of the Federal Aviation Administration's (FAA's) airspace notification requirements for construction and alteration projects in the vicinity of the City of Cleveland's airports. The information in this brochure is intended for use as a guide to understanding the FAA's notification process. Project sponsors (e.g., developers) *must confirm* notification requirements with current information from the FAA.

The Cleveland Airport System welcomes your interest in building in the Cleveland area. To balance the economic benefits construction projects bring to the Cleveland area with the need to protect the safety of the navigable airspace supporting Cleveland's airports—Cleveland Hopkins International Airport (CLE) and Burke Lakefront Airport (BKL)—the Cleveland Airport System prepared this informational brochure with the intent to:

- Educate developers about the requirement to notify the FAA of proposed construction and alteration projects meeting certain conditions.
- Provide an overview of the notification process to assist developers in the navigation of this process.
- Encourage developers to consider the effects on the safety of air navigation during conceptual project planning. Early coordination with the FAA can minimize risks to a project, such as design changes (e.g., reduced structure height) or delayed start of construction, which may result from an FAA determination of airspace impacts associated with the proposed project.

Overview of FAA notification requirements intended for informational purposes only • Project sponsors must confirm notification requirements with current information from the FAA

Need for Notification

Sponsors of construction and alteration projects that meet certain conditions defined by the FAA (applicable to both permanent and temporary construction, including construction equipment) are required by Federal regulation to notify the FAA of the proposed project by filing **FAA Form 7460-1** with the FAA.

The FAA's Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) website—**https://oeaaa.faa.gov**—provides information on ways to determine if notification is required, including a **Notice Criteria Tool** that project sponsors can use to determine the need for FAA notification.

Typical conditions that may require FAA notification for construction or alteration in proximity to CLE and BKL include, but may not be limited to:

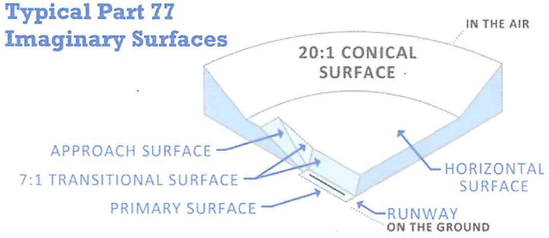
- If the height of the new or altered structure will exceed 200 feet above ground level (AGL);
- If the construction or alteration will (1) occur within 20,000 feet of a runway at CLE or BKL, *and* (2) exceed the height of an imaginary surface extending outward and upward from the runway at a slope of 100 (horizontal) to 1 (vertical); or
- If construction or alteration will occur on CLE or BKL property.

Regulatory Context

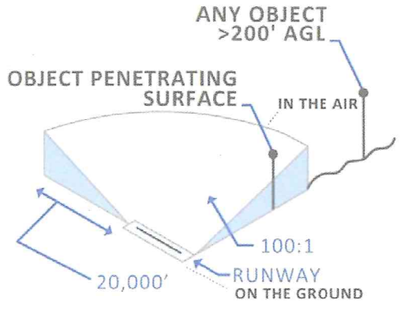
Operations within the navigable airspace in the vicinity of airports are governed by federal guidance: airspace obstruction standards defined in Title 14 Code of Federal Regulations Part 77 (Part 77), *Safe, Efficient Use, and Preservation of the Navigable Airspace,* and obstacle clearance requirements defined in FAA Order 8260.3B, *United States Standard for Terminal Instruction Procedures (TERPS).* The FAA also defines land use restrictions in the immediate airport environs in FAA Advisory Circular 150/5300.13, *Airport Design.*

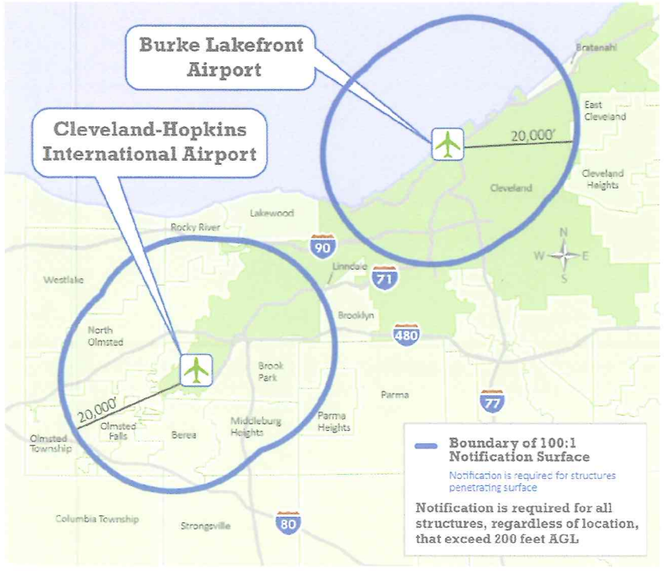
Part 77 and TERPS define imaginary airspace surfaces, which are three-dimensional sloping surfaces intended to protect operations within navigable airspace. The FAA considers these imaginary surfaces when evaluating the height of structures and other objects in the vicinity of airports that may be obstructions to air navigation.

Typical Part 77 Imaginary Surfaces



Height Notification Requirements: The graphics below illustrate the typical notification requirements associated with building in proximity to CLE and BKL. Note that requirements associated with other airports in the Cleveland area may be applicable.





Notes:

1. The CLE and BKL notification boundaries depicted to the right are representative.
2. Project sponsors must consider notification requirements associated with all airports in the Cleveland area.

Notification Process

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

STEP 1

Project sponsor submits **FAA Form 7460-1** to the FAA, either electronically (via FAA's OE/AAA website) or by mail or fax (listed on FAA's OE/AAA website).[1/]

[FAA's OE/AAA web address: https://oeaaa.faa.gov]

STEP 2

FAA conducts an Initial Aeronautical Study and determines if the structure would exceed obstruction standards, would have 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 a determination of the study results within 45 days.

Does Not Exceed Determination	**Notice of Presumed Hazard Determination**
The FAA determines that the structure would not result in a substantial adverse effect. [2/]	Upon receipt, the project sponsor may contact the FAA within 30 days to review the determination and potentially study the project further.
Notification is complete	

STEP 3

Project sponsor contacts the FAA and either achieves resolution through negotiation or requests the FAA to conduct a Detailed Aeronautical Study. The FAA issues a determination of the study results.

Determination of No Hazard	**Determination of Hazard**
The FAA determines that the structure would not result in a substantial adverse effect. [2/]	The FAA determines that the structure would have a substantial adverse effect. [2/]
Notification is complete	

Notes:

1. The Cleveland Airport System encourages the project sponsor to conduct early, informal coordination with the local jurisdiction and CLE/BKL if the need for FAA notification is anticipated.
2. FAA determinations may specify the need to mark and/or light structures.

FAQs

What does a determination permit? An FAA determination does not give project sponsors approval to start construction or necessarily limit the construction project. Rather, local agencies responsible for approving construction projects should consider the FAA determination during the final approval process for construction or alteration of structures.

When should the FAA be notified? Although the FAA defines minimum timing requirements for the submittal of FAA Form 7460-1 in Part 77, the Cleveland Airport System encourages determining the need to notify the FAA and considering potential effects on the safety of air navigation early, during conceptual project planning. Early coordination can minimize risks to a project, such as design changes (e.g., reduced structure height) or delayed start of construction, which may result from an FAA determination.

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 individual or organization responsible for the construction or alteration project and the point of contact for additional coordination, if needed.

Will the FAA notify CLE or BKL of the proposed development? The FAA will notify CLE or BKL if a Determination of Hazard is issued; however, the act of a sponsor filing FAA Form 7460-1 does not trigger the FAA to notify an airport of proposed development.

Do penalties apply for not complying? Project sponsors can be subject to a civil penalty of $1,000 per day until the required notification is received.