

FAA Notification

Federal law requires that the FAA must receive prior notification regarding construction or alteration of a structure, whether permanent or temporary, which meets specific criteria per 14 CFR 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.

For additional information for persons proposing to erect or alter an object that may affect navigable airspace, see Advisory Circular 70/7460-1K, "Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace", located on the FAA's Obstacle Evaluation/Airport Airspace Analysis (FAA AAA) website, <https://oeaaa.faa.gov/>

If FAA notification is required, the applicant must submit an FAA Form 7460-1, Notice of Proposed Construction or Alteration, electronically via FAA's OE/AAA website. Notification must be submitted at least 45 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.

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

determination is "no hazard" even though the structure exceeds the standards.



Joseph State Airport

While the responsibility for filing notifications rests with the applicant, ODA is available to provide additional guidance for projects that may impact the national airspace system in Oregon.

Airspace Regulations and Information

- FAA's OE/AAA website is <https://oeaaa.faa.gov/>
- 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace is located at <http://ecfr.gpoaccess.gov/>
- ORS 836 – Airports and Landing Fields is available at <http://www.leg.state.or.us/ors/836.html>
- OAR 738 Division 70, Physical Hazards to Air Navigation is located at <http://arcweb.sos.state.or.us>
- OAR 660 Division 13, Airport Planning, is located at <http://arcweb.sos.state.or.us>

Oregon Department of Aviation

3040 25th Street SE
Salem, Oregon 97302

Phone: 503-378-4880
Fax: 503-373-1688
E-mail: aviation.mail@state.or.us

<http://www.oregon.gov/Aviation/>



Development Requirements for Oregon Airspace Obstructions

OREGON AVIATION SYSTEM AIRPORTS



Mission: Supporting Oregon communities by preserving and enhancing aviation safety, infrastructure and development.

Oregon Airspace and Tall Structures

When planning to build or modify a structure in Oregon, one of the considerations must be the impact of the structure on the national airspace system. This consideration is vitally important to Oregon's public use airports, navigational aids, and instrument approach flight procedures. (Airspace analyses are typically not conducted for private use airports.)

A number of federal, state and local regulations exist to protect our airspace system. In the paragraphs below we discuss Federal Aviation Administration (FAA) and Oregon Administrative Rules (OAR) concerning airspace obstructions.



A primary concern of aviation is protecting airspace around airports for the safety of pilots as well as people on the ground. Through Oregon ORS 836.530 and OAR 738-070, Physical Hazards to Air Navigation, ODA has the responsibility of determining whether specific objects or structures constitute a hazard to air navigation. These structures may include, but are not limited to, power poles, antenna towers, buildings, signs or billboards, fences or

gates, wind turbines, plus temporary-use construction materials or equipment, including dirt piles and cranes, as well as natural growth, vegetation, and landscaping.

Airspace Analysis

Per OAR 738-070-70, a determination by ODA will be required for the following tall structures:

- that are more than 500 feet above ground level (AGL) any place in the state
- when the structure is more than 200 feet AGL at its site or more than 200 feet above the established airport elevation, whichever gives the highest elevation, within three nautical miles of an airport and increasing by 100 feet for each additional mile out to six miles
- that would increase an instrument approach minimum flight altitude or increase its flight visibility minimums
- that penetrates any of the following imaginary surfaces: primary, horizontal, conical, approach or transitional surfaces
- * Additionally, the FAA must be notified by the developer. A form 7460-1 shall be submitted directly to the FAA.

Analysis is not required if:

- the proposed structure will not penetrate any of the airport's imaginary surfaces as described in OAR 660 Division 13, Public Use Airport Overlay Zone
- the proposed structure is more than six miles from the nearest public use airport unless its height is 500 feet or more AGL
- the proposal is for additional antennas to be collocated on an existing antenna tower that has previously been designated by the FAA and/or ODA as no hazard to air navigation and if the

additional antennas do not increase the tower height.

Form and Time of Notice

Persons required to notify ODA of proposed construction or alteration may do so by sending a copy of their FAA 7460-1 form at least 30 days prior to the date construction is to begin or before applying for a construction permit. Per OAR 738-070-0090(1), ODA will respond within 20 working days with a letter stating:

- the structure would not exceed obstruction standards and is not a hazard to air navigation
- the structure would exceed obstruction standards but is not a hazard to air navigation
- the structure would exceed obstruction standards and would constitute a hazard to air navigation

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

