

## For more information

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

### oeaaa.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 Beckley Airports District Office

Federal Aviation Administration  
Beckley Airports District Office  
176 Airport Cir, Rm 101  
Beaver, WV 25813-9350  
304-252-6216

### 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"

### 49 United States Code, Section 44718

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 Beckley Airports District Office.

**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. 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 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 Morgantown Municipal Airport 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.

For more information on the Morgantown Municipal Airport, visit our website at [www.morgantownairport.com](http://www.morgantownairport.com).



100 Hart Field Road  
Morgantown, WV 26505  
304-291-7461



# Building Around AIRPORTS



# Should I 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 ft 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 ft and (2) within 10,000 ft 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 ft. (3) within 5,000 ft 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.

The FAA hosts a Notice Criteria Tool on its Obstruction Evaluation/Airport Airspace Analysis website to assist projectsponsorswithdeterminingtheneedfornotification.

## Regulatory Context

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 airspace 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 inthe 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.



## FAQs

### 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 West Virginia, contact the FAA's Beckley 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 Morgantown Municipal Airport suggests contacting the FAA during early planning stages if an effect on air navigation is anticipated 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.

## Aviation Terms

**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.

