DR 71-51 - Paul Burnett Buick - Request for Exception for sign heights in relation to Beech Aircraft Approach Zones

11-29-71

Receive and file 12-2-71

HIGGINS & BRIMER
ATTORNEYS AT LAW
SUITE 313 - FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

WILLIAM P. HIGGINS
JOHN W. BRIMER

263-6148
AREA CODE 316

File
DR 71-51

December 3, 1971

Mr. Robert Finch
City Manager's Office
City Building
Wichita, Kansas 67202

Re: DR 71-51 Referral from
City Commission Re sign
location for Burnett Buick
adjacent to Beechcraft
Airport

Dear Mr. Finch:

In conformity with my telephone conversation of Friday, December 3, 1971, I would point out that I received a letter dated November 30, 1971, in my office on December 1, 1971, from the Planning Commission advising me of your office's request that I get some instructions into you by Thursday. I was involved in court proceedings and was unable to perform that speedily based upon those instructions.

I want this letter placed with the agenda item you advised me would be up next Tuesday so that the City Commission will understand that we are not being dilatory in pursuing the presentation of our case to the Planning Commission, but that I have not had time since we received the Planning study to get my engineering reports, etc. together or even get a decision from my client relative to that report.

Subsequent to the City Commission hearing of October 12, 1971, Mr. Lakin appeared in my office on November 2, 1971, at which time we went over the entire matter and I provided him with copies of all of the instruments in my file relative to the problem with the Burnett Buick Company sign location at Beech Aircraft. We went over the problems and I explained to him

what we would like to do insofar as adjusting the location of the sign so that it would be shielded by the hangar or moving it any place on our property that would eliminate undue hazard to the Beech Airport private field operation and I requested that after he had had an opportunity to contact the FAA and Beech officials, that we be provided his report prior to the filing of the same so that I might be in a position to see if there were any items covered by his report that we could explain or rebut in an effort to have the matter completely prepared prior to our proceeding before the Planning Commission.

Mr. Lakin returned my papers to me just prior to my receipt of the Planning Staff's study which was dated November 19, 1971, but which I received in my office November 23, 1971, through the mail, along with a notice that the matter had been set for hearing before the Planning Commission on November 29, 1971. On November 24, 1971, I appeared in the Planning Commission office and visited with Mr. Galbraith about continuing the matter and explained to him by situation as to not having had sufficient time to properly review with my clients and with any professional people the contents of the study provided.

This is where the matter rested prior to my receiving the letter regarding the manager's request which we discussed.

I am promptly moving to have my clients appear in Wichita from the General Motors Buick division and determine with him what professional information we should obtain and provide the Planning Commission prior to a formal hearing so that all items will be properly covered. I hope to accomplish this in the immediate future, but due to the holidays I have not been in a position to get ahold of them until earlier this week, in fact Thursday of this week. I will, therefore, within the next ten days advise you as to our status and give us a tentative date for placing this matter on the Planning Commission Agenda as was requested in the letter referred to herein dated November 30, 1971.

Thanking you in advance for your attention to this matter, I remain,

Yours truly,

HIGGINS & BRIMER

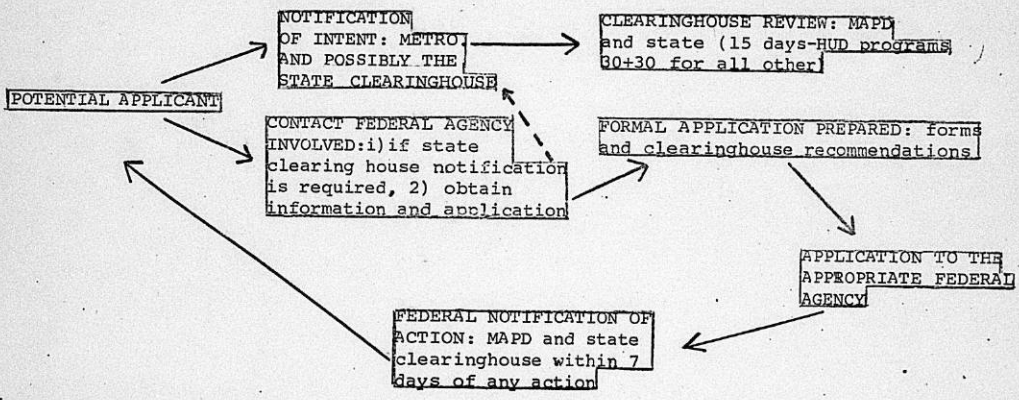
By
William P. Higgins

WPH:nm

cc: Robert Lakin

Jack

A-95 REVIEW PROCESS



A SUMMARY OF THE A-95 REVIEW PROCESS

I. POTENTIAL APPLICANT

A potential applicant is defined as any individual or government agency (local or state) intending to apply for assistance (grants, loans, interest reducation payments, mortgage insurance) to a project under a federal program. Programs are available in each of the following federal departments: Agriculture, Commerce, Defense, Health, Education and Welfare, Housing and Urban Development, Interior, Environmental Protection Agency, Justice, Labor, Transportation; and the following organizations, National Science Foundation, Office of Economic Opportunity, and Water Resource Council.

II. NOTIFICATION OF INTENT

A potential applicant is required to notify the Metropolitan Clearinghouse (MAPD) of his intent.

It is the responsibility of the applicant to query the appropriate federal agency in order to determine if the State Clearinghouse should be directly notified. Formal application information and forms are also obtained from the federal agency involved.

The notification will include; identification of the applicant agency, geographic location of the project, a brief description

of the project (type, purpose, and estimated cost), statement of environmental impact (if applicable), identification of the federal program under which assistance is sought, and the estimated date by which time the applicant expects to formally file the application.

III. CLEARINGHOUSE REVIEW

The purpose of the clearinghouse review is to evaluate the project in light of state, area wide, or local plans and programs.

At this point in the review process, agencies (state or local) and other possibly affected bodies are notified of the intent of the applicant. They are subsequently given an opportunity to review and comment upon the application.

During this period the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project.

Comments and recommendations made by the clearinghouse are for the purpose of; assuring project consistency with state and local comprehensive plans; determining the relationship of comprehensive plans, government projects, and objectives (local, metropolitan, and/or state) to the proposed project; determining the extent of affect of the proposed project upon the environment.

If approved, by the MAPD, the applicant can expect to receive a review similar to the one which follows:

As a result of the above findings, it is recommended that the

Wichita-Sedgwick County Metropolitan Area Planning Commission

find that:

1. The proposed project does not duplicate or conflict with existing services or elements of the comprehensive plan;
2. does not present obstacles to the achievement of local objectives, and
3. does not adversely affect the surrounding environment.

IV. COMPLETED APPLICATION

Applicants will include with the completed application any comments and/or recommendations made by the Clearinghouses (State and MAPD). An applicant must also state that such comments have been considered prior to submission of the application.

V. FEDERAL NOTIFICATION

The federal agency involved will notify the clearinghouses within seven (7) days of any action; approval, disapproval, or return for amendment.

VI. CLEARINGHOUSE NOTIFICATION

Clearinghouses will then notify the applicant of any action taken by a federal agency on a given project.

November 30, 1971

Mr. William P. Higgins
313 First National Bank Building
Wichita, Kansas 67202

Re: DR 71-51 - Referral from City Commission Re sign location for Burnett Buick adjacent to Beechcraft Airport

Dear Mr. Higgins:

The Planning Commission, at its regular meeting of November 29, 1971, considered the above-captioned case. Inasmuch as you had requested an indefinite deferral prior to the meeting, the action of the Planning Commission was to strike the matter from their agenda.

On advising the Manager's office of this action this morning, and since the matter was originally scheduled for the City Commission meeting of December 7, 1971, the Manager's office has requested that you submit a letter to them by this Thursday indicating that this matter either be withdrawn or deferred to a specific date.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Dale Fair, Attorney, Vickers-KSB&T Building 67202
Ralph Wulz, City Manager
Robert Feldner, Supt. of Central Inspection
John Dekker, Director of Law

For File Folder

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE

November 19, 1971

TO Wichita-Sedgwick County Metropolitan Area Planning Commission

FROM Robert A. Lakin, Director of Planning

SUBJECT DR 71-51 - Paul Burnett Buick - Request for exception for sign heights in relation to Beech Aircraft approach zones

REQUEST AND BACKGROUND

The Board of City Commissioners has referred a request from William Higgins, attorney for the General Motors Corporation and Dunn Sign Company, to the Planning Commission to determine whether or not special consideration should be given to an ordinance which would permit an exception for the Paul Burnett Buick Agency to locate a sign which would encroach in the existing approach zone to the Beech Aircraft Airport. Higgins requests that two different sized signs, one 36 feet in height and the other 28 feet in height be allowed to be erected on the Burnett property. This property, although privately owned and across the road from the Beech Airport, does fall within the regulations established by the City in 1955 controlling obstructions in areas adjacent to the McConnell, Municipal and Beech Airports. A copy of the type of sign and dimensions (Attachment A) is attached as well as the referral flrom the City Commission and copies of their previous minutes on this subject (Attachment B).

State law gives to the City of Wichita the power to regulate airports, and land use next to airports which could constitute a hazard to air navigation, not only within the City but within a 4 mile area of the City. The basic technique in this ordinance, known as Title 28.08 of the City Code, is to establish a series of imaginary planes extending from the end of the runways upward and outward for various distances. These various planes rise at different slopes, depending on their relationship to the runway. The particular imaginary plane in this case is called the approach zone and extends directly off of the runways in a fan-like shape.

FAA REGULATIONS

The FAA regulations do not apply to this particular airport as it is not publicly used. However, the FAA guidelines for this type of airport are the basis for the existing City Code. The existing City Code was adopted in 1955 and the Wichita Airport Zoning Ordinance (Ord. No. 21-407) has not been updated or amended since that time. However, since 1955, FAA has continued to update their regulations periodically. These FAA regulations are noted as Part 77 "Objects Affecting Navigable Airspace" of the Federal Aviation Regulations, Vol. XI.

Part 77 establishes different classes of runways, primarily separating them into utility and non-utility categories. In addition, runways are further sub-categorized by type of navigational control system which would be applied, including "instrument, non-precision," which is the classification the Beech Airport would fall under. Thus, if the City Codes were updated to conform to comparable FAA regulations, one would structure the approach zones based on the ILS non-precision airport classification for aircraft over 12,500 pounds (greater than utility).

CODE DIFFERENCES

The basic differences between the 1955 regulations adopted in the City Code and the current Part 77 FAA regulations are:

1. The approach zone (imaginary plane) would be at a 34 to 1 slope rather than the 50 to 1 slope in the existing Regulations.

2. There is a "shadow effect" or shielding provision in the FAA regulations where there is not one in the current City Code. This, in essence, says that if there is already a hazard to navigation in the approach zone airspace, that a similar hazard may be constructed no greater than the original hazard in the shadow of the original or "grandfathering" hazard item.

3. The FAA regulations do not provide for a basic 25-foot height exemption off of the end of the runway irrespective of the sloping plane of the approach zones. The existing City Code establishes an approach zone (50 to 1), but provides a blanket exception that anything up to 25 feet in height may be erected right up to the very end of the runway. (A rather strange and somewhat dangerous provision.)

At this point it is appropriate to look at the purpose of these regulations and why we have established the various approach zones. The basic purpose of the approach zones is to provide protection to approaching and departing aircraft and to the passengers and pilots of the same. In addition to the provision of safety to these aircraft, the regulations also provide a margin of safety to those on the ground who would be subjected to crash hazards if the flight paths were interfered with. Thus, it is a two-way protection - for those on the ground as well as those in the air.

The staff then approached the problem as to what was the appropriate regulation which the best experts in the country - the FAA - would utilize in protecting the airport. It is assumed the protection of the airport and the provision of an adequate level of safety is paramount. Based on a determination as to what the appropriate FAA interpretation and regulations are as applied to the Beech airport, a series of facts were then determined as to how such revised regulations would operate with regard to the Higgins request.

DETERMINATION OF FACTS

The FAA was contacted in Kansas City (Eldon C. Kaup) to determine what were the appropriate FAA regulations. These were determined to be Part 77. We also determined the end of the runway based on existing runway markings, landing light locations and utilization points. This is approximately 830 feet north of the center line of Kellogg to the "end of runway". This dimension was used then to determine the point of departure for measuring the various glide slopes for the approach zones. It should be pointed out that this places the end of runway substantially north of the actual end of the asphalt pavement. FAA officials and Beech officials were contacted to determine the type of airport by classifying the type of instrumentation and utilization. It was determined that an ILS non-precision runway for the use of utility aircraft over 12,500 pounds was the appropriate class. This then establishes the need for a 34 to 1 approach zone slope as opposed to the flatter 50 to 1 slope in the existing code. It was determined that the effective length of runway is approximately 3800 feet in a general north-south alignment. From the end of the runway an area known as the clear zone is established in which no structure may be located. At the end of the 200-foot clear zone the so-called approach zone commences. From this point an imaginary plane at a slope of 34 to 1 intersecting with the ground is established. See Attachment D for a diagram indicating the existing 50 to 1 slope and a 34 to 1 slope from the end of the clear zone area.

In this particular diagram we have located (from information furnished us by the applicant and by Beech), the various light poles existing, hangars and other obstructions. It should be noted that all structures, including light poles, would violate the 50 to 1 approach zone if it were not for the 25-foot exception which is allowed by the existing ordinance. (See lines BOX and BOA on Attachment D.) The 25-foot exception is the only factor which would allow the Buick building and the 25-foot poles (for sign, lights or power lines). From the information available, KG&E poles west of the Buick Agency and two flood light poles violate existing ordinances. There is no "shadow provision" which would allow the KG&E poles. The Beech manufacturing facility is non-conforming as it has existed many years prior to the enactment of the ordinance.

If a 34 to 1 slope is applied (See Attachment D, line CYA), all poles, building signs would be made non-conforming (except the illegal poles). It would not even allow a new 25-foot sign, thus new FAA standards are much more restrictive as applied to the Burnett tract.

It should also be noted that the existing Beech manufacturing facility encroaches into the approach zone (both 34 to 1 and 50 to 1). Again, this facility has been there for many years long before the establishment of the original 1955 regulations. In applying a "shadow provision" to the existing manufacturing facility, it can be logically argued that anything in a direct

line plane to the south of such facility could be allowed to be erected to a height of that facility. However, it is our interpretation that a facility equal to the height of the manufacturing facility could not and should not be erected adjacent and parallel to a line east of the manufacturing facility. This would not be a logical interpretation of the so-called shadow effect. This can be seen on Attachment C which is a plan layout of the relationship of the runways to the Agency proposed sign location and the existing manufacturing facility.

EVALUATION OF NEW AND OLD REGULATIONS

It would seem that the existing regulations, with the 25-foot allowances, actually constitute a more liberal set of regulations with regard to development along Kellogg than would the adoption of new and revised FAA regulations.

The new standards would establish a sharper slope and would not provide the latitude of the standard existing 25-foot exception clause. It is quite probable that, in an overall evaluation of airport and airport protection regulation devices, a recommendation would be made by FAA and this agency to the Planning Commission and City Commission that the modern and more up-to-date FAA regulations should be established as the basis for protecting these airports.

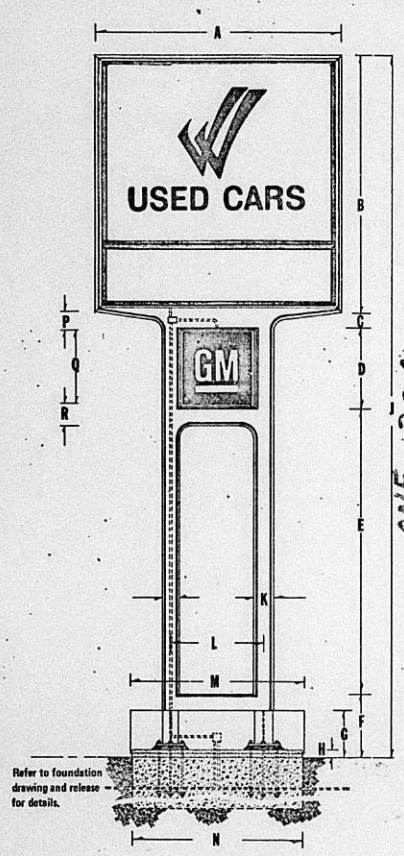
However, in this event the results are somewhat academic to the applicant since in neither instance would the proposed signs be permitted. Thus, the question remains as to whether the exception to what is considered good practice in protecting airports should be permitted. There have been instances at Beech Airport where aircraft have fallen over wires at the south end of the runway. Although this is not a common occurrence, there are always some pilots who are not as good as others. This may be especially true at this field where a number of foreign pilots, unfamiliar with the area may use the facility. As such, it is felt that there should not be any type of exception provided which would give a basis for establishing a hazard to the Beech Airport.

However, if an exception is to be made, the procedure would be for the Planning Commission to instruct the Planning Department to advertise for a public hearing to amend Section 28.08 by providing a clause which would allow the City Commission, after having received a recommendation by the Planning Commission and the airport operator (Municipal, McConnell or Beech), to grant a special permit which would allow exception into the established airspace zones around the airports named within that section of the Code.

RAL:ber
Attachments

cc: Dale Fair, Attorney, Vickers-KSB&T Building 67202
William P. Higgins, Attorney, 313 1st Nat'l Bank Bldg. 67202
Robert Feldner, Supt. of Central Inspection
John Dekker, Director of Law

Attachment A



FRONT ELEVATION

ONE 28'
ONE 35'

DESIGN CALCULATIONS

I. DESIGN CRITERIA
- A. Wind Load = 35 P.S.F.
- B. f_s = 29,000 P.S.I.
- C. Soil Pressure = 3,000 P.S.F.
- D. Height Of Sign = 28'-0"
- E. Weight Of Sign = 2.2 Kips.

II. Moment And Shear About Base
- A. $M = .035\ [(78)(24) + (7.6)(18.03) + (.69)(19.53)^2] = 79.5$ Ft. K.
- B. $S = (78 + 7.6 + 2(.69)(19.53))\ (.035) = 3.9$ K.

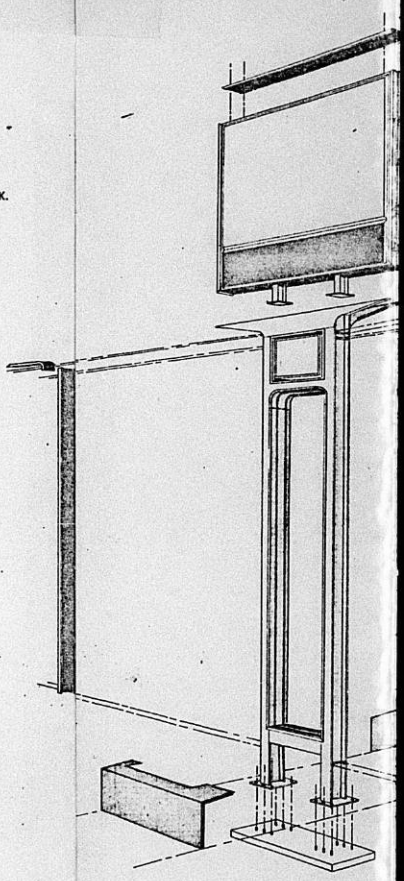
III. Foundations:
- A. Horizontal Slab (Try 8'-0" x 5'-11½" x 4'-3" Deep)
  - $p = (8.0)(5.92)(4.25)\ (.15) + 2.2$ (Sign)
  - $p = 30.6$ K.
  - $c = 8/2 - \frac{30.6}{6.0(5.92)} = 3.13$ Ft.
  - Mcap = 30.6(3.13) = 96.1 Ft. K.
  - Overturning S.F. = 1.5
  - Mcap = 30.6(4)(2/3) = 81.7 Ft. K > 79.5 Say OK.
- B. Block (Try 6'-3" x 6'-3" x 6'-3")
  - $p = (6.25)^3\ (.150) + 2.2$ (Sign)
  - $p = 38.8$ K.
  - $c = 6.25/2 - \frac{38.8}{6.0(6.25)} = 2.08$ Ft.
  - Mcap = 38.8 (2.08) = 81.1 Ft. K.
  - Overturning S.F. = 1.5
  - Mcap = 38.8(3.12) (2/3) = 80.9 F + K > 79.5 Say OK.
- C. Vertical Slab (Try 5'11½" x 2'-6" x 9'-6" Deep)
  - Design M = 79.5 + 3.9(9.5) = 116.5 Ft. K.
  - Mcap = 24.69(5.92)(9.5)^3 = 125.4 Ft. K.
- D. Caissons (Try 4.0 Dia. x 11'-0" Deep)
  - Design M = 79.5 + 3.9(11.0) = 122.5 Ft. K.
  - Mcap = (24.69)(4.0)(11)^3 = 131.5 Ft. K.

IV. Columns
- f = 27,500 P.S.I. (+ 1/3 Increase for Wind)
  (Based On fy = Min. 46 KSI yield)
- Try 8" uF Column At 31 Lbs./Ft.
- Moment Each Column (X-X) = 39.7 Ft. K.
- Moment Each Column (Y-Y) = 10.1 Ft. K.
- $fx = \frac{39.7(12,000)}{27.4} = 17368$ P.S.I. OK.
- $fy = \frac{10.1(12,000)}{9.2} = 13068$ P.S.I. OK.
- use 8 uF 31

V. Logo Box Design
- Wind $(2.1)^2\ (35) = 154$ Lbs.
- Moment = (154)(1.25) = 193 Ft. Lbs.
- Try 1" O Std. Pipe
- $fs = \frac{(193)(12)}{0.133} = 17400$ P.S.I. OK.

VI. Product Box Design
- Wind (9.41)(8.67)(35) = 2860 Lbs.
- Moment = (2860)(4) = 11450 Ft. Lbs.
- Moment Each Support = 5730 Ft. Lbs.
- Try 4" "I" @ 7.7 Lbs./Ft.
- fs = 5730(12) = 23,000 P.S.I. OK.

3



MEASURMENTS

A	B	C	D	E	F	G	H	J	K	L	M	N	P	Q	R
8' 8 1/4"	8'8 1/4"	7"	2' 4 1/2"		2'019/32"	2' 0"	6"	25'	8 1/2"	3' 1"	6' 4 3/4"	5'11 1/2"	7"	2' 4 1/2"	8 1/2"

DESIGN CALCULATIONS

N CRITERIA
Wi.d Load = 35 P.S.F.
f_s = 29,000 P.S.I.
Soil Pressure = 3,000 P.S.F.
Height Of Sign = 28'-0"
Weight Of Sign = 2.2 Kips.

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M = .035 [(78)(24) + (7.6)(18.03) + (.69)(19.53)^2] = 79.5 Ft. K.
S = (78 + 7.6 + 2(.69)(19.53)) (.035) = 3.9 K.

ations:
Horizontal Slab (Try 8'-0" x 5'-11½" x 4'-3" Deep)
= (8.0)(5.92)(4.25) (.15) + 2.2 (Sign)
= 30.6 K.
$= 8/2 - \frac{30.6}{6.0(5.92)} = 3.13$ Ft.
Mcap = 30.6(3.13) = 96.1 Ft. K.
Overturning S.F. = 1.5
Mcap = 30.6(4)(2/3) = 81.7 Ft. K > 79.5 Say OK.
Block (Try 6'-3" x 6'-3" x 6'-3")
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= 38.8 K.
$= 6.25/2 \quad \frac{38.8}{6.0(6.25)} = 2.08$ Ft.
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(Based On fy = Min. 46 KSI yield)
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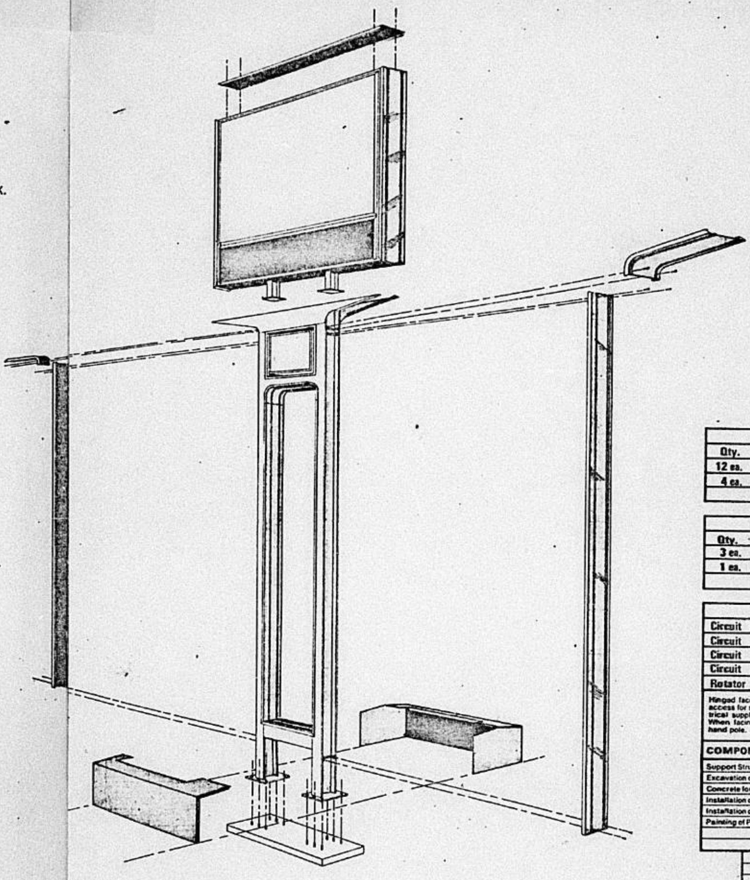
Moment Each Support = 5730 Ft. Lbs.
Try 4" 'I' @ 7.7 Lbs./Ft.
$fs = \frac{5730(12)}{3} = 23,000$ P.S.I. OK.

M	N	P	Q	R
6' 4 3/4"	5'11 1/2"	7"	2' 4 1/2"	8 1/2"



Lamp Schedule		
Qty.	Type	Mfg.
12 ea.	F96T12SGNHO	General Electric
4 ea.	F24T12SGNHO	General Electric

Ballast Schedule		
Qty.	Type	Mfg.
3 ea.	6G4105G03	General Electric
1 ea.	6G4103G03	General Electric

Electrical Information			
Circuit 1	13.60 amp.	120 volt ac	90%pf
Circuit			
Circuit			
Circuit			
Rotator	3.0 amp.	120 volt ac	0 pf

Hinged face of sign must be instaled on side providing best access for servicing, and the erector must coordinate with electrical supply line contractor, the proper pole terminus. Note: When facing the hinged side, drop leads are down hand pole.

COMPONENT OR SERVICE	Supplied by
Support Structure (Prime Coated)	texlite
Excavation of Foundation	associate
Concrete for Foundation	"
Installation of Foundation	"
Installation of Support Structure	"
Painting of Poles (Finish Coat(s))	"

NO.	DESCRIPTION	BLANK SIZE	NO. REQ'D	REMARKS

RESTRICTION NOTE:
This drawing and the engineering data hereon, was developed by Transamerica Sign Corporation for use by their Associates and Sub-Contractors, in performance of contracts with Transamerica Sign Corporation. Any other application and/or use of these drawings or information thereon must be approved in writing by Transamerica Sign Corporation.

GENERAL MOTORS P-92
INSTALLATION AND
ENGINEERING DATA

TRANSAMERICA SIGN CORPORATION
DALLAS, TEXAS

SCALE	NONE	EST NO.	SHEET NO. 1/2
DRAFT		DESIGN NO.	
CHECK		FILE NO. 6	
ENGR.		JOB NO.	OF

Attachment B

ZERO in ON SAFETY

THE CITY OF WICHITA

OFFICE OF CITY MANAGER **DATE** October 13, 1971

TO Robert A. Lakin, Director of Planning

FROM Ralph Wulz, City Manager

SUBJECT Height Restriction in Beech Aircraft Airport Zone Relative to a Sign for Paul Burnett Buick

The subject item has been heard by the City Commission on April 27, October 5, and October 12, 1971.

On April 27, the City Commission unanimously moved that "the Airport Zoning matter be referred to the MAPC: to include the structure and facilities surrounding airports, and to not put a time limit on the report."

Mr. William Higgins, attorney for GMC and Dunn Sign Company, has since contended that because of the extended period of time required for an overall airport zoning ordinance, special consideration should be given to an ordinance which would permit an exception at the Paul Burnett Buick location.

On October 12, after again hearing from Mr. Higgins and Mr. Dale Fair, attorney for Beech Aircraft, the City Commission on a 3-2 vote (Greene, Porter, Stevens voting "aye", Donnell and Shanahan voting "nay") moved that the request for a sign exception at this location be referred to the MAPC for study and recommendation.

Please bring this matter to the attention of the Planning Commission at its next regular meeting with notice of hearing being provided to interested parties.

Ralph Wulz
City Manager

RW:fam

cc: Robert Feldner, Superintendent of Central Inspection

Request for Exception to Height Restriction in Airport Zone presented

Request for exception to height restriction in Airport Zone.

Section 28.08.090 of the Airport Zoning Ordinance provides that the maximum height of structures within the zone shall be 25 feet unless an exception is granted by the Governing Body.

Paul Burnett Buick Company --

The Paul Burnett Buick Company has requested permission to install two signs, 28 feet and 36 feet in height respectively, at its premises at 9901 East Kellogg which is within the airport zone of Beech Aircraft Corporation's airport.

The Federal Aviation Administration has indicated to the General Motors corporation that it has no objections to the proposed sign heights. The Beech Aircraft Corporation has objected to the height of the signs as proposed. The Dunn Sign Company has submitted the request for the height exception.

Dale Fair --

Dale Fair, Attorney for Beech Aircraft stated that the signs would be a traffic hazard and that Beech feels that the ordinance should be followed, in which case the height limits would be 25 feet. He stated that the poles at the south end of the Beech property and in the flight cone are 23 feet to 24 feet in height.

Bob Feldner --

Bob Feldner, Superintendent of Central Inspection, stated that the ordinance requires one foot of height for each 50 feet horizontally from the clear zone at the end of the runway, and that his office determined that this would allow for a sign about 15 feet in height, however the ordinance permits a sign of 25 feet, consequently his office did not feel that the signs met the requirements of the ordinance.

William P. Higgins--

William P. Higgins, attorney for the applicant, stated that there are poles on the south side of Kellogg that are 29'9" in height, and he further pointed out that Section 28.08.140 of the Airport Zoning Code does not require a permit if the height is under 25 feet, consequently he believes that the City Commission has the authority to grant a waiver of this height requirement for heights over 25 feet.

John Dekker --

John Dekker, Director of Law, stated that the ordinance provides for no appeal from the 25 feet wide limitation and that there could only be an appeal from Central Inspection's interpretation of the Airport Zoning ordinance.

--item deferred for one week to permit Mr. Higgins & City Attorney to discuss matter further

Enoch moved to defer this item for one week to permit Mr. Higgins and the City Attorney to discuss this matter further. Motion carried unanimously.

MAR 23 1971

13.31

Request for exception to height restriction for signs in Airport Zone by The Paul Burnett Buick Company

Request for exception to height restriction in Airport zone again presented, having been deferred from the meeting of March 23, 1971.

Section 28.08.090 of the Airport Zoning Ordinance provides that the maximum height of structures within the zone shall be 25 feet unless an exception is granted by the Governing Body.

The Paul Burnett Buick Company has requested permission to install two signs 28 feet and 36 feet in height respectively, at its premises at 9901 East Kellogg which is within the airport zone of Beech Aircraft Corporation's airport.

The Federal Aviation Administration has indicated to the General Motors Corporation that it has no objections to the proposed sign heights. The Beech Aircraft Corporation has objected to the height of the signs as proposed. The Dunn Sign Company has submitted the request for the height exception.

John Dekker --

John Dekker, Director of Law, stated that there are no provisions in the ordinance specifically granting the City Commission the authority to vary the height restrictions, but Mr. Higgins says that the ordinance speaks of variances and is thus ambiguous. He recommended that the ordinance be studied further and it could be amended to provide for variances that do not exceed existing structures.

William P. Higgins--

William P. Higgins, attorney representing Dunn Sign Company and General Motors, spoke in favor of the sign request stating that ordinarily the height of General Motors signs is 48 feet and that they had reduced that sign to 36 feet in height and that they did not feel this would be a hazard to airplane traffic at Beech airfield.

Mr. Dekker requested Mr. Higgins to put his request in writing and send the request to the Department of Law, which Mr. Higgins stated that he would do.

--deferred for four weeks

Stevens moved to defer for four weeks. Motion carried unanimously.

X

10/12

HIGGINS & BRIMER
ATTORNEYS AT LAW
SUITE 313 - FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

WILLIAM P. HIGGINS
JOHN W. BRIMER

263-6148
AREA CODE 316

5 October 1971

ROUTING:
☐ REM
☑ RW
OCT 6 1971
☐ RGS
☐ File ☐

Ralph Wulz, City Manager
City Building, 204 S. Main
Wichita, Kansas 67202

Re: Exceptions to height restrictions -
Beech Airport zone relative to signs
for Paul Burnett Buick Company

Dear Mr. Wulz:

Relative to my letter of September 24, 1971, I was present at the City Commission meeting of October 5, 1971 for a hearing on the captioned matter. There was not a full Commission present and, as a result of the vote of the four Commissioners present, no action was taken; it was a deadlock two to two vote.

I respectfully request that this matter be set again when a full Commission is present so I might have an opportunity of obtaining the benefit of a full Commission vote on this matter. As you will recall, we are only requesting that we not be required to wait for an in-depth study of all airport facilities in the city of Wichita but are requesting the opportunity to present evidence to the proper city agency in an effort to obtain an early consideration of our problem, all as outlined in my letter of September 24, 1971.

I would appreciate it if you would advise me as to the date this matter will be set on the City Commission agenda so I might be present and have an opportunity to present it to the full five man commission.

Yours truly,

HIGGINS & BRIMER

By: William P. Higgins

WPH/cp

CC: Dunn Sign Company
933 South West Street
Wichita, Kansas 67213

REFERENCE: ITEM 1 PUBLIC
AGENDA FOR: OCT 5 1971
10/5

HIGGINS & BRIMER
ATTORNEYS AT LAW
SUITE 313 - FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

WILLIAM P. HIGGINS
JOHN W. BRIMER

263-6148
AREA CODE 316

24 September 1971

ROUTING:
☐ REM
☐ RW
SEP 27 1971
☐ RGE
☐ File ☐

Ralph Wulz
City Manager
City Building
Wichita, Kansas 67202

Re: Exception To Height Restriction
In Beech Aircraft Airport Zone
Relative To Sign For Paul Burnett
Buick Company

Dear Mr. Wulz:

This is to advise you that I represent Dunn Sign Company and General Motors Corporation relative to the obtaining of height exceptions for signs which are located in the designated Beech Aircraft Corporation Airport zoning ordinance and which signs of necessity are higher than those allowed in that zoning ordinance.

This matter came up on the Commission agenda on March 30, 1971 and at that time directors were given for the Planning Commission to develop a study, not just on this airport location but on all airports. This type of request for study entails much time and effort on the part of the Planning Commission and, of course, by reason of the extent of the study, eliminates the immediate consideration of my client's request relative only to the area surrounding Beech Aircraft's landing field.

The restrictions in our present city ordinance relative to the Beech Aircraft location are more restrictive than the FAA regulations relative to airports and areas surrounding airports.

With this in mind and due to the fact that time is of the essence to protect the business being carried on for

which these signs would be used, we request we be placed upon the City Commission public agenda for October 5, 1971 at which time I would like to renew my request for the Commission that something be done specifically regarding our request relative to the Beech Aircraft area, separate and distinct from all airport zoning in the entire city of Wichita.

Thanking you in advance for your attention, I am

Yours truly,

HIGGINS & BRIMER

By: William P. Higgins

WPH/cp

CC: Mr. Gary Dunn
Dunn Sign Company
933 South West Street
Wichita, Kansas 67213

April 27, 1971

Request for exception to height restrictions in Airport zone, presented.

Request for Exception to Height Restrictions in Airport Zone Paul Burnett Buick Company requested permission to install two signs, 28' & 36' in hgt. respectively at 9901 E. Kellogg	Section 28.08.090 of the Airport Zoning Ordinance provides that the maximum height of structures within the zone shall be 25 feet unless an exception is granted by the Governing Body. The Paul Burnett Buick Company has requested permission to install two signs, 28 feet and 36 feet in height respectively, at its premises at 9901 East Kellogg which is within the airport zone of Beech Aircraft Corporation's airport.

The Federal Aviation Administration has indicated to the General Motors Corporation that it has no objections to the proposed sign heights. The Beech Aircraft Corporation has objected to the height of the signs as proposed. The Dunn Sign Company has submitted the request for the height exception. The request was deferred four weeks from the meeting of March 30, 1971, to permit the attorney for the applicant to confer with Beech Aircraft Corporation relative to a possible compromise.

City Attorney --

The City Attorney stated that he believed the applicant's attorney and the Beech Aircraft Attorney acknowledged that the ordinance says that there is no variance from the 25-ft. height permissible under the ordinance and the ordinance would have to be amended to permit the variance. He stated that the ordinance was adopted in 1955 and as there has been some changes in the FAA regulations, he suggested that this ordinance be referred to the Metropolitan Area Planning Commission requesting them to prepare a study. It would be hoped that they would suggest an ordinance that would cover zoning in the Wichita area and not zoning for each specific airport.

--Ord. referred to MAPC for report & recommendations re. changes in Airport Zoning Ordinance

Porter moved to refer the ordinance to MAPC for a report and recommendations regarding changes in the Airport zoning ordinance.

William P. Higgins--

William P. Higgins, attorney for Dunn Sign Company and General Motors, asked that the Beech Airport zoning be considered before the balance of the zoning for the Wichita area as they are ready to construct the sign and he believes it will be several months before the entire Wichita area could be covered in an Airport Zoning Ordinance.

Everett Fettis --

Everett Fettis, Attorney representing Paul Burnett Buick, suggested amending the zoning ordinance now and then prepare the study and any changes in the Airport Zoning Ordinance be made at a later date.

Dale Fair --

Dale Fair, Attorney representing Beech, stated that this property has been used as an airfield for 50 years; Beech has been located where they presently are for 40 years; the zoning ordinance has been in effect 16 years, and the sign is a new problem. The other installations were there when they selected the site and they do not recommend the Commission approve the variance.

--substitute motion to deny exception

Stevens moved as a substitute motion to deny the exception.

Commissioner Porter inquired what length of time was involved in the study and where would the funds come from to provide the cost of preparing this study, and Bob Lakin, Director of Planning, stated that this study is in their work program about three years hence. He stated that they have been discussing the possibilities of updating this study to this year as there are some Federal grants in the 1/3, 2/3 percentage available for this type of study and report, if the 1/3 City can be provided, then this study could be commenced. The City's share would be in the vicinity of $40,000.00.

Commissioner Stevens' substitute motion carried unanimously.

--Airport Zoning matter referred to MAPC to include structures & facilities surrounding airports

Stevens --

Shanahan moved that the Airport Zoning matter be referred to the Metropolitan Planning Commission; to include the structures and facilities surrounding airports, and to not put a time limit on the report.

Commissioner Stevens stated that he hoped this study would include underground utility lines.

Commissioner Shanahan's motion carried unanimously.

Request for Industrial Revenue Bonds - Midtown Health Center, Inc.

Request for Industrial Revenue Bonds by Midtown Health Center, Inc., again presented, having been deferred from the meeting of April 20, 1971.

A proposal was received from Midtown Health Center, Inc., of Wichita, asking that the Commission issue a letter of intent for industrial revenue bonds in the amount of $950,000 for the construction of a skilled nursing facility at 13th and Waco.

It is proposed to construct a 124-bed nursing home and extended care facility at this site in the 1400 block on North Waco. The proposed facility will be licensed to provide care for welfare, Medicare, Medicaid and Veteran's Administration patients. Approval of the Kansas State Board of Health for the proposed facility has been obtained and a Certificate of Need was obtained from the State of Kansas.

Midtown Health Center, Inc., is a Kansas corporation, organized for profit for the purpose of construction and operation of the above described facility.

Amortization of the bonds has been proposed on a 20-year basis. Municipal Securities, Inc., has agreed to underwrite the proposed bond issue subject to approval of the bond issue by the City. Midtown Health Center, Inc., has agreed to purchase loan insurance for the entire term of the lease.

On March 20, 1971, the City Commission approved the issue of a letter of intent for a similar project. Prior to that time, the Commission had limited the use of Industrial Revenue Bonds to manufacturing type projects. This request is forwarded for consideration under this new policy adopted by the Commission.

The City Commission considered this proposal on April 20, 1971, and deferred the matter for one week for additional information relative to fiscal fee, escrowed interest, insurance premiums and tax comparison between profit and non-profit corporations.

City Attorney --

The City Attorney stated that generally, bonds may be issued for the building, land, building site and equipping of the building itself. Fiscal fees, attorney's approving opinions and building insurance are proper bond issue expenses. Insurance expense guaranteeing the payment of the lease would not be an item to be paid from the bond issue. He stated regarding the church facilities being tax exempt, it comes under the heading of probability in that if it is a church related facility and they make application to the State Board

OCT 5 1971

Request to construct a sign for Paul Burnett Buick Agency directly So. of Beech Aircraft property on East Kellogg

Request for discussion of exception to height restriction in Beech Aircraft Airport zone relative to a sign for Paul Burnett Buick Company, presented.

Mr. William P. Higgins --

Mr. William P. Higgins, Attorney, representing Dunn Sign Company and General Motors Corporation, has requested to speak to the Commission on the matter of height restrictions in the Beech Airport Zone as they effect proposed signing for the automobile dealership.

This matter was considered by the City Commission in March, 1971, and the request for exception was denied pending a study of height regulations at all airport zones. Mr. Higgins is requesting that action be taken to grant an exception pending completion of the Planning Department study of present zoning regulations.

William P. Higgins, Attorney representing the Dunn Sign Company and General Motors Corporation, asked the Commission for relief to allow them to construct a sign for the Paul Burnett Buick Agency directly south of Beech Aircraft property on East Kellogg. He stated that the Planning Commission has made little progress on a pending study regarding zoning regulations around airports in the Wichita area. He asked that the Commission allow them to construct their sign as a non-conforming use the same as existing poles and structures in the immediate area.

Greene - motion moot

Greene moved to refer this matter for their consideration and recommendation to the Metropolitan Area Planning Commission.

The vote on Mayor Greene's motion was 2 to 2. "No" votes Donnell and Shanahan.

Mayor Greene stated that the question was moot and suggested to Mr. Higgins that he might make a special appeal to the Planning Commission on this matter.

The Commission adjourned at 11:50 A.M.

For 10/12

PUBLIC AGENDA

This portion of the City Commission meeting is limited to a period of 30 minutes and subject to the limitation of five minutes for each presentation unless extended by a vote of a majority of the members of the Commission.

Members of the Public desiring to present matters to the Commission on the Public Agenda must submit a request in writing to the office of the City Manager prior to 12:00 noon on the Thursday preceding the Commission meeting. The request should state the name of the individual desiring to be heard and the matter to be presented.

Matters pertaining to litigation and violations of laws and ordinances are excluded from this agenda. Rules of decorum as provided in the City Code will be observed.

1. DISCUSSION OF EXCEPTION TO HEIGHT RESTRICTION IN BEECH AIRCRAFT AIRPORT ZONE RELATIVE TO A SIGN FOR PAUL BURNETT BUICK COMPANY.

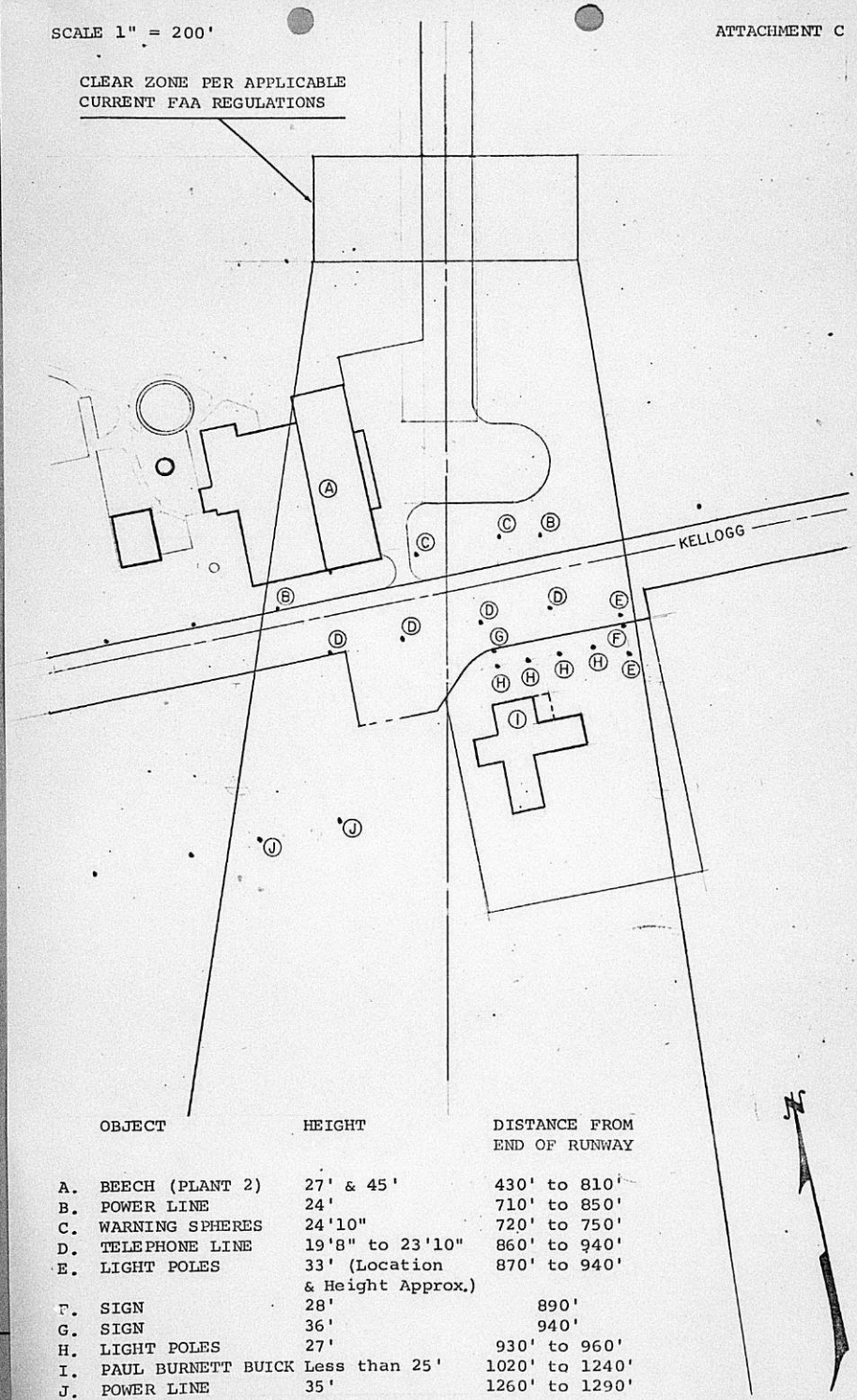
Mr. William P. Higgins, Attorney, representing Dunn Sign Company and General Motors Corporation, has requested to speak to the Commission on the matter of height restrictions in the Beech Airport Zone as they effect proposed signing for the automobile dealership.

This matter was considered by the City Commission in March, 1971, and the request for exception was denied pending a study of height regulations at all airport zones. Mr. Higgins is requesting that action be taken to grant an exception pending completion of the Planning Department study of present zoning regulations.

ACTION: Take such action as the Commission deems to be in the best interest of the public.

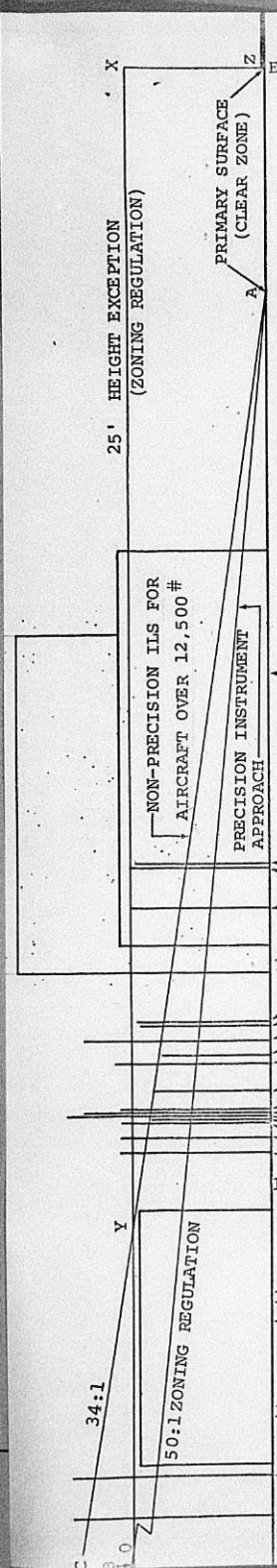
SCALE 1" = 200'

ATTACHMENT C



	OBJECT	HEIGHT	DISTANCE FROM END OF RUNWAY
A.	BEECH (PLANT 2)	27' & 45'	430' to 810'
B.	POWER LINE	24'	710' to 850'
C.	WARNING SPHERES	24'10"	720' to 750'
D.	TELEPHONE LINE	19'8" to 23'10"	860' to 940'
E.	LIGHT POLES	33' (Location & Height Approx.)	870' to 940'
F.	SIGN	28'	890'
G.	SIGN	36'	940'
H.	LIGHT POLES	27'	930' to 960'
I.	PAUL BURNETT BUICK	Less than 25'	1020' to 1240'
J.	POWER LINE	35'	1260' to 1290'

ATTACHMENT D



SCALES VERTICAL 1" = 20'

HORIZONTAL 1" = 100'

	OBJECT	HEIGHT	DISTANCE FROM END OF RUNWAY
A.	BEECH (PLANT 2)	27' & 45'	430' to 810'
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D.	TELEPHONE LINE	23'10"	860'
E.	LIGHT POLE	33' (Approx.)	870' (Approx.)
D.	TELEPHONE LINE	19'8"	880'
F.	SIGN	28'	890'
D.	TELEPHONE LINE	21'5"	910'
H.	LIGHT POLE	27'	930'
E.	LIGHT POLE	33' (Approx.)	940' (Approx.)
G.	SIGN	36'	940'
D.	TELEPHONE LINE	21'10"	940'
H.	LIGHT POLES	27'	940' to 960'
I.	PAUL BURNETT BUICK	Less than 25'	1020' to 1240'
J.	POWER LINE	35'	1260' to 1290'

THE CITY OF WICHITA

OFFICE OF CITY MANAGER **DATE** October 13, 1971

TO Robert A. Lakin, Director of Planning

FROM Ralph Wulz, City Manager

SUBJECT Height Restriction in Beech Aircraft Airport Zone Relative to a Sign for Paul Burnett Buick

The subject item has been heard by the City Commission on April 27, October 5, and October 12, 1971.

On April 27, the City Commission unanimously moved that "the Airport Zoning matter be referred to the MAPC: to include the structure and facilities surrounding airports, and to not put a time limit on the report."

Mr. William Higgins, attorney for GMC and Dunn Sign Company, has since contended that because of the extended period of time required for an overall airport zoning ordinance, special consideration should be given to an ordinance which would permit an exception at the Paul Burnett Buick location.

On October 12, after again hearing from Mr. Higgins and Mr. Dale Fair, attorney for Beech Aircraft, the City Commission on a 3-2 vote (Greene, Porter, Stevens voting "aye", Donnell and Shanahan voting "nay") moved that the request for a sign exception at this location be referred to the MAPC for study and recommendation.

Please bring this matter to the attention of the Planning Commission at its next regular meeting with notice of hearing being provided to interested parties.

Ralph Wulz
City Manager

RW:fam

cc: Robert Feldner, Superintendent of Central Inspection

Request for Exception to Height Restriction in Airport Zone presented

Request for exception to height restriction in Airport Zone,

Section 28.08.090 of the Airport Zoning Ordinance provides that the

maximum height of structures within the zone shall be 25 feet unless an exception is granted by the Governing Body.

Paul Burnett Buick Company --

The Paul Burnett Buick Company has requested permission to install two signs, 28 feet and 36 feet in height respectively, at its premises at 9901 East Kellogg which is within the airport zone of Beech Aircraft Corporation's airport.

The Federal Aviation Administration has indicated to the General Motors corporation that it has no objections to the proposed sign heights. The Beech Aircraft Corporation has objected to the height of the signs as proposed. The Dunn Sign Company has submitted the request for the height exception.

Dale Fair --

Dale Fair, Attorney for Beech Aircraft stated that the signs would be a traffic hazard and that Beech feels that the ordinance should be followed, in which case the height limits would be 25 feet. He stated that the poles at the south end of the Beech property and in the flight cone are 23 feet to 24 feet in height.

Bob Feldner --

Bob Feldner, Superintendent of Central Inspection, stated that the ordinance requires one foot of height for each 50 feet horizontally from the clear zone at the end of the runway, and that his office determined that this would allow for a sign about 15 feet in height, however the ordinance permits a sign of 25 feet, consequently his office did not feel that the signs met the requirements of the ordinance.

William P. Higgins--

William P. Higgins, attorney for the applicant, stated that there are poles on the south side of Kellogg that are 29'9" in height, and he further pointed out that Section 28.08.140 of the Airport Zoning Code does not require a permit if the height is under 25 feet, consequently he believes that the City Commission has the authority to grant a waiver of this height requirement for heights over 25 feet.

John Dekker --

John Dekker, Director of Law, stated that the ordinance provides for no appeal from the 25 feet wide limitation and that there could only be an appeal from Central Inspection's interpretation of the Airport Zoning ordinance.

--item deferred for one week to permit Mr. Higgins & City Attorney to

Enoch moved to defer this item for one week to permit Mr. Higgins and the City Attorney to discuss this matter further. Motion carried unanimously.

MAR 30 1971

Request for exception to height restriction for signs in Airport Zone by The Paul Burnett Buick Company

Request for exception to height restriction in Airport zone again presented, having been deferred from the meeting of March 23, 1971.

Section 28.08.090 of the Airport Zoning Ordinance provides that the maximum height of structures within the zone shall be 25 feet unless an exception is granted by the Governing Body.

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Mr. Dekker requested Mr. Higgins to put his request in writing and send the request to the Department of Law, which Mr. Higgins stated that he would do.

--deferred for four weeks

Stevens moved to defer for four weeks. Motion carried unanimously.

19 81

X

10/12

HIGGINS & BRIMER
ATTORNEYS AT LAW
SUITE 313 - FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

WILLIAM P. HIGGINS
JOHN W. BRIMER

263-6148
AREA CODE 316

5 October 1971

ROUTING:
☐ REM
☑ RW
OCT 6 1971
☐ RGF
☐ File

Ralph Wulz, City Manager
City Building, 204 S. Main
Wichita, Kansas 67202

Re: Exceptions to height restrictions -
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for Paul Burnett Buick Company

Dear Mr. Wulz:

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I would appreciate it if you would advise me as to the date this matter will be set on the City Commission agenda so I might be present and have an opportunity to present it to the full five man commission.

Yours truly,

HIGGINS & BRIMER

By: William P. Higgins

WPH/cp

CC: Dunn Sign Company
933 South West Street
Wichita, Kansas 67213

REFERENCE ITEM 1 PUBLIC
AGENDA FOR: OCT 5 1971
10/5

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SUITE 313 - FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

WILLIAM P. HIGGINS
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263-6148
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24 September 1971

ROUTING:
☐ REM
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☐ File ☐

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City Manager
City Building
Wichita, Kansas 67202

Re: Exception To Height Restriction
In Beech Aircraft Airport Zone
Relative To Sign For Paul Burnett
Buick Company

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which these signs would be used, we request we be placed upon the City Commission public agenda for October 5, 1971 at which time I would like to renew my request for the Commission that something be done specifically regarding our request relative to the Beech Aircraft area, separate and distinct from all airport zoning in the entire city of Wichita.

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WPH/cp

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Wichita, Kansas 67213

April 27, 1971

Request for exception to height restrictions in Airport zone, presented.

Request for Exception to Height Restrictions in Airport Zone **Paul Burnett Buick Company requested permission to install two signs, 28' & 36' in hgt. respectively at 9901 E. Kellogg**	Section 28.08.090 of the Airport Zoning Ordinance provides that the maximum height of structures within the zone shall be 25 feet unless an exception is granted by the Governing Body. . The Paul Burnett Buick Company has requested permission to install two signs, 28 feet and 36 feet in height respectively, at its premises at 9901 East Kellogg which is within the airport zone of Beech Aircraft Corporation's airport.

P. 13102 & 13103

BCC — 4/27/71 (Deferred 4 wks from 3/30)

- Porter M to refer ord to MIAPC for a report & recom regarding changes in Airport Zoning ord
- Stevens moved to deny appeal to the height limit of 25' carried unanimously
- Shanahan M that airport zoning matter be referred to MIAPC to include the structures and facilities surrounding airports, & to not put a time limit on the report.

The Federal Aviation Administration has indicated to the General Motors Corporation that it has no objections to the proposed sign heights. The Beech Aircraft Corporation has objected to the height of the signs as proposed. The Dunn Sign Company has submitted the request for the height exception. The request was deferred four weeks from the meeting of March 30, 1971, to permit the attorney for the applicant to confer with Beech Aircraft Corporation relative to a possible compromise.

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Stevens --

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Commissioner Shanahan's motion carried unanimously.

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Midtown Health Center, Inc., is a Kansas corporation, organized for profit for the purpose of construction and operation of the above described facility.

Amortization of the bonds has been proposed on a 20-year basis. Municipal Securities, Inc., has agreed to underwrite the proposed bond issue subject to approval of the bond issue by the City. Midtown Health Center, Inc., has agreed to purchase loan insurance for the entire term of the lease.

On March 20, 1971, the City Commission approved the issue of a letter of intent for a similar project. Prior to that time, the Commission had limited the use of Industrial Revenue Bonds to manufacturing type projects. This request is forwarded for consideration under this new policy adopted by the Commission.

The City Commission considered this proposal on April 20, 1971, and deferred the matter for one week for additional information relative to fiscal fee, escrowed interest, insurance premiums and tax comparison between profit and non-profit corporations.

City Attorney --

The City Attorney stated that generally, bonds may be issued for the building, land, building site and equipping of the building itself. Fiscal fees, attorney's approving opinions and building insurance are proper bond issue expenses. Insurance expense guaranteeing the payment of the lease would not be an item to be paid from the bond issue. He stated regarding the church facilities being tax exempt, it comes under the heading of probability in that if it is a church related facility and they make application to the State Board

OCT 5 1971

Request to construct a sign for Paul Burnett Buick Agency directly So. of Beech Aircraft property on East Kellogg

Mr. William P. Higgins --

Request for discussion of exception to height restriction in Beech Aircraft Airport zone relative to a sign for Paul Burnett Buick Company, presented.

Mr. William P. Higgins, Attorney, representing Dunn Sign Company and General Motors Corporation, has requested to speak to the Commission on the matter of height restrictions in the Beech Airport Zone as they effect proposed signing for the automobile dealership.

This matter was considered by the City Commission in March, 1971, and the request for exception was denied pending a study of height regulations at all airport zones. Mr. Higgins is requesting that action be taken to grant an exception pending completion of the Planning Department study of present zoning regulations.

William P. Higgins, Attorney representing the Dunn Sign Company and General Motors Corporation, asked the Commission for relief to allow them to construct a sign for the Paul Burnett Buick Agency directly south of Beech Aircraft property on East Kellogg. He stated that the Planning Commission has made little progress on a pending study regarding zoning regulations around airports in the Wichita area. He asked that the Commission allow them to construct their sign as a non-conforming use the same as existing poles and structures in the immediate area.

Greene - motion moot

Greene moved to refer this matter for their consideration and recommendation to the Metropolitan Area Planning Commission.

The vote on Mayor Greene's motion was 2 to 2. "No" votes Donnell and Shanahan.

Mayor Greene stated that the question was moot and suggested to Mr. Higgins that he might make a special appeal to the Planning Commission on this matter.

The Commission adjourned at 11:50 A.M.

for 10/12

PUBLIC AGENDA

This portion of the City Commission meeting is limited to a period of 30 minutes and subject to the limitation of five minutes for each presentation unless extended by a vote of a majority of the members of the Commission.

Members of the Public desiring to present matters to the Commission on the Public Agenda must submit a request in writing to the office of the City Manager prior to 12:00 noon on the Thursday preceding the Commission meeting. The request should state the name of the individual desiring to be heard and the matter to be presented.

Matters pertaining to litigation and violations of laws and ordinances are excluded from this agenda. Rules of decorum as provided in the City Code will be observed.

1. DISCUSSION OF EXCEPTION TO HEIGHT RESTRICTION IN BEECH AIRCRAFT AIRPORT ZONE RELATIVE TO A SIGN FOR PAUL BURNETT BUICK COMPANY.

   Mr. William P. Higgins, Attorney, representing Dunn Sign Company and General Motors Corporation, has requested to speak to the Commission on the matter of height restrictions in the Beech Airport Zone as they effect proposed signing for the automobile dealership.

   This matter was considered by the City Commission in March, 1971, and the request for exception was denied pending a study of height regulations at all airport zones. Mr. Higgins is requesting that action be taken to grant an exception pending completion of the Planning Department study of present zoning regulations.

   ACTION: Take such action as the Commission deems to be in the best interest of the public.

Chapter 28.08

AIRPORT ZONING[7]

Sections:

7. As to aircraft and municipal airport generally, see Chapter 9.20 of this Code.

28.08.010 Definitions. As used in this chapter, unless the context otherwise requires:

A. AIRPORT means any area of land or water designed and set aside for the landing and take-off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

B. AIRPORT ELEVATION means the established airport elevation in feet above mean sea level, of the highest point on the landing area which is used or intended to be used for take-off and landing operations.

C. AIRPORT HAZARD means any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

D. AIRPORT REFERENCE POINT means a point selected and marked at the approximate center of the airport landing area.

E. APPROACH SURFACE means an imaginary plane sloped upward and outward from the end of the clear zone symmetrically above the projected runway center line.

F. APPROACH ZONE means the land area immediately below the approach surface.

G. BOARD means the board of commissioners of the City of Wichita, Kansas.

H. CLEAR ZONE means the land areas immediately adjacent to and extending outward from the ends of the landing zones and having the same widths as the landing zones.

I. CONICAL SURFACE means an imaginary conical surface extending upward and outward from the periphery of the horizontal surface for a designated distance and slope.

J. CONICAL ZONE means the land area immediately below the conical surface, the boundaries of which are measured radially from the airport reference point.

K. CONTROL SURFACE means an imaginary horizontal plane annular in shape centered over the airport reference point and extending outward from the periphery of the conical surface.

L. CONTROL ZONE means a land area immediately below a control surface.

M. DATUM PLANE means a horizontal reference plane through the elevation from which permissible heights shall be calculated, and except as otherwise specified, shall be the elevation of the nearest point on the center line of the nearest runway.

N. HORIZONTAL SURFACE means an imaginary circular plane located a designated distance above the established airport elevation and measured radially from the airport reference point.

O. HORIZONTAL ZONE means the land area immediately below the conical surface.

P. LANDING ZONE means the surface area within the boundaries of an airport designed for the use of aircraft take-off and landing operations, having a designated width on each side of a runway center line.

Q. NONCONFORMING USE means any structure, tree or use of land which as of the effective date of such regulations does not conform to a regulation prescribed in this chapter, or any amendment thereto.

R. PERSON means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

S. RUNWAY means the specially prepared or designated area within the landing zone for take-off and landing operations.

T. STRUCTURE means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines, also other hazardous items such as smoke fumes, dust, balloons, kites and gases.

U. TRANSITIONAL SURFACE means an imaginary plane extending upward and outward at a designated slope and distance from the approach surface; from the landing surface to the horizontal surface; and from the approach surface to the horizontal, conical and control surfaces.

V. TRANSITIONAL ZONE means a land area immediately below a transitional surface.

W. TREE means any object of natural growth. (Ord. No. 21-407, § 2.)

28.08.020 Short title. This chapter shall be known and may be cited as the "Wichita Airport Zoning Ordinance." (Ord. No. 21-407.)

28.08.030 Wichita Municipal Airport—Zones generally. In order to carry out the provisions of this chapter, the following height limiting zones are created in the approaches to, and the general vicinity of the Wichita Municipal Airport:

1. Landing zone.
2. Clear zone.
3. Approach zones.
4. Horizontal zone.
5. Conical zone.
6. Transitional zone.

The boundaries of the zones and the heights applicable thereto are as described herein, and as shown on Obstruction Zoning Map, Wichita Municipal Airport, numbered 208-E-1, and dated March, 1955, and Obstruction Zoning Map—15,000′ Radius, Wichita Municipal Airport, numbered 208-E-2, and dated March 1, 1955, which maps are attached hereto and hereby made a part hereof[8] and the same may be amended and supplemented as hereinafter provided.

Boundaries of the zones are the same as the horizontal projection on the land below of those of the respective imaginary surfaces shown on the aforesaid maps.

1. LANDING ZONE, shall have a width of not less than five hundred feet on each side of the center line of runways designated for instrument operations and not less than two hundred fifty feet on each side of the center line of other runways.

2. CLEAR ZONE shall extend two hundred feet outward from the landing zone.

3. APPROACH ZONES, the dimensions of approach zones are measured horizontally.

A. Approach Zone Length. The approach zone shall have a length of ten thousand feet measured from the outer end of the clear zone. In addition, the approach zones of all runways designed for instrument operations shall extend outward an additional forty thousand feet. The approach zone requirements for instrument runways shall apply to all runways which may be used for instrument operations and to both ends of such runways.

B. Approach Zone Width. For all instrument runways the approach zone has a total width of one thousand feet at the end adjacent to the clear zone, and flares uniformly to a total width of four thousand feet at the end of the ten thousand foot section and to a total width of sixteen thousand feet at the end of the additional forty thousand foot section. For all

8. Such maps are not reproduced in this Code, but can be found on file in the office of the superintendent of building inspection.

other runways not intended for instrument operation the approach zone has a total width of five hundred feet at the end adjacent to the clear zone, flaring to two thousand five hundred feet at the end of the ten thousand foot section.

4. HORIZONTAL ZONE, shall have a radius of ten thousand feet measured horizontally from the airport reference point.

5. CONICAL ZONE, shall extend outward from the periphery of the horizontal zone a distance of five thousand feet measured horizontally.

6. TRANSITIONAL ZONES, shall terminate at horizontal, conical, or other transitional zones. Also, transitional zones five thousand feet wide, measured horizontally at right angles to the projected runway center line, shall extend each side of the instrument runway approach zones from the conical zone to the outer end of the approach zone. (Ord. No. 21-407, § 3.)

28.08.040 Same—Height Limits. Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this chapter in the vicinity of the Wichita Municipal Airport, to a height in excess of the height limit herein established for such zone.

The height limit of each type of zone is hereby established as follows:

1. LANDING ZONE AND CLEAR ZONE. Nothing above the datum plane, except as required and as necessary and incidental to airport operations or recommended by or in accordance with the rules of the Civil Aeronautics Administration.

2. APPROACH ZONES. The maximum permissible heights within the approach zones shall be determined by the inclination of the approach surfaces starting from the elevation of the end of the respective runways as follows:

A. **Instrument Runways.** One foot of allowable height for every fifty feet of the horizontal distance measured outward along the projected center line of the respective runway from the inner boundary of the ten thousand foot approach surface to a point at right angles to the structure or tree. Also, one foot of allowable height above the two hundred feet for each additional forty feet of horizontal distance measured outward along the projected center line of the respective runway from the inner boundary of the forty thousand foot approach surface to a point at right angles to the structure or tree.

B. **Non-Instrument Runways.** One foot of allowable height for each forty feet of the horizontal distance measured outward along the projected center line of the respective runway from the inner boundary of the approach surface to a point at right angles to the structure or tree.

3. HORIZONTAL ZONE. One hundred and fifty feet of allowable

height above the airport elevation, which is one thousand three hundred thirty-two feet.

4. CONICAL ZONE. One foot of allowable height above the horizontal surface for each twenty feet of horizontal distance measured radially from the inner ring of the conical surface outward to the structure or tree.

5. TRANSITIONAL ZONE. One foot of allowable height above the datum plane for each seven feet of the horzontal distance measured outward from the border of the landing zone at right angles to the runway center line, or one foot of allowable height for each seven feet of horizontal distance measured at right angles to the respective runway center line from the closest boundary of the approach surface to the structure or tree, plus the allowable height of the approach surface center line at a point at right angles to the structure or tree. (Ord. No. 21-407, § 3.)

28.08.050 McConnell Air Force Base—Zones generally. In order to carry out the purposes of this chapter, all of the land within fifty thousand feet of the established McConnell Air Force Base airfield reference point is divided into the following height limiting zones, the boundaries of which and heights applicable thereto are shown on the McConnell Air Force Base Airfield Zoning Plan, numbered 16-53, dated 20 January 1952, which is attached hereto and made a part hereof[9] and may be amended and supplemented as hereinafter provided:

1. LANDING ZONE. In no case will the width of the landing zone be less than the width of the approach zone at the end of the runway.

2. CLEAR ZONE. The areas immediately adjacent to both ends of a runway. The clear zone dimensions are one thousand feet long and the same widths as the landing zone.

3. APPROACH ZONE. Length shall be twenty-five thousand feet. The width of the approach zone at the end of the clear zone shall be one thousand five hundred feet for runway 30-12. It shall flare to four thousand feet at ten thousand feet from the end of the clear zone and remain four thousand feet wide for the additional fifteen thousand feet. The width of the approach zone at the end of the clear zone shall be two thousand three hundred twenty-five feet for runways 18L-36R and 18R-36L. It shall flare to four thousand eight hundred twenty-five feet at distance of ten thousand feet from the end of the clear zone and remain four thousand eight hundred twenty-five feet wide for the additional fifteen thousand feet.

4. APPROACH SURFACE (A), shall begin at the end of the clear zone at the elevation of the end of the runway and rise over the approach zone on a slope of one foot height for every fifty feet of horizontal dis-

9. Such maps are not reproduced in this Code, but will be found on file in the office of the superintendent of building inspection.

tance for a horizontal distance of ten thousand feet (two hundred feet above elevation of the end of the runway).

5. APPROACH SURFACE (B), shall cover the remaining fifteen thousand feet of approach zone at two hundred feet above elevation of the end of the runway.

6. HORIZONTAL SURFACE (D), shall be located one hundred fifty feet above the established airport elevation, which is one thousand three hundred seventy-one feet. This surface will be limited to an area included within a circle having a radius of ten thousand feet measured from the airport reference point.

7. CONICAL SURFACE (F), shall extend upward and outward from the periphery of the horizontal surface for a horizontal distance of seven thousand feet. The slope of the conical surface shall be one foot of height for every twenty feet of horizontal distance.

8. TRANSITIONAL SURFACE (C) and (E). The slope of the transitional surfaces, measured at right angles to the axis of the runway involved, will be one foot of height for every seven feet of horizontal distance. Transition surfaces terminate at the intersection with the horizontal surface, the conical surface or the control surface.

9. CONTROL SURFACE (G), shall be located five hundred feet above the established airport elevation. This surface will be limited to an area included within a circle having a radius of fifty thousand feet measured from the airport reference point. (Ord. No. 21-407, § 4.)

28.08.060 Same—Height limits. Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this chapter in the vicinity of the McConnell Air Force Base airfield, to a height in excess of the height limit herein established for such zone. The height limit for each type of zone is hereby established as follows:

1. LANDING ZONE AND CLEAR ZONE. Nothing above the datum plane, except as required and as necessary and incidental to air base operations.

2. "A" AND "B" APPROACH ZONES. The maximum permissible heights within the approach zones, based on the elevation of the end of the runway in question, are given in the following tabulation:

Surface	Distance from End of Clear Zone (Feet)	Width of Approach Zone: Runway 30-12	Width of Approach Zone: Runways 36L-18R and 36R-18L	Maximum Permissible Height (Feet)
A	0	1,500	2,325	0
A	1,000	1,750	2,575	20
A	2,000	2,000	2,825	40
A	3,000	2,250	3,075	60
A	4,000	2,500	3,325	80
A	5,000	2,750	3,575	100
A	6,000	3,000	3,825	120
A	7,000	3,250	4,075	140
A	8,000	3,500	4,325	160
A	9,000	3,750	4,575	180
A	10,000	4,000	4,825	200
B	10,000-25,000	4,000	4,825	200

3. HORIZONTAL ZONE (D). One hundred and fifty feet of allowable height above the established airport elevation, which is one thousand three hundred seventy-one feet.

4. CONTROL ZONE (G). Five hundred feet above the established airport elevation.

5. CONICAL ZONE (F). One foot of height above the horizontal surface for each twenty feet of horizontal distance as given in the following tabulation:

Distance from Outside Edge of Horizontal Surface	Maximum Permissible Height
0 feet *	150 feet
1,000 feet	200 feet
2,000 feet	250 feet
3,000 feet	300 feet
4,000 feet	350 feet
5,000 feet	400 feet
6,000 feet	450 feet
7,000 feet **	500 feet

6. TRANSITIONAL ZONES (C AND E). Allowable heights determined by the transitional surfaces which have a slope of one foot vertical for each seven feet of horizontal distance measured at right angles to the respective runway center lines. (Ord. No. 21-407, § 4.)

*10,000 feet from airport reference point.
**17,000 feet from airport reference point.

28.08.070 Beech Airport—Zones generally. In order to carry out the provisions of this chapter, height limiting zones are created in the approaches to, and in the general vicinity of the Beech Airport. The following zones are hereby established as defined hereinbefore.

1. Landing zone.
2. Clear zone.
3. Approach zone.
4. Horizontal zone.
5. Conical zone.
6. Transitional zone.

The boundaries of these zones and the planes establishing their respective heights shall be as set forth hereinafter in this section and as shown on Beech Aircraft Corporation drawings identified as follows:

DRAWING DO-120-1 PLOT PLAN—BEECH AIRPORT

This drawing shows the dimensions and layout of the Beech Airport and its dimensional relations to adjacent public highways.

DRAWING DO-120-2 NAVIGATION MAP—BEECH AIRPORT (2 SHEETS).

Sheet 1 constitutes a plan view of all approach zones and the turning zone. Sheet 2 is a series of sectional views as projected on vertical planes along the center lines of three runways on this airport.

These drawings are attached hereto and are hereby made a part of this chapter[1], not only as they now are but also as they may be amended and supplemented as hereinafter provided.

1. LANDING ZONE, shall have the following widths:

North-south landing zone shall have a width of five hundred feet on each side of the center line of the runway to provide for instrument controlled operation of aircraft. The remaining two landing zones shall have a width of one hundred feet on each side of the center line of the respective runway.

2. CLEAR ZONE, shall have a length of two hundred feet and the same width as the respective landing zone.

3. APPROACH ZONE. The dimensions of all approach zones are measured horizontally as follows:

(A) Approach Zone Length shall extend outward from the ends of the clear zones the following distances, measured along the center line of the respective runway:

North-south runway—50,000 feet.

Remaining runways—10,000 feet.

1. Such drawings are not reproduced in this Code, but will be found on file in the office of the superintendent of building inspection.

(B) Approach Zone Width is symmetrically located with reference to the runway center line. It has the following widths:

North-south runway—The width of the approach zones are one thousand feet as measured at the ends of the clear zone and shall widen to a total width of sixteen thousand feet at a distance of fifty thousand feet from the ends of the clear zone.

The remaining runways shall have approach zones three hundred feet wide at the ends of the respective clear zone and they shall have a total width of two thousand three hundred feet at a point ten thousand feet from the ends of the clear zone.

4. HORIZONTAL ZONE, shall have a radius of ten thousand feet measured horizontally from the airport reference point.

5. CONICAL ZONE, shall extend outward from the periphery of the horizontal zone a distance of five thousand feet, measured radially from the airport reference point in a horizontal plane.

6. TRANSITIONAL ZONE, terminates at horizontal, conical or other transitional zones. Also, transitional zones five thousand feet wide, measured horizontally at right angles to the projected runway center line, shall extend each side of the instrument runway approach zones from the conical zone to the outer end of the approach zone. (Ord. No. 21-407, § 5.)

28.08.080 Same—Height limits. Except as otherwise provided in this chapter, no structure, tree or other object shall be erected, altered, maintained or allowed to grow in any zone created by this chapter in the vicinity of the Beech Airport, to a height in excess of the height limits herein established for such a zone.

The height limit of each type of zone is hereby established as follows:

1. LANDING ZONE AND CLEAR ZONE. Nothing above the datum plane except objects necessary and incidental to airport operations or recommended by the Civil Aeronautics Administration or required by the rules thereof.

2. APPROACH ZONE. The maximum permissible heights within the approach zone shall be determined by the slope of the approach surface starting from the end of the respective clear zone at the elevation of the end of the runway.

The approach surface of each runway shall be determined as follows:

(A) Approach Surface for Main North-South Runway. First ten thousand feet beyond ends of clear zones. One foot of height is allowed for each fifty feet of the horizontal distance measured outward from the ends of the clear zones along the projected center line of the runway to a point at right angles with the structure, tree or other object. Also, one foot of allowable height above the two hundred feet for each additional forty feet of horizontal distance, measured outward along the projected center

line of the respective runway from the inner boundary of the forty thousand foot approach surface to a point at right angles with the structure or tree.

(B) Approach Surface for Other Runways. The allowable height will be one foot for each forty feet of the horizontal distance up to ten thousand feet as measured outward from the ends of the clear zone along the projected center line of the respective runway to a point at right angles to the structure, object or tree.

3. HORIZONTAL ZONE. The horizontal surface of this zone is to be one hundred fifty feet above the elevation of the airport, which is one thousand three hundred seventy-eight feet.

4. CONICAL ZONE. One foot of allowable height above elevation one thousand five hundred twenty-eight feet (one thousand three hundred seventy-eight feet plus one hundred fifty feet) for each twenty feet of horizontal distance, measured radially from the inner ring of the conical surface, outward to the structure, object or tree.

5. TRANSITIONAL ZONE. One foot of allowable height above the datum plane for each seven feet of the horizontal distance, measured outward from the border of the landing zone at right angles to the runway center line, or one foot of allowable height for each seven feet of the horizontal distance, measured at right angles to the respective runway center line from the closest boundary of the approach surface to the structure, object or tree, plus the allowable height of the approach surface center line at a point at right angles with the structure, object or tree. (Ord. No. 21-407, § 5.)

28.08.090 Use restrictions and height exceptions. A. Except as otherwise provided in this chapter, it shall be unlawful to put any land located within any zone hereby created to any of the following prohibited uses:

1. Manufacturing establishments or other uses which produce smoke and dust interfering with the safe use of the airport.

2. All plants and businesses of every kind which emit or discharge gases and odors that would interfere with the health or safety of the public in the use of the airport.

3. Any other use which would create electrical interference with radio communication between the airport and aircraft and make it difficult for flyers to distinguish between airport lights and other lights, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

4. It shall be unlawful to install overhead transmission lines or transformer stations in the approach zones for the instrument landing system runway or runways for a longitudinal distance outward from the

ends of the runway of two thousand feet, and laterally from the runway center lines as extended, of one thousand feet.

B. Notwithstanding any other provisions or limitation in this chapter, none of the height limitations contained in this chapter shall restrict the erection, alteration or maintenance of any structure or tree to an elevation of less than twenty-five feet above the natural ground level. (Ord. No. 21-407, § 6.)

28.08.100 Spacing adjacent airports. A. No other airport shall be established hereafter[2], any portion of whose proposed boundary will be within a radius of eight miles from an airport reference point or under an airport approach zone of an airport established on the effective date of this chapter, unless a permit thereof shall have been applied for and granted in accordance with the provisions of this chapter.

B. Exceptions to the spacing requirements hereinbefore provided in this section may be granted by the board, upon receipt of proper application, but only after public hearing duly held in accord with provisions of this chapter, and where, owing to special conditions, the board duly finds that a literal enforcement of these provisions would result in unnecessary hardship and such variance would not be contrary to the public interest. Prior to granting any such exception or variance, the board shall, for the purpose of study and recommendation, refer the matter to the civil aeronautics administration and to any local planning body having the jurisdiction within the area affected.

If any of the aforementioned bodies to whom the matter shall have been referred does not within forty-five days transmit a report to the board, then it shall be deemed to have approved the proposal; provided, however, that upon request of any such body, the board shall grant a reasonable extension of such time.

In granting such exception or variance the board shall impose special conditions which will ensure the public interest is maintained. (Ord. No. 21-407, § 7.)

28.08.110 Existing nonconforming uses. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree or use of land not conforming to these regulations and any amendment thereto as of the effective date thereof, or otherwise interfere with the continuance of any nonconforming use. (Ord. No. 21-407, § 8.)

28.08.120 Enforcement of chapter by chief building inspector. It shall be the duty of the chief building inspector of the city to administer and enforce the regulations prescribed in this chapter. (Ord. No. 21-407, § 9.)

28.08.130 Promulgation of rules, regulations, etc., by building inspec-

2. October 25, 1955.

tor. The building inspector shall promulgate, and from time to time amend, rules, regulations and standards for the administration and enforcement of this chapter, which such standards shall not be effective until they have first been approved by the governing body of the city, and a copy thereof filed with the city clerk of the city. (Ord. No. 21-407, § 9.)

28.08.140 Permits and variances—When permits required. A. FUTURE USES:

No material change shall be made in the use of land, and no structure shall be erected, altered, or otherwise established in any zone hereby created, unless a permit therefor shall have been applied for and granted, except that a permit shall not be required for any structure less than twenty-five feet in height.

B. EXISTING USES:

Before any existing use of land may be materially changed or any existing structure may be replaced, substantially altered or repaired or rebuilt within any zone hereby created, a permit must be secured authorizing such replacement, change or repair, except that a permit shall not be required for alterations, repairing or rebuilding of any structure less than twenty-five feet in height. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this chapter or amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. (Ord. No. 21-407, § 10.)

28.08.150 Same—Application to chief building inspector; form. Applications for permits and variances under this chapter shall be made to the chief building inspector on a form furnished by him. (Ord. No. 21-407, § 9.)

28.08.160 Same—Consideration of application by chief building inspector; granting or denial. Applications for permits or variances as provided for in the preceding section shall be promptly considered by the chief building inspector and if determined by him to conform to the provisions of this chapter, a permit shall be granted. If it is determined by the chief building inspector that the proposed use does not conform with the provisions of this chapter, the application shall be denied and a copy transmitted to the board of city commissioners for further hearing and decision. (Ord. No. 21-407, § 9.)

28.08.170 Same—Information to be shown in application. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations herein

prescribed. If such determination is in the affirmative, the permit shall be granted. (Ord. No. 21-407, § 10.)

28.08.180 Hazard marking and lighting. Any permit so granted under this chapter may, if such action is deemed advisable to effectuate the purpose of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. (Ord. No. 21-407, § 10.)

28.08.190 Appeals. A. Any person aggrieved, or taxpayer affected, by any decision of the building inspector made in his administration of this chapter, may appeal to the board of city commissioners.

B. All appeals hereunder must be taken within thirty days by filing with the board a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board, after the notice of appeal has been filed with it, that by reason the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by order of the board and on due cause shown.

D. The board shall fix a reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing any party may appear in person or by agent or by attorney.

E. The board, in conformity with the provisions of this chapter, may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building inspector, but wholly within the terms of this chapter.

F. The concurring vote of a majority of the members of the board shall be sufficient to revise any order, requirement, decision, or determination of the building inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in this chapter. (Ord. No. 21-407, § 11.)

28.08.200 Institution of actions in courts by building inspector. The building inspector may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this chapter, or of any order or ruling made in connection therewith as provided by law. (Ord. No. 21-407, § 12.)

28.08.210 Airport zoning maps. A. PREPARATION. The airport zoning commission has caused to be prepared, separate airport zoning maps, one or more of such maps, for the Wichita Municipal Airport, McConnell Air Force Base and the Beech Airport, which maps describe by legend the various zones as the same has heretofore been approved and established by the airport zoning commission and the city commission according to law.

B. OFFICIAL TITLE. Each such airport zoning map, properly identified by the name of the airport covered and an appropriate description of what the map purports to show, shall be signed by the city clerk of the city and marked with the effective date of this chapter.

C. RATIFICATION. The particular zoning classifications as shown by the legends on such airport zoning maps are hereby ratified, confirmed and approved and all land within any of the zones shown on any of the airport zoning maps shall be and is hereby zoned the particular airport zone shown by the legend on the applicable airport zoning map.

D. MAINTENANCE. The airport zoning maps shall be kept and maintained by the city and shall be available for inspection and examination by members of the public at all reasonable times as any other public record in the office of the superintendent of building inspection.

An exact copy of each airport zoning map shall be located in the office of the city clerk, who shall likewise maintain such maps and make them available for inspection and examination by members of the public at all reasonable hours.

E. CHANGE IN AIRPORT ZONING MAPS. Any change in an airport zoning classification accomplished in the manner provided by law, after public hearing and a resolution of the governing body of the city, shall be noted on the particular airport zoning map affected by such change on file in the office of the building inspection superintendent and in the office of the city clerk, so that all such airport zoning maps shall at all times reflect the current airport zoning classification of each parcel of real estate embraced within such airport zoning maps. (Ord. No. 21-407, § 15.)

28.08.220 Conflicting regulations. In the event of any conflict between the requirements of this chapter and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail. (Ord. No. 21-407, § 13.)

28.08.230 Amendments. Amendment or repeal of all or part of this chapter shall be done in accord with the procedure prescribed by law for the adoption, amendment and repeal of comprehensive zoning regulations. (Ord. No. 21-407, § 14.)

28.08.240 Severability of chapter. If any of the provisions of this

chapter or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. (Ord. No. 21-407, § 15.)

28.08.250 **Effective date of chapter.** This chapter shall be in full force and effect from and after its adoption, and publication in the official paper.

Adopted on the 25th day of October, 1955. (Ord. No. 21-407, § 15.)

Federal Aviation Regulations

P-2
P-8
P-15
P-16
Part 77.15 p 3 shielding; nav aids
77.23 : 6:1
77.25
77.29

VOLUME XI

PART 77
Objects Affecting Navigable Airspace

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

Introductory Note

Part 77 is codified under Subchapter E, Airspace, of Title 14 of the CODE OF FEDERAL REGULATIONS.

This FAA publication of Part 77, revised effective May 1, 1965, incorporates Amendments 77–1 through 77–8 and any changes required by the Department of Transportation transition amendment.

385-693 O - 4

Part 77—Objects Affecting Navigable Airspace

Contents

Trans. 8 (Amdt. 77–9, Eff. 5/16/71)

Adoption of Revised Part 77

Adopted: February 3, 1965 **Effective: May 1, 1965**

(Published in 30 F.R. 1837, February 10, 1965)

This revision of Part 77 of the Federal Aviation Regulations relaxes and simplifies the requirements for notice to the Agency of certain proposed structures, consolidates obstruction standards for use in the several Agency programs, and streamlines the Agency procedures for determining the effect of proposed structures on air navigation.

The proposed revision was published in the Federal Register (28 F.R. 7788–7795) on July 31, 1963. Extensive comments were received from aeronautical and non-aeronautical sources which endorsed generally the changes under consideration. These comments were very constructive in nature and the Agency appreciates the cooperative spirit in which they were submitted. Since the discussion here must necessarily be a limited review and explanation of the principal actions being taken, the Agency is unable to give specific recognition to each comment. However, each person who participated may be assured that full consideration was given to his recommendations.

The first noteworthy departure in this amendment from the revisions originally proposed relates to the statement in Subpart A—General on the lack of application of Subparts B, D, and E to construction work begun before July 15, 1961. This has been deleted as unnecessary and possibly misleading. The extensive amendments made by this revision to all portions of Part 77 will take effect at the effective date provided herein. Notices received after this date will be processed under the provisions of Part 77 as revised. Aeronautical studies begun prior to this effective date will be continued under the new provisions.

Public reaction to the proposed revisions of the notice requirements disclosed a need for several adjustments. The first of these involves the requirement for notice to the Agency of any proposed structure which would pierce an imaginary slope of 100 to 1 extending from the property line of an airport listed in the "Airport Directory" of the *Airman's Information Manual*. The property line was selected as a point of beginning because of its greater availability to the public. This feature appears to be an inadequate substitute for the most appropriate point of beginning, that is, the nearest point of the runway nearest to the site of the proposed structure. The use of this point also fixes the elevation of the beginning of the pertinent imaginary slope at the elevation of that nearest point. In addition, the scope of the notice requirement has been substantially reduced. The horizontal distance of the 100 to 1 slope has been restricted to 20,000 feet and will now be applied only to airports with the longest runway more than 3,200 feet in length. For airports with the longest runway 3,200 feet or shorter, a 50 to 1 slope is prescribed for a horizontal distance of 10,000 feet. The FAA "Directory" furnishes the length of the longest runway at each airport. The notice requirement for helicopters now has a horizontal slope of 25 to 1 extending for 5,000 feet.

These notice requirements are made applicable for airports which are either listed in the "Directory" or are operated by a Federal military agency. We have determined that military airports need not be included in the "Directory" in view of their listing in military publications and the fact that their presence is generally well known to people living or owning property in their vicinity. In those cases where the boundaries of a runway of an airport, including a seaplane base, are not designated, the notice requirement of section 77.13(a)(2) will, obviously, not be applicable. However, the notice re-

quirement would apply to those airports which have large sod, or other unpaved areas designated for the takeoff and landing of aircraft. Those areas constitute the runways from which the notice slope is computed. Also, the "Directory" will not list those airports constructed after December 31, 1958, which were the subject of a determination by the Agency that their establishment was not acceptable and would have an adverse effect on the efficient use of airspace and the safety of aircraft.

While this amendment simplifies the current notice requirements, it is recognized that many construction proponents may nevertheless experience difficulty in ascertaining whether they are required to notify the Agency of their proposed structures. The Airspace Utilization Branch in each FAA regional office is staffed with technicians who are available to inform any interested person of the effect of these notice requirements on a specific construction proposal. These technicians will also describe the airspace assignments and aeronautical operations in the area of the construction site so that the proponent may make an informed decision on the feasibility of the site and the availability of other areas which may serve his purpose equally and without derogation of air safety.

The substantial number of comments on the shielding provision of section 77.15 which excuses certain construction and alteration proposals from the notice requirements indicates a further explanation would be in order. The shielding provision adopted here is more restrictive than the one previously employed. This limitation was found necessary because of the unjustified extension of the earlier provision by certain construction proponents. As adopted, the shielding exemption is applicable only in the congested areas of cities, towns, and settlements, and then only to structures so shielded that they could not possibly derogate the safety of air navigation. It should be emphasized that this provision does not represent the Agency shielding criteria. It only relates to the exception from the notice requirements. Upon receiving the required notice, the Agency conducts an appropriate aeronautical study of the proposed structure and, in the course of that study, determines whether it would be, in fact, shielded.

The provisions describing the Agency acknowledgment of notices of construction proposals have been further simplified. The acknowledgment will advise each construction sponsor on two subjects, the possible application of the Agency marking and lighting standards, and whether the proposed structure may be a hazard to air navigation. On the first, the acknowledgment advises whether the construction proposal would be of a type included under the provisions of the FAA Manual on "Obstruction Marking and Lighting" and, if so, how the structure should be marked and lighted. On the hazard question, the acknowledgment will generally state whether the construction or alteration would exceed any of the obstruction standards of Subpart C and will either include a determination on whether the structure would be a hazard to air navigation or advise that further study is required to resolve the question. In the relatively few cases where the structure would exceed an obstruction standard and, in addition, would be located within a runway clear zone or the part of the primary surface extending beyond the end of a runway, the acknowledgment advises that the structure would be a hazard to air navigation. As indicated by this discussion, we have determined not to substitute the phrase "adverse effect on air navigation" for "hazard to air navigation." The Agency review of this portion of the proposal and the comments received with respect to it have disclosed that the "hazard" terminology is preferable.

The obstruction standards adopted here differ in many respects from those originally proposed. Upon review of the comments, the Agency has determined that the obstruction criteria most appropriate for promulgation at this time for civil airports, including joint-use airports, should be drawn more directly from the existing Technical Standard Order TSO–N18, "Criteria for Determining Obstruction to Air Navigation." In view of the substantial length of time that the TSO–N18 criteria have been employed for civil aviation purposes, the adoption of these criteria as the consolidated Agency criteria for use in the performance of the statutory functions authorized by the Federal Aviation Act and the Federal Airport Act should result in the least possible disruption of the performance of those functions.

The obstruction standards now presented in Subpart C are less stringent than those contained in the Notice of Proposed Rule Making. The 200-foot limiting height of section 77.23(a) is now to be applied only within three statute miles of an airport with its longest runway more than 3,200 feet in length, rather than the proposed five statute miles.

While there is an additional limiting height, beginning at 100 feet within instrument approach areas within three miles of the end of the runway and increasing to a maximum of 250 feet within ten miles from the runway end, this height is largely duplicative of other limiting heights or surfaces and does not constitute a substantial addition to the standard previously considered. We might note, in explanation of the use of the term "runway" here, that this term is now used exclusively throughout the Part, and the term "landing strip" has been deleted to eliminate a possible ambiguity.

In sections 77.25 and 77.27, criteria are provided for all civil airports, including those constructed to "VFR Airports" standards. These standards are currently contained in the Advisory Circular 150/5300–1, "VFR Airports," and are prescribed for airports constructed to serve only aircraft operating under the Visual Flight Rules. The horizontal and conical airport imaginary surfaces provided in section 77.25 with respect to airport reference points are classified for (1) "VFR Airports," and (2) other airports in accordance with the planned length of the longest runway at each such airport.

The airport imaginary surfaces prescribed in section 77.27 based on runways, except those for "VFR Airports," have been reclassified so that their sizes depend upon whether the runway is equipped with a precision landing aid, such as an Instrument Landing System. Runways having instrument approach procedures based upon such facilities as a VOR, ADF, ASR, low frequency range, or TACAN are now provided with the same type surfaces as runways used only for VFR operations, except those on "VFR Airports."

The Department of Defense has forwarded obstruction criteria which differ from those applied here for civil airports. The Department has requested that the criteria be incorporated into Part 77 for application at military airports, except heliports, controlled by components of the Department of Defense, where the longest runway exceeds 5,000 feet. The Department advises that these separate criteria are required at military airports because of the operating characteristics of certain military aircraft, the necessity for low-altitude maneuvering and formation takeoffs, the more stringent aircrew training, and the armament and ordnance-carrying requirements of the military. Accordingly, these criteria are stated herein in section 77.28. The Department is developing criteria for application at military airports with shorter runways than 5,000 feet; and until these criteria are developed, civil airport criteria will apply at such military airports. Also, pending development of these criteria, the military standards for the 2,000-foot width of primary surface will apply only to runways longer than 5,000 feet. The Agency will study the military criteria to determine their potential adaptability to civil airports and their appropriate consolidation with the civil criteria.

The presence of two sets of criteria, applicable to civil and military airports, will not result in inconsistent conclusions in the aeronautical studies on whether a proposed structure would be a hazard to air navigation. These determinations are not controlled by the extent to which such a structure may exceed a civil or military obstruction standard but, rather, upon the possible hazardous effect of the structure on air navigation. A "hazard" or "no hazard" determination is reached after a review of the VFR and IFR operations and procedures involved, both present and prospective. Each study not only includes a review to determine whether the construction proposal might be so altered in location or height that it would not exceed an obstruction standard but, also, a review to ascertain if the structure could be accommodated by adjustment of the aeronautical procedures. Thus, there may be a substantial difference between a construction proposal which would exceed an obstruction standard and one which is determined, as the result of the aeronautical study, to be a hazard to air navigation.

The airport imaginary surfaces proposed for helicopters have been substantially revised for compatibility with the current "Heliport Design Guide." The primary surfaces coincide in size and shape with the takeoff and landing area of each heliport. The designated approach clearance surfaces begin at the edge(s) of the primary surface and extend outward and upward at a slope of 8 to 1. The approach surface is a trapezoid whose inner width is coincident with the width of the primary surface and which extends to the minimum enroute altitude where its width is 500 feet. Transitional surfaces extend outward and upward at a slope of 2 to 1 from the lateral boundaries of each primary surface and approach surface for a horizontal distance of 250 feet from the centerline of these surfaces.

One of the minor revisions of the obstruction standards made here might also be mentioned. The proposed addition of a 17-foot height to a highway prior to the application of the obstruction criteria evoked several protests. The 17-foot clearance was proposed as a compatible measure with current Federal policy for interstate highways. To avoid an unnecessary extension of this policy, the standard here has been adjusted to permit application of the current 15-foot figure to highways which will not be used by the higher vehicles. In addition, we have added a provision which removes the requirement for the addition of any figure, 15 feet or 17 feet, to a traverse way which is under the coordinated traffic control of the airport management or the air traffic control tower.

We might conclude this brief reference to some of the salient features of the obstruction standards of Subpart C by emphasizing this Subpart may be applied with respect to air navigation facilities planned for future installation or alteration and to planned uses of the navigable airspace by aircraft if that application would result in a lower limiting height or surface. This point is of particular significance in regard to an airport since it includes all runway extensions and other improvements which may be contained in the approved airport layout plan.

The revisions in the procedures for the conduct of aeronautical studies, public hearings on the effect of proposed structures on the navigable airspace, and the establishment of antenna farm areas have been adopted substantially as proposed. Section 77.37 has been broadened to make available a review by the Administrator of each decision by a Regional Director on the effect of a proposed structure on air navigation, including "no hazard" determinations made without notice to any possible interested aeronautical source. While decisions of this type are only made in cases where the available evidence clearly indicates that air safety would not be affected by the construction, this review procedure is nevertheless provided to insure against possible error. The effective period fixed in section 77.39 for a determination of no hazard has been extended in recognition of the time necessary for the processing by the Federal Communications Commission of an application for a construction permit and the issuance of that permit. Appropriate safeguards for the protection of air navigation have been attached to this extension of time.

The comments in response to the Notice of Proposed Rule Making included a number of recommendations for Agency action beyond the authority contained in the Federal Aviation Act of 1958. That Act does not contain a basis for the mandatory marking and lighting of structures to warn pilots of aircraft of those structures. Neither does it contain specific authorization for regulations which would limit the heights of structures. To date, no judicial decision has been issued on the extent to which ground structures may constitute an unlawful interference with the public right of freedom of transit through the navigable airspace recognized in Section 104 of the Act. Until authoritative guidance is received on that point or express legislative authority is conferred, the Agency measures in the field of ground hazards to air navigation will be limited to the areas presently covered in Part 77.

In consideration of the foregoing, Part 77 of Chapter I of Title 14 of the Code of Federal Regulations is revised, effective May 1, 1965, to read as hereinafter set forth.

This amendment is made under the authority of Sections 104, 307, 313, 1001, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1304, 1348, 1354, 1481, 1501).

Amendment 77-1*

Miscellaneous Amendments

Adopted: May 11, 1965 **Effective: May 11, 1965**

(Published in 30 F.R. 6713, May 18, 1965)

The purpose of this amendment is to make certain minor clarifying amendments to Part 77 of the Federal Aviation Regulations, which became effective on May 1, 1965.

Section 77.19, by reference to section 77.28(b) in the last paragraph, provides for application of the dimensions of clear zones for runways at civil airports to runways at all military airports. This was not intended. As currently written, section 77.28(b)(1)

states that the primary surface for military airports is "the same elevation as the centerline of the runway." The section is being revised to make it clear that the primary surface undulates with the underlying surface.

In the interest of timely correction of these discrepancies, in view of the May 1, 1965, effective date of revised Part 77, and since these amendments are clarifying in nature, I find that notice and public procedure are impracticable and contrary to the public interest and that this amendment may therefore be made effective immediately.

In consideration of the foregoing, Part 77 is amended, effective immediately, as follows.

This amendment is made under the authority of Sections 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1510), and Executive Order 10854 (24 F.R. 9565).

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* Included in the publication of Part 77.

Amendment 77–2

Form and Time of Notice

Adopted: July 6, 1966 **Effective: July 12, 1966**

(Published in 31 F.R. 9448, July 12, 1966)

The purpose of this amendment is to establish an Agency policy applicable to proposals filed under section 77.13 of the Federal Aviation Regulations for any construction or alteration in excess of 2,000 feet aboveground. This amendment is a general statement of policy and is procedural in nature. Therefore notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days after publication.

The Federal Aviation Agency has analyzed the recent trend of competitively taller television antenna towers to determine its effect on safety in air navigation. It has long been recognized by this Agency that antenna towers of adequate height are necessary to serve the public interest in a nation-wide broadcasting system. However, there has been a proliferation of antenna towers accompanied by a progressive increase in heights over 1,000 feet above the ground that now presents hazardous conditions to the safety of air navigation. The Agency is of the firm belief that the reasonable interests of the communications industry and the aviation community can be accomodated concurrently. To this end, the Federal Communications Commission recently declared in Public Notice FCC 65–455 that "the public interest in broadcast service, may in some instances call for an antenna tower higher than any particular maximum imposed." However, the FCC was "nevertheless convinced that the public interest requires a specific ceiling to halt the upward trend in antenna tower heights, and that 2,000 feet above ground is both realistic and appropriate."

The Federal Aviation Agency, within the limits of its jurisdiction, has attempted to find a remedy for air safety problems inherent in the conflicting demands for a fair and reasonable sharing of airspace by tall towers and aircraft. Part 77 of the Federal Aviation Regulations established procedures for reporting to the Agency proposed construction that may constitute potential obstructions or hazards to safe air navigation as determined by the application of criteria stated therein. Under these regulations, the FAA advises the construction proponent whether his proposal would constitute a hazard to air navigation. During the time the regulation has been in effect, hundreds of proposed television and radio towers have been considered. Procedures permitting such analysis by the Agency have been of considerable value to the aviation community and to the broadcasting industry in eliminating both geographic and airspace conflicts created by their competing requirements.

In spite of steps already taken to ensure the accommodation of these competing interests, it has been determined that the cumulative effect of heights and locations of towers, both actual and proposed, have created a situation that is hazardous to safe air navigation.

On February 18-19, 1965 the Agency made the following statement to the House Committee on Interstate and Foreign Commerce concerning H. J. Res. 261, which would limit the height of certain radio and television towers:

> The FCC has allocated the TV channels of the Nation on the basis of maximum power television broadcasting at a height of 2,000 feet. Whenever a television tower exceeds this 2,000-foot limitation in most areas (it is 1,000 feet for VHF TV stations in the eastern part of the United States) the power must be reduced to compensate for the increased height.
>
> Therefore, there is no compelling need for any tower to be in excess of 2,000 feet. Although there may be a need for 2,000-foot television towers, under some conditions we would be derelict in our duty as the allocator of the airspace if we permitted all towers to be constructed to a height of 2,000 feet wherever the broadcaster desired.
>
> The 2,000-foot tower with its problems of visibility is inherently hazardous to air navigation.

The Agency therefore considers that it is necessary to take steps to minimize the construction of any antenna tower to a height of more than 2,000 feet aboveground unless it is fully justified in accordance with this Part. This action applies equally to any other structure whose height is proposed to exceed 2,000 feet aboveground, even though the most pressing current problem relates to antenna towers. It is expected that this action will encourage proponents of tower or other type construction to formulate realistic plans, thereby avoiding unnecessary and costly proceedings before the Federal Aviation Agency. In addition, the regulation will be flexible enough to accommodate a proposal for a tower or other type construction more than 2,000 feet high in the event the proponent can demonstrate that it would not be a present or reasonably foreseeable hazard to safe air navigation.

It is of course recognized that towers or other structures with heights of *less* than 2,000 feet above the ground may be hazardous to air navigation, especially where they are located near airports, Federal airways or VFR routes. However, the problems engendered by these situations are totally different from the potential hazards precipitated by the taller towers. Proposed tall towers and other type structures of less than 2,000 feet will continue to be studied carefully on an individual basis to determine whether they present any adverse effects on safe air navigation or cause an inefficient utilization of navigable airspace. The Agency is convinced that from an air safety standpoint the designation of a specific ceiling is needed to halt the upward trend in heights of various type structures. As a general policy, this Agency considered 2,000 feet above the ground to be the maximum height of structures that may be acceptable for maintaining safe navigation. Any structure proposed in excess of 2,000 feet above the ground will be considered to be, inherently, a hazard to air navigation and an inefficient utilization of the airspace. It will be incumbent upon the proponent to overcome this technical assumption by demonstrating to the Agency that such a proposal will not create an inefficient use of airspace or constitute a hazard to air navigation.

In consideration of the foregoing, Part 77 of the Federal Aviation Regulations is amended, effective July 12, 1966.

This amendment is made under the authority of Sections 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1510).

Amendment 77-3

Alteration of Discretionary Review

Adopted: May 1, 1967 **Effective: June 5, 1967**

(Published in 32 F.R. 6970, May 6, 1967)

The purpose of this amendment is to exclude determinations of no hazard made under § 77.19(c)(1) from the applicability of discretionary review provided in § 77.37.

The FAA published a notice of proposed rule making in the Federal Register on August 23, 1966 (31 F.R. 11155), circulated as Notice 66-34, proposing to exclude no hazard determinations relating to those structures for which a notice must be filed under § 77.13 but which would not exceed any standard of Subpart C of Part 77, and therefore would be neither an obstruction nor a hazard. Under the FAA's published criteria the proponent of a structure in this category could be given only a no hazard determination. However, under § 77.37 the proponent should wait 30 days to allow any interested party the opportunity to petition for a discretionary review that could only result in a substantiation of the no hazard determination.

Comments received in response to the notice indicated a general understanding of the unneeded delay of 30 days preceding finality of the determination and generally endorsed the proposal. Objections were received to the proposal that were directed to procedural delays encountered in disseminating information concerning the proposed structure to airspace users.

The Air Line Pilots Association objected, stating that local authority would not have an opportunity to study a proposed construction with regard to local zoning ordinances, and to assess the "effects" of the proposal on aviation in that location. A proponent must, of course, obtain any necessary approval from local government authorities prior to construction, including zoning approval if any, which would consider the effects on local property interests. Elimination of the provision for discretionary review by the FAA would have no effect on any requirement local authorities may impose on the proponent.

The Department of the Air Force objected, stating that the elimination of a 30-day delay would not permit proper treatment of aviation considerations because of the length of time involved in obtaining and assessing the effect of the proposal. Particularly, the Air Force is concerned with training flights at very low levels for which a structure of moderate height could be a hazard, and which may be erected before the Air Force representatives would be aware of its existence. Part 77 was never intended to provide protection for very low level military training operations. If every structure that may be an obstruction to flights of this nature should be called a hazard, the public would be overburdened, and a hazard determination would be meaningless. The portion of the comment relating to the delay in obtaining information is pertinent, and coincidentially is similar to a comment received from the Department of the Navy in concurring with the proposal. The FAA will review its procedures to insure appropriate coordination and timely dissemination of information to appropriate parties, including military representatives.

Some comments, conceding that a delay of 30 days may be burdensome in particular circumstances, suggested that a provision be promulgated to waive the 30-day period in circumstances of hardship, or that the 30-day period be retained when an interested party specifically requests its retention to permit time for filing a petition for review. One comment suggested eliminating acknowledgments issued under § 77.19(c)(1). Retention of the 30-day period under normal circumstances while waiving it in cases of hardship would base the decision for discretionary review upon the circumstances of the proponent rather than the effect upon aeronautical operations. If under the standards of Part 77 a structure could be neither an obstruction nor a hazard, periods of delay and additional reviews could not alter the determination. Moreover, issuing waivers would be time-consuming and administratively inefficient where the necessity of review is nonexistent.

In consideration of the foregoing, § 77.37 of the Federal Aviation Regulations is amended, effective June 5, 1967.

This amendment is made under the authority of Secs. 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1501).

Amendment 77-4

Standards for Determining Obstructions

Adopted: September 6, 1967 Effective: November 12, 1967

(Published in 32 F.R. 12997, September 13, 1967)

The purpose of this amendment is to eliminate the requirement that the FAA must find any structure exceeding the applicable obstruction standard and located within an airport runway clear zone or the portion of a primary surface extending beyond the end of a runway to be a hazard to air navigation, regardless of any mitigating factor.

The FAA published a Notice of Proposed Rule Making in the Federal Register on March 9, 1967 (32 F.R. 3887), circulated as Notice No. 67-7 proposing the elimination of the mandatory finding of hazard, thereby permitting the FAA to study all factors involved and make a finding based on the particular situation. The response to the notice indicated a general endorsement of the proposal. Due consideration was given to all comments received.

The Air Line Pilots Association withheld endorsement because the FAA had not indicated what factors it presently considers before granting an exemption to a proposal for an obstruction in a clear zone. It stated it had difficulty in visualizing any mitigating factor relative to an obstruction within a clear zone, and making it easier to allow an obstruction would undoubtedly increase the number of obstructions and decrease the safety margin.

Under the present regulation, we have granted exemptions in cases, where among other matters, the proposed construction, though in a clear zone, was shielded from aircraft flight paths; or where the structure was of a temporary nature such as construction machinery or rigs used in constructing a public water system and erected for use only during daylight hours under VFR conditions.

With the deletion of § 77.19(c)(4), the FAA would subject any construction proposal within a clear zone that exceeded the applicable obstruction standards to an aeronautical study in accordance with § 77.19(c)(3). The study, which may be reviewed by all interested persons, would determine whether the proposed construction would be a hazard. Pending such a determination the construction would be presumed to be a hazard as provided in that section.

This amendment will not reduce the protection to runway approach areas presently afforded by § 77.19(c)(4), but would retain that protection through the application of § 77.19(c)(3). It is not the intent of this amendment to make it easier for obstructions to be based in approach areas or to relax the position of the FAA with regard to such obstructions. This amendment will permit the FAA to exercise its discretionary authority in determining whether the obstruction will in fact be a hazard after reviewing all of the relevant factors. In so doing, the public will be made more aware of the proposed obstruction through circularization and notice, and will be given an opportunity to present relevant comments. Additionally, it will make unnecessary the present practice of granting exemptions from the notice requirements of Part 77 through a procedure recognized as time consuming and inefficient.

In consideration of the foregoing, Part 77 of the Federal Aviation Regulations is amended, effective November 12, 1967.

These amendments are made under the authority of §§ 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1501).

Amendment 77-5

Miscellaneous Amendments

Adopted: March 25, 1968 **Effective: May 2, 1968**

(Published in 33 F.R. 5255, April 2, 1968)

The purpose of these amendments is to make minor substantive changes and editorial corrections to Part 77.

The FAA published a notice of proposed rule making in the Federal Register on July 14, 1967 (32 F.R. 10373), circulated as Notice No. 67-29 which proposed a number of minor substantive amendments and editorial corrections to Part 77 that would clarify the intent or would make the part consistent with the FAA's current practice or organization.

Comments received to the notice indicated a general endorsement of the proposal. A number of comments suggested changes or improvements that have been incorporated herein. Due consideration was given to all comments received.

One comment raised a question on whether this proposal would increase the protection for airports with at least one runway of 3,200 feet. The proposed revision of § 77.13(a)(2) (i) and (ii) would make no change to the current notice requirement criteria. It would merely add the term "actual length" to clarify the intent that the runway length referred to in that section is the actual and not the "corrected" runway length. The actual runway length is selected because this is the measurement provided in the FAA Airport Directory, the Alaska and the Pacific Airman's Guides and Chart Supplements and is the length that the construction sponsor would see on the airport. The general public would have no means of readily determining a corrected runway length, as referred to in the proposed revision of § 77.23(a)(8), and which is used by the FAA in applying its standards for determining obstructions.

The notice proposed to revoke § 77.13(a)(5) which requires a notice, when requested by FAA, for any construction proposal that would be in an instrument approach area and available information indicates that it may be an obstruction to air navigation. Information from the FAA's regional offices indicates that this provision has been used in a number of cases to obtain specific data on height and location after general information on the construction became available. This provision is therefore retained but is redesignated as § 77.13(a)(4).

A new § 77.2, *Definition of terms*, is included to clarify the meaning of certain terms used in this amendment.

Several comments objected to § 77.13(a)(5)(ii) as redesignated herein, which included a planned or proposed airport within the category of airports for which the notice criteria applies, pointing out that frequently sponsors would have no way of ascertaining the sites of planned airports without an inquiry to the FAA each time, or consulting a currently maintained list of planned or proposed airports. There is merit to these comments and the amendment to that section has been revised to include only those airports under construction. Sponsors will be able to see work in progress on airports near the proposed construction and the benefits of this part will be available to those airports.

Some comments suggested that proposed § 77.15(c) should be revised to clarify the phrase "approved by the Administrator" and to list the facilities to which that paragraph applies. The amendment has been revised to reflect the intent that the types of facilities and devices that have been approved by the Administrator are the subject of the reference. "Air Navigation facility" is defined in section 101(8) of the Federal Aviation Act of 1958. Therefore, it is unnecessary to again list those facilities to which the notice requirements do not apply.

The Air Line Pilots Association objected to exempting any object or structure from the notice requirements and obstruction standards. It is recognized that some of the structures exempted from the notice requirement may be obstructions to air navigation. However, these exemptions are based on the need to provide a reasonable notice that can be applied and complied with by a construction proponent. A notice requirement similar to the obstruction criteria of Subpart C of this part would be impracticable in application. The exemption of certain structures, e.g. antenna structures of 20 feet or

less in height, and airport or FAA navigational aids, has been found advantageous to both the FAA and industry. Therefore, certain necessary structures, although they may be obstructions, are exempted because of their utility or the relative absence of any hazard associated therewith.

Editorial changes have been made to § 77.17 to reflect the current procedure of sending notices of proposed construction to the appropriate area office instead of a regional office. The identity and address of the appropriate FAA area or regional office may be obtained from any FAA facility, therefore a listing of the respective jurisdictions and addresses is omitted.

Editorial changes have been made to § 77.17(d) including the redesignation of paragraph (d) as paragraph (e), because of the intervening effectiveness of another amendment subsequent to the circularization of Notice No. 67–29.

Sections 77.11(b)(3) and 77.19 have been amended to refer to the current designation of the FAA advisory circular on "Obstruction Marking and Lighting".

The wording of § 77.21(a) has been rearranged for readability without making any substantive change. One comment made the same objection to § 77.21(c)(2) as to the notice criteria under § 77.13(a)(5)(ii) that the public would be unable to comply with that section since it could not be aware of airports existing only in the planning stage. This comment is not valid since the standards thereunder are applied by FAA specialists to whom this data would be available.

In consideration of the foregoing, Part 77 is amended, effective May 2, 1968, as hereinafter set forth.

(Secs 307, 313, 1101, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1501)

Amendment 77–6

Objects Interfering With Air Navigation Facilities

Adopted: July 25, 1968 **Effective: August 31, 1968**

(Published in 33 F.R. 10842, July 31, 1968)

The purpose of this amendment to Part 77 of the Federal Aviation Regulations is to permit the Administrator to consider the effect a proposed construction or alteration would have upon the operation of an air navigation facility.

The substance of this amendment was published as a Notice of Proposed Rule Making in the Federal Register on December 21, 1967, (32 F.R. 20658) as NPRM 67–54. Many comments were received in response to the Notice. Generally, the comments were favorable and recommended adoption of the amendment as proposed.

Part 77 of the Federal Aviation Regulations establishes standards for determining obstructions in navigable airspace, sets forth the notice requirements of certain proposed construction or alteration, provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace and provides for public hearings on the hazardous effect of proposed construction or alteration. In accordance with previous interpretations and practice, this part applies to the physical effect of an obstruction on the flight of aircraft through the navigable airspace.

The Federal Aviation Administration is encountering with increasing frequency, situations where construction or alteration has a deleterious effect on the operation of air navigation facilities without being a physical hazard in the flight path of aircraft. These situations have ranged from construction which partially blocked the view from an airport air traffic control tower of runways, taxi, and parking areas, to obstructions which blocked or reflected electromagnetic radiation in the vicinity of navigational aids like radio or radar installations. In some instances, the navigational aid could be moved to an interference-free location. In other situations, however, no interference-free locations were available, or the cost of razing and relocating facilities, because of their size or number, was exorbitant.

It appears desirable that when an aeronautical study is made, the Administrator should include in that study the effect that construction or alteration may have on the operation of air navigation facilities. It would be an unreasonable burden on the public to require a proponent to consider this effect because the public may not be aware of the existence or operational characteristics of an air navigation facility, and any effect thereon may not easily be ascertained by the proponent. Accordingly, the Administrator should have the authority of including in an aeronautical study the physical or electromagnetic effect of proposed construction on air navigation facilities. The study may enable the Administrator to recommend changes in the design, location, or construction material that would eliminate or reduce interference with the operation of the air navigation facility. A reduction or elimination of interference may permit the retention of existing approach minimums, use of existing runways or facility structures or avoid costly relocation expenses to the airport or the FAA.

All of the parties that submitted comments concurred in or endorsed the proposed amendment, except the Airport Operators Council International, the Department of Aviation, City of Atlanta, Georgia, and the Air Transport Association of America.

The Airport Operators Council International stated that it strongly opposed the proposed amendment primarily for the following reasons:

(1) The FAA already has sufficient authority to minimize critical encroachment upon airport control tower sight lines through its ability to NOTAM and therefore needs no additional authority.

(2) It is undesirable to use the proposed amendment to protect off-airport navaids from the deleterious effect on their operation by construction proposals over which the airport has no control.

Regarding the first comment, the FAA's present authority allows it to issue a Notice to Airmen to advise them concerning areas on an airport in which ground control of traffic cannot be maintained due to blocking of line-of-sight from the airport control tower. When such a condition exists, the derogation of air traffic control has already taken place and a NOTAM merely advises of that condition. The purpose of this rule is to prevent the condition from arising in the first place.

As far as the second comment is concerned, this amendment intends to include consideration of the physical or electromagnetic effect on the operation of air navigation facilities of any construction proposal for which a notice is required under Section 77.13(a), and would exceed any standard of Subpart C, regardless of whether the facilities are located on or off an airport.

The Department of Aviation, City of Atlanta, Georgia, opposed the proposed amendment primarily on the ground that it felt that this amendment would allow the location and functioning of an FAA air navigation facility to control all other airport development prospects. The Department also stated that it felt that the present Federal Aviation Regulations were adequate to handle obstructions to airport control towers and air navigation facilities.

The aeronautical study may enable the FAA to recommend changes in the design, location or construction material that may eliminate or reduce interference with the operation of the air navigation facility. These recommendations would be made to the construction sponsor and not to the airport operator unless the construction proposal was one over which the airport operator exercised control. Proposed construction or alteration subject to an aeronautical study under the proposed amendment would be limited to those proposals for which notice to the Administrator is now required under Section 77.13(a) of Part 77, FAR, and the proposal would exceed any standard of Subpart C. Proposed construction or alteration off airports that would not require notice under Section 77.13(a) would not come within the scope of the proposed amendment even though there may be a possibility that the proposed construction or alteration might adversely affect the operation of a nearby air navigation facility.

It is not the purpose of the proposed amendment to institute control over any aspect of airport development but (1) to consider the physical and electromagnetic effects of any proposed construction or alteration on air navigation facilities, during an aeronautical study; (2) to inform the construction sponsor, if necessary, of possible interference and how to avoid it; and (3) where the construction proposal would have a substantial adverse effect upon the operation of any air navigation facility to issue a determination of hazard. Current Federal Aviation Regulations do not provide the FAA with authority

to study proposed construction or alteration for the purpose of determining their physical and electromagnetic effect on the operation of air navigation facilities.

The Air Transport Association (ATA) did not oppose the proposed amendment, but made several suggestions. Among them ATA commented that FAA has published few guidelines for constructing facilities on or near airports and such guidelines should be published by FAA prior to amending Part 77 as proposed.

In addition, ATA felt it should be made clear that airport control towers are not air navigation facilities in the sense of the proposed rule. ATA comments are under careful consideration and the FAA at the present time is engaged in a project to develop new criteria to determine whether proposed construction would affect the operation of air navigation facilities. The intent of the amendment to Part 77, however, is not to revise or develop criteria but to provide the authority to consider possible interference with the operation of air navigation facilities during the aeronautical study of construction proposals. At such time as new criteria have been developed a determination will be made as to their adequacy and whether they should be incorporated in the regulation.

In consideration of the foregoing, Part 77 (§§ 77.31 and 77.35) of the Federal Aviation Regulations is amended effective August 31, 1968.

This amendment is made under the authority of sections 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1501).

Amendment 77–7

Utility Airports

Adopted: October 25, 1968 **Effective: November 30, 1968**

(Published in 33 F.R. 16056, November 1, 1968)

The purpose of this amendment is to include in Part 77 of the Federal Aviation Regulations a reference to "Utility Airports," as appropriate, with each reference to "VFR Airports" standards.

Subpart C of Part 77 contains several references to airports constructed to "VFR Airports" standards. The "VFR Airports" standards and the Advisory Circular in which they were contained were canceled and replaced with Advisory Circular 150/5300–4, "Utility Airports—Design Criteria and Dimensional Standards." Since those airports built to VFR Airports standards continue in existence, Subpart C must be revised to refer to both VFR and Utility Airports.

Since this amendment merely includes in Part 77 a reference to publications and standards currently in use, I find that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 77 (§§ 77.25(a)(1) and (b)(1) and 77.27(a)(1) and (c)(2)(i)) of the Federal Aviation Regulations is amended, effective November 30, 1968.

These amendments are made under the authority of Sections 307, 313, and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1510).

Amendment 77–8

Revision of Notice Form

Adopted: December 11, 1968 **Effective: February 1, 1969**

(Published in 33 F.R. 18614, December 17, 1968)

The purpose of this amendment to Part 77 of the Federal Aviation Regulations is to revise the reference to the form on which notices of proposed construction or alteration are filed to reflect the new form number that has been adopted and to correct an editorial error.

The FAA is adopting Form 7460-1 entitled, "Notice of Proposed Construction or Alteration" to replace Form 177. This form more adequately reflects informational re-

quirements concerning proposed construction or alteration of objects which might affect navigable airspace. Reference is made to FAA Form 117 in several places throughout Subpart B of Part 77. Therefore, an amendment is required to revise the references to this notice form.

Amendment 77–6, effective May 2, 1968, to § 77.11 erroneously identified FAA Advisory Circular AC 70/7460–1 as AC 70/7460. Therefore, this section is being changed to reflect the correct advisory circular number.

In consideration of the foregoing, Subpart B of Part 77 (§§ 77.11(b) (3) and 77.17 (a) and (d)) of the Federal Aviation Regulations is amended, effective February 1, 1969.

This amendment is made under the authority of §§ 307, 313 and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, 1501), and of § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Amendment 77–9

Standards for Determining Obstructions to Air Navigation

Adopted: March 25, 1971 **Effective: May 16, 1971**

(Published in 36 F.R. 5968, April 1, 1971)

The purpose of these amendments to the Federal Aviation Regulations is to change the standards for determining obstructions to air navigation.

These amendments were proposed in Notice 70–11 and published in the Federal Register on March 14, 1970 (35 F.R. 4554).

Twenty-five public comments were received in response to the Notice. A substantial number of comments were directed to the application of the obstruction standards and to suggestions for improving notice requirements. Since the subjects of these comments were not part of Notice 70–11, they were not considered in the formulation of the rule. However, they will be given full consideration by the FAA in its continuing efforts to improve Part 77.

Numerous comments were received in response to the FAA's request for public comment on two possible future changes to § 77.25 which were not made part of the Notice. These two possible changes would revise § 77.25 to specify (1) that the approach surface would begin 200 feet beyond the end of the landing threshold, and (2) that the slope of the transitional surfaces extending outward and upward from the edges of the primary surface would be 4:1 instead of 7:1. The comments reflected many viewpoints pro and contra. Several commentators stated that the approach surface to a runway should be related to the end of the runway, or to the displaced threshold if the landing threshold had been relocated, without applying the current 200-foot buffer zone between the landing threshold and the beginning of the approach surface. Others felt that the beginning of the approach surface should not be moved to relate to a displaced threshold unless the displacement was the result of some irrevocably fixed obstruction. Some opposition was expressed to changing the slope of the primary surface related transitional surfaces from 7:1 to 4:1. It was felt that no factual data or rationale had been presented to justify such a change. Further, it was suggested that such a change would result in unsafe structures near runways and might also affect CAT II missed approach requirements. On the other hand, some commentators suggested that the relaxation of the transitional surface slope would have certain advantages for locating airport parking gates for large airplanes; would be practical and desirable; and would be more realistic in view of current land use concepts. All of these comments will be given careful consideration by the FAA in determining its future action in this area.

While some revision of the proposal was effected in the light of the comments received, the amendment as adopted follows the general form of the Notice.

Several commentators proposed modifications for the definitions of the several categories of runways. Concern was expressed as to the use of the phrase "or any other FAA or military planning document" in the proposed definition of a visual runway; that an airport operator might be obligated or under control of a document to which he does not have access. In response to these comments, the definition of a visual runway has been changed to clarify reference to a military approved airport layout plan as a plan for military airports only, and to amend the phrase referring to "any other FAA or military planning document" to specify any planning document submitted to the FAA by competent authority. This will include an airport layout plan or planning document submitted to the FAA by or through a state or local government.

Consideration was given to suggestions by commentators to include a variety of other definitions in § 77.2. However, since the suggested terms have common dictionary definitions or are otherwise defined in the Federal Aviation Regulations, it was determined not to include these terms in § 77.2. However, minor changes in the language of the proposed definitions in § 77.2 have been made to state more clearly their purpose and use.

One comment concerning the proposed change to § 77.13(a)(3) suggested that the railroad height adjustment should be modified so that the "highest possible or intended" object is considered, and that this should include all roads so that plans would not be based upon heights that are impractical. The FAA considers that the height adjustments prescribed are needed for guidance when applying the notice requirement criteria, and should have limited flexibility. It should be noted that 23 feet is the highest tunnel clearance required for railroads in the United States, and this height would be in consonance with the requirements of the various states.

Several commentators objected to the proposed changes in § 77.15(c) that would exclude from the notice requirement of § 77.13 any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, the location and height of which is fixed by its functional purpose, if a type approved by "an appropriate military service." After careful consideration of the objections, the FAA decided that type approval of devices and equipment on civil airports should remain with the Administrator. Therefore, the change to § 77.15(c) as proposed, has been modified to exclude from the notice requirement of §77.13 any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device given type aproval by an appropriate military service only when such facilities, aids, or devices would be located on a military airport.

Several isolated comments directed attention to the intention of the FAA to use the applicable MOCA instead of the established MEA as the basis for determining obstructions within an en route obstacle clearance area of a Federal airway or approved off-airway route.

Even though some individuals or groups may consider this concept to be a new one, it is based on the rationale that through use of the MOCA alone and selectively applying the terms obstacle and obstruction to it, the application of the standards of Part 77 will be simplified and will result in bringing the entire system into conformity with international standards. In simplified terms, a MOCA is that minimum safe altitude that will permit an aircraft to traverse a designated area of airspace clear of obstacles below. Generally, the height of the highest or controlling obstacle in that airspace segment provides the imaginary obstacle reference line. The appropriate FAA personnel, applying established and specified standards then supply an additional amount of airsace above the obstacle reference line that forms the MOCA altitude level for that segment of flight.

In applying the standards of Part 77 to this airspace formulation, any proposed structure that does not exceed the obstacle reference line will be classified as an obstacle. However, if the proposed structure would penetrate this airspace above the obstacle reference line, it would be classified as an obstruction. Once a proposal is classified as an obstruction, under the procedures provided for in Part 77, it will be studied to determine whether it will or will not constitute a hazard to air navigation.

Accordingly, new § 77.23(a)(4) establishes that the MOCA instead of the MEA will be the basis for determining whether any object within any en route obstacle clearance

area, including turn and termination areas, of any Federal airway or approved off-airway route will be classified as an obstruction to air navigation.

One comment was received concerning the proposed new § 77.21(b). The new paragraph was added to ensure proper application of the imaginary surfaces outlined in § 77.25 at airports that have defined landing and takeoff strips, or pathways that are designated as runways but do not have specially prepared hard surfaces, or have a defined landing and takeoff area with no defined landing and takeoff strips or pathways designated as runways. For the purpose of Part 77, any clearly defined strip, pathway or lane designated by appropriate authority for the landing and takeoff of aircraft is considered to be a runway, even though its surface consists of water, turf, dirt or similar unprepared surface.

The application of new § 77.21(b) is based upon the philosophy that, at the thousands of airports having runways of various lateral dimensions without specially prepared hard surfaces, a factor common to each runway and its related primary surface is the centerline. This common factor permits application of the primary surface and the related transitional surfaces because the primary surface is longitudinally centered on the runway and the transitional surfaces extend outward and upward from the sides of the primary surface. Since the width of any primary surface is prescribed in § 77.25(c), the width of that portion of any runway over which its primary surface is superimposed is limited by the width of the related primary surface, regardless of the runway width; the length of the primary surface, however, in this case, is the same as the length of the runway. In applying § 77.21(b) to those airports, excluding seaplane bases, where the defined landing and takeoff area does not have any defined runways for the landing and takeoff of aircraft, the agency would, applying the standards of the regulation, make a determination as to which portions of the area were being regularly used by aircraft as runways for landing and take off. The appropriate primary surface prescribed in § 77.25(c) will then be centered on each portion of the landing and takeoff area determined to be used as a runway, with each end of the primary surface coinciding with the corresponding end of the determined runway.

Many commentators objected to the proposed amendment of § 77.23(a)(2). After careful consideration of all objections to the proposed change, the FAA is convinced that with one exception the proposed revision should not be made. That exception is, that nautical miles will be used in lieu of statute miles in § 77.23(a)(2) to conform to the units of horizontal measurement currently used in en route and terminal airspace configurations, and instrument procedures both nationally and internationally. Further study will be given to the need for relating the height of objects to the airport elevation where the terrain on which those objects are located exceeds the surfaces prescribed in § 77.25 or the heights prescribed in § 77.23(a)(2).

The Notice proposed new § 77.23(a) (3) and (4) to replace § 77.23(a) (4), (5), (6), and (7). Comments on this proposal were generally favorable. Two commentators requested clarification of an en route obstacle clearance area and suggested that definitions of en route and terminal obstacle clearance be included in the regulation. Since we have already discussed in some detail the en route obstacle clearance area that falls within the scope of § 77.23(a)(4), it only remains necessary to provide a brief explanation as to how obstacles and obstructions will relate to the terminal obstacle clearance area portion of the regulation provided for in § 77.23(a)(3) of this amendment.

All approved procedures for instrument approach and departure of aircraft to and from airports that are conducted within specified terminal obstacle clearance and departure areas are established in conformity to the applicable criteria set forth either in the United States Standard for Terminal Instrument Procedures (TERPS) or the FAA Handbook 8260.19, Flight Procedures and Airspace. In the establishment of these instrument approach and departure criteria, the involvement of existing obstacles on the type of instrument procedure proposed for adoption, is one of the primary considerations. Accordingly, the standards of Part 77 applicable in any terminal instrument procedure area must also be based on the same obstacle concept that was used to formulate the applicable criteria of TERPS and FAA Handbook 8260.19. A brief explanation of the interrelationship of obstacles and obstructions to this concept should aid materially in understanding the provisions of § 77.23(a)(3).

In the development of all types of instrument approach procedures under TERPS and departure procedures under FAA Handbook 8260.19, the method of establishing each such procedure is basically the same. The existing obstacles, including objects that are manmade, the terrain features, and the navigational facilities involving a particular approach or departure area are carefully analyzed, after which a prescribed plane, which is commonly referred to as an obstacle clearance plane, is established for that particular phase of flight. In order to insure maximum safety to all aircraft operators who may use that particular terminal instrument procedure, applicable FAA criteria is then applied to provide an additional layer of airspace above the prescribed obstacle clearance plane.

In applying the standards of Part 77 to this type of airspace structure, any object that does not exceed the obstacle clearance plane will be classified as an obstacle; but any object that penetrates the prescribed obstacle clearance plane will be classified as an obstruction, and subject to aeronautical study to determine whether or not it is a hazard to air transportation or air commerce.

Stated in another but in a more sophisticated way, any object that is located within an obstacle clearance area, including an initial approach segment, a circling approach area, or a departure area, is an obstruction to air navigation under the standards of Part 77, if it is of such height that the vertical distance between any point on it and any minimum instrument flight altitude established for any authorized instrument procedure within that area, is less than the obstacle clearance specified for that instrument procedure.

Several commentators addressed the proposed revision of § 77.23. One commentator suggested that runways on air carrier airports be categorized as "air carrier" and provided with equal protection at both ends. The FAA feels that the rationale for the new categorization of runways has been explained adequately previously, therefore, this suggestion was not adopted.

Concern was expressed by some commentators as to the availability of information regarding the category of each approach to each end of each runway of any airport under consideration. The FAA agrees that the success of this concept is dependent upon definite information concerning the category of each approach to each runway end being available to the agency and to the public. This information will be available from FAA regional area offices, and from agency computer readouts.

In response to the suggestion of one commentator, § 77.25(c) will be changed to include the words "or planned hard surface" after the words "has specially prepared hard surface." The FAA believes that this addition helps to clarify the intent of the section and does not modify the meaning.

Other minor changes of an editorial and technically clarifying nature have been made to the amendment. A minor change to the addresses under § 77.17 has been included.

Interested persons have been afforded an opportunity to participate in the making of these amendments. Due consideration has been given to all matter presented. In other respects, for the reasons stated in the preamble to the notice, the rule is adopted as prescribed herein.

In consideration of the foregoing, Part 77 of the Federal Aviation Regulations is amended, effective May 10, 1971.

Sections 307, 313 and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354, and 1501), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Part 77—Objects Affecting Navigable Airspace

Subpart A—General

§ 77.1 Scope.

This Part—

(a) Establishes standards for determining obstructions in navigable airspace;

(b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;

(c) Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace;

(d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and

(e) Provides for establishing antenna farm areas.

§ 77.2 Definition of terms.

For the purpose of this Part:

"Airport available for public use" means an airport that is open to the general public with or without a prior request to use the airport.

"A seaplane base" is considered to be an airport only if its sea lanes are outlined by visual markers.

[*] "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

[*] "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

[*] "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

[*] "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.[*]

§ 77.3 Standards.

(a) The standards established in this Part for determining obstructions to air navigation are used by the Administrator in—

(1) Administering the Federal-aid Airport Program and the Surplus Airport Program;

(2) Transferring property of the United States under Section 16 of the Federal Airport Act;

[*] (3) Developing technical standards and guidance in the design and construction of airports; and[*]

(4) Imposing requirements for public notice of the construction or alteration of any structure where notice will promote air safety.

(b) The standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations are not set forth in this Part but are contained in other publications of the Administrator.

§ 77.5 Kinds of objects affected.

This Part applies to—

(a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, and apparatus of a permanent or temporary character; and

(b) Alteration of any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including equipment or materials used therein.

Subpart B—Notice of Construction or Alteration

§ 77.11 Scope.

(a) This subpart requires each person proposing any kind of construction or alteration described in § 77.13(a) of this chapter to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under § 77.13(a).

(b) Notices received under this subpart provide a basis for—

(1) Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;

(2) Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;

(3) Recommendations for identifying the construction or alteration in accordance with the current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," which is on sale at the United States Government Printing Office, Washington, D.C. 20402;

(4) Determining other appropriate measures to be applied for continued safety of air navigation; and

(5) Charting and other notification to airmen of the construction or alteration.

§ 77.13 Construction or alteration requiring notice.

(a) Except as provided in § 77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in § 77.17:

(1) Any construction or alteration of more than 200 feet in height above the ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with at least one runway more than 3,200 feet in actual length, excluding heliports.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in subparagraph (5) of this paragraph.

[(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally

traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.]

(4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.

(5) Any construction or alteration on any of the following airports (including heliports):

(i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that that airport will be available for public use.

(iii) An airport that is operated by an armed force of the United States.

(b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA area office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA area office at least 48 hours before the start of the construction or alteration.

(c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA area office having jurisdiction over the area involved, if—

(1) The construction or alteration is more than 200 feet above the surface level of its site; or

(2) An FAA area office advises him that submission of the form is required.

§ 77.15 Construction or alteration not requiring notice.

No person is required to notify the Administrator for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

[(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.]

(d) Any construction or alteration for which notice is required by any other FAA regulation.

§ 77.17 Form and time of notice.

[(a) Each person who is required to notify the Administrator under § 77.13(a) shall send one executed form set (four copies) of FAA Form 7460–1, Notice of Proposed Construction or Alteration, to the Chief, Air Traffic Branch, FAA Area Office, or Chief, Air Traffic Division, FAA Regional Office, as appropriate, having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460–1 may be obtained from the headquarters of the Federal Aviation Administration, the regional, and the area offices.]

(b) The notice required under § 77.13(a)(1) through (4) must be submitted at least 30 days before the earlier of the following dates—

(1) The date the proposed construction or alteration is to begin.

(2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of Part 77 proposing a structure in excess of 2,000 feet aboveground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.

(d) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within five days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

[(e) Each person who is required to notify the Administrator by paragraph (b) or (c) of § 77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Chief, Air Traffic Branch, FAA Area Office, or Chief, Air Traffic Division, FAA Regional Office, as appropriate, having jurisdiction over the area involved.]

§ 77.19 Acknowledgment of notice.

(a) The FAA acknowledges in writing the receipt of each notice submitted under § 77.13 (a).

(b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the Advisory Circular.

(c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration—

(1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;

(2) Would exceed a standard of Subpart C but would not be a hazard to air navigation; or

(3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation.

Subpart C—Obstruction Standards

§ 77.21 Scope.

[(a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off-airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by § 77.13(a) is filed.

[(b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by approriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in § 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.]

(c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13(a), that airport is—

(1) Available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or,

(2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,

(3) An airport that is operated by an armed force of the United States.

(d) [Deleted]

[§ 77.23 Standards for determining obstructions.

[(a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

[(1) A height of 500 feet above ground level at the site of the object.

[(2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.

[(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

[(4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

[(5) The surface of a takoff and landing area of an airport or any imaginary surface established under §§ 77.25, 77.28, or 77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.

[(b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

[(1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

[(2) Fifteen feet ... any other public roadway.

[(3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

[(4) Twenty-three feet for a railroad.

[(5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

[§ 77.25 Civil airport imaginary surfaces.

[The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

[(a) Horizontal surface—a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

[(1) 5,000 feet for all runways designated as utility or visual;

[(2) 10,000 feet for all other runways.

[The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

[(b) Conical surface—a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

[(c) Primary surface—a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

[(1) 250 feet for utility runways having only visual approaches.

[(2) 500 feet for utility runways having nonprecision instrument approaches.

[(3) For other than utility runways the width is:

[(i) 500 feet for visual runways having only visual approaches.

[(ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.

[(iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

[The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

[(d) Approach surface—a surface longitudinaly centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

[(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

[(i) 1,250 feet for that end of a utility runway with only visual approaches;

[(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

[(iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;

[(iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

[(v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and

[(vi) 16,000 feet for precision instrument runways.

[(2) The approach surface extends for a horizontal distance of:

[(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

[(ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,

[(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

[(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

[(c) Transitional surface—these surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

[§ 77.27 [Revoked]]

§ 77.28 Military airport imaginary surfaces.

[(a) *Related to airport reference points.* These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.]

(1) *Inner horizontal surface*—a plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(2) *Conical surface*—a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) *Outer horizontal surface* — a plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

[(b) *Related to runways.* These surfaces apply to all military airports.

[(1) Primary surface—a surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.]

(2) *Clear zone surface*—a surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

(3) *Approach clearance surface*—an inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(4) *Transitional surfaces*—these surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the ap-

proach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

§ 77.29 Airport imaginary surfaces for heliports.

(a) *Heliport primary surface.* The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

[(b) *Heliport approach surface.* The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.]

(c) *Heliport transitional surfaces.* These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subpart D—Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace

§ 77.31 Scope.

(a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.

(b) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard to air navigation.

§ 77.33 Initiation of studies.

An aeronautical study is conducted by the FAA—

(a) Upon the request of the sponsor of any construction or alteration for which a notice is submitted under Subpart B, unless that construction or alteration would be located within an antenna farm area established under Subpart F; or

(b) Whenever the FAA determines it appropriate.

§ 77.35 Aeronautical studies.

(a) The Regional Director of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.

(b) To the extent considered necessary, the Regional Director or his designee—

(1) Solicits comments from all interested persons;

(2) Explores objections to the proposal and attempts to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration;

(3) Examines possible revisions of the proposal that would eliminate the exceeding of the standards in Subpart C; and

(4) Convenes a meeting with all interested persons for the purpose of gathering all facts relevant to the effect of the proposed construction or alteration on the safe and efficient utilization of the navigable airspace.

(c) The Regional Director or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons. This determination is final unless a petition for review is granted under § 77.37.

(d) If the sponsor revises his proposal to eliminate exceeding of the standard of Sub-

part C, or withdraws it, the Regional Director, or his designee, terminates the study and notifies all known interested persons.

§ 77.37 Discretionary review.

(a) The sponsor of any proposed construction or alteration or any person who stated a substantial aeronautical objection to it in an aeronautical study, or any person who has a substantial aeronautical objection to it but was not given an opportunity to state it, may petition the Administrator, within 30 days after issuance of the determination under § 77.19 or § 77.35 or revision or extension of the determination under § 77.39(c), for a review of the determination, revision, or extension. This paragraph does not apply to any acknowledgment issued under § 77.19(c)(1).

(b) The petition must be in triplicate and contain a full statement of the basis upon which it is made.

(c) The Administrator examines each petition and decides whether a review will be made and, if so, whether it will be—

(1) A review on the basis of written materials, including study of a report by the Regional Director of the aeronautical study, briefs, and related submissions by any interested party, and other relevant facts, with the Administrator affirming, revising, or reversing the determination issued under § 77.19, § 77.35 or § 77.39(c); or

(2) A review on the basis of a public hearing, conducted in accordance with the procedures prescribed in Subpart E.

§ 77.39 Effective period of determination of no hazard.

(a) Unless it is otherwise extended, revised, or terminated, each final determination of no hazard made under this subpart or Subparts B or E expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.

(b) In any case, including a determination to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:

(1) Revise the determination based on new facts that change the basis on which it was made; or

(2) Extend its effective period.

(c) The FAA official who issued the determination reviews each petition presented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.

(d) In any case in which a final determination made under this subpart or Subparts B or E relates to proposed construction or alteration that may not be started unless the Federal Communications Commission issues an appropriate construction permit, the effective period of each final determination includes—

(1) The time required to apply to the Commission for a construction permit, but not more than six months after the effective date of the determination; and

(2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.

(e) If the Commission issues a construction permit, the final determination is effective until the date prescribed for completion of the construction. If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.

Subpart E—Rules of Practice for Hearings Under Subpart D

§ 77.41 Scope.

This subpart applies to hearings held by the FAA under Titles I, III, and X of the Federal Aviation Act of 1958 (49 U.S.C. Subchapters I, III, and X), on proposed construction or alteration that affects the use of navigable airspace.

§ 77.43 Nature of hearing.

Sections 4, 5, 7 and 8 of the Administrative Procedure Act (5 U.S.C. 1003, 1004, 1006 and 1007) do not apply to hearings held on proposed construction or alteration to determine its effect on the safety of aircraft and the efficient use of navigable airspace because those hearings are fact-finding in nature. As a fact-finding procedure, each hearing is non-adversary and there are no formal pleadings or adverse parties.

§ 77.45 Presiding officer.

(a) If, under § 77.37, the Administrator grants a public hearing on any proposed construction or alteration covered by this Part, the Director of the Air Traffic Service designates an FAA employee to be the Presiding Officer at the hearing.

(b) The Presiding Officer may—

(1) Give notice of the date and location of the hearing and any prehearing conference that may be held;

(2) Administer oaths and affirmations;

(3) Examine witnesses;

(4) Issue subpoenas and take depositions or have them taken;

(5) Obtain, in the form of a public record, all pertinent and relevant facts relating to the subject matter of the hearing;

(6) Rule, with the assistance of the Legal Officer, upon the admissibility of evidence;

(7) Regulate the course and conduct of the hearing; and

(8) Designate parties to the hearing and revoke those designations.

§ 77.47 Legal officer.

The General Counsel designates a member of his staff to serve as Legal Officer at each hearing under this subpart. The Legal Officer may examine witnesses and assist and advise the Presiding Officer on questions of evidence or other legal questions arising during the hearing.

§ 77.49 Notice of hearing.

In designating a time and place for a hearing under this subpart, the Presiding Officer considers the needs of the FAA and the convenience of the parties and witnesses. The time and place of each hearing is published in the "Notices" section of the *Federal Register* before the date of the hearing, unless the notice is impractical or unnecessary.

§ 77.51 Parties to the hearing.

The Presiding Officer designates the following as parties to the hearing—

(a) The proponent of the proposed construction or alteration.

(b) Those persons whose activities would be substantially affected by the proposed construction or alteration.

§ 77.53 Prehearing conference.

(a) The Presiding Officer may, in his discretion, hold a prehearing conference with the parties to the hearing and the Legal Officer before the hearing.

(b) At the direction of the Presiding Officer, each party to a prehearing conference shall submit a brief written statement of the evidence he intends to provide through his witnesses and by questioning other witnesses at the hearing, and shall provide enough copies of the statement so that the Presiding Officer may keep three for the FAA and give one to each other party.

(c) At the prehearing conference, the Presiding Officer reduces and simplifies the subject matter of the hearing so far as possible and advises the parties of the probable order of presenting the evidence.

§ 77.55 Examination of witnesses.

(a) Each witness at a hearing under this subpart shall, after being sworn by the Presiding Officer, give his testimony under oath.

(b) The party for whom a witness, other than an employee of the FAA, is testifying shall examine that witness. After that examination, other parties to the hearing may examine the witness, in the order fixed by the Presiding Officer. The Presiding Officer and the Legal Officer may then examine the witness. The Presiding Officer may grant any party an additional opportunity to examine any witness, if that party adequately justifies the additional examination.

(c) The Legal Officer examines each FAA employee who is a witness, before the other parties examine him. After that examination,

the order prescribed in paragraph (b) of this section applies. An FAA employee may testify only as to facts within his personal knowledge and the application of FAA regulations, standards, and policies.

§ 77.57 Evidence.

(a) The Presiding Officer receives all testimony and exhibits that are relevant to the issues of the hearing. So far as possible, each party shall submit enough copies of his exhibits that the Presiding Officer may keep three copies for the FAA and give one to each other party.

(b) The Presiding Officer excludes any testimony that is irrelevant, unduly repetitious, or consists of statements made during an aeronautical study in an effort to reconcile or compromise aviation or construction or alteration requirements. A party to the hearing may object to the admission of evidence only on the ground that it is irrelevant.

§ 77.59 Subpoenas of witnesses and exhibits.

(a) The Presiding Officer of a hearing may issue subpoenas for any witness or exhibit that he determines may be material and relevant to the issues of the hearing. So far as possible, each party to the hearing shall provide the witnesses and exhibits that he intends to present at the hearing.

(b) If any party to the hearing is unable to provide his necessary witnesses and exhibits, he shall advise the Presiding Officer far enough in advance that the Presiding Officer can determine whether he should issue subpoenas for the desired witnesses or exhibits.

§ 77.61 Revision of construction or alteration proposal.

(a) The sponsor of any proposed construction or alteration covered by this Part may revise his proposal at any time before or during the hearing. If he revises it, the Presiding Officer decides whether the revision affects the proposal to the extent that he should send it to the Administrator for a redetermination of the need for a hearing.

(b) If the Presiding Officer decides that it does not need to be resubmitted to the Administrator, he advises the parties of the revised proposal and takes the action necessary to allow all parties to effectively participate in the hearing on the revised proposal. Without limiting his discretion, the Presiding Officer may recess and reconvene the hearing, or hold another prehearing conference.

§ 77.63 Record of hearing.

(a) Each hearing is recorded verbatim by an official reporter under an FAA contract. The transcript, and all exhibits, become a part of the record of the hearing.

(b) Any person may buy a copy of the transcript of the hearing from the reporter at the price fixed for it.

(c) The Presiding Officer may allow any party to withdraw an original document if he submits authenticated copies of it.

(d) Any person may buy, from the FAA, photostatic copies of any exhibit by paying the copying costs.

(e) A change in the official transcript of a hearing may be made only if it involves an error of substance. Any recommendation to correct the transcript must be filed with the Presiding Officer within five days after the hearing closes. The Presiding Officer reviews each request for a correction to the extent he considers appropriate and shall make any revisions that he finds appropriate as a result of that review.

§ 77.65 Recommendations by parties.

Within 20 days after the mailing of the record of hearing by the official reporter, or as otherwise directed by the Presiding Officer, each party may submit to the Presiding Officer five copies of his recommendations for a final decision to be made by the Administrator.

§ 77.67 Final decision of the Administrator.

After reviewing the evidence relevant to the questions of fact in a hearing, including the official transcript and the exhibits, the Administrator resolves all these questions, based on the weight of evidence, and makes his determination, stating the basis and reasons for it. He then issues an appropriate order to be served on each of the parties.

§ 77.69 Limitations on appearance and representation.

(a) A former officer or employee of the FAA may not appear on behalf of, or repre-

sent, any party before the FAA in connection with any matter to which this Part applies, if he considered or passed on that matter while he was an officer or employee of the FAA.

(b) A person appearing before the FAA on any matter to which this Part applies may not, in connection with that appearance, knowingly accept assistance from, or share fees with, any person who is prohibited, by paragraph (a) of this section, from appearing himself on that matter.

(c) A former official or employee of the FAA may not, within six months after he ceases to be such an officer or employee, appear before the FAA on behalf of, or represent, any party in connection with any proceeding that was pending under this Part while he was an officer or employee of the FAA, unless he obtains written consent from an appropriate officer of the FAA, based on a verified showing that he did not personally consider the matter concerned or gain particular knowledge of it while he was an officer or employee of the FAA.

Subpart F—Establishment of Antenna Farm Areas

§ 77.71 Scope.

(a) This subpart establishes antenna farm areas in which antenna structures may be grouped to localize their effect on the use of navigable airspace.

(b) It is the policy of the FAA to encourage the use of antenna farms and the single structure-multiple antenna concept for radio and television towers whenever possible. In considering proposals for establishing antenna farm areas, it considers as far as possible the revision of aeronautical procedures and operations to accommodate antenna structures that will fulfill broadcasting requirements.

§ 77.73 General provisions.

(a) An antenna farm area consists of a specified geographical location with established dimensions of area and height, where antenna towers with a common impact on aviation may be grouped. Each such area is established under the procedural requirements of section 4 of the Administrative Procedure Act.

(b) Each proposal for an antenna farm area is evaluated on the basis of its effect on the use of navigable airspace. The views of the Federal Communications Commission are requested on the effect that each establishment of an antenna farm area would have on its statutory responsibilities. Any views submitted by it are fully considered before the antenna farm concerned is established. If the Commission advises that the establishment of any proposed antenna farm area would interfere with its statutory responsibility, the proposed area is not established.

(c) The establishment of an antenna farm area is considered whenever it is proposed by—

(1) The FAA;

(2) The Federal Communications Commission;

(3) The sponsor of a proposed antenna tower; or

(4) Any other person having a substantial interest in a proposed antenna tower.

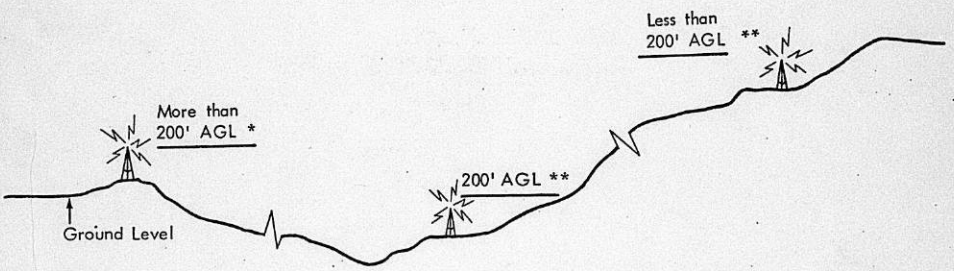
§ 77.75 Establishment of antenna farm areas.

The airspace areas described in the following sections of this subpart are established as antenna farm areas.

[Note: §§ 77.77 through 77.1100 reserved for descriptions of antenna farm areas]

Trans. 8 (Amdt. 77-8, Eff. 5/16/71)

§77.13(a)(1) - Notice Requirement Anywhere

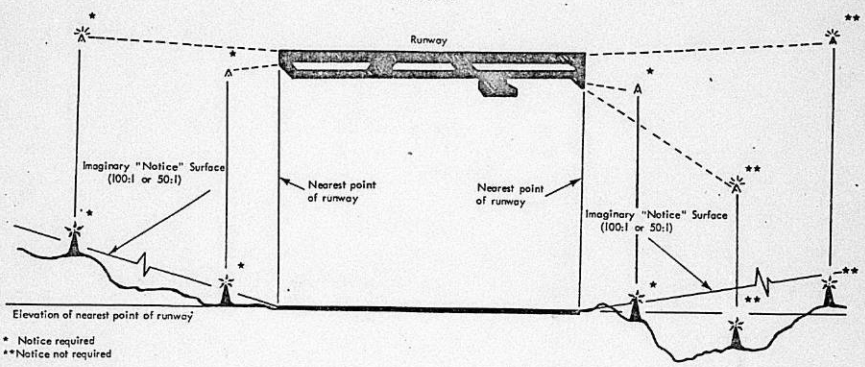


* Notice Required
** Notice Not Required

SUBPART B - NOTICE OF CONSTRUCTION OR ALTERATION

§77.13(a)(1) - A notice is required for any proposed construction or alteration that would be more than 200 feet in height above the ground level at its site.

§ 77.13(a)(2) - NOTICE REQUIREMENT RELATED TO AIRPORTS



Note: Each airport must be available for public use and listed in the Airport Directory of the current Airman's Information Manual, or in either the Alaska or Pacific Airman's Guide and Chart Supplement; under construction and the subject of a notice or proposal on file with FAA, and except for Military airports, it is clearly indicated that that airport will be available for public use, or operated by an armed force of the United States. (Heliports and seaplane bases without specified boundaries are excluded.)

SUBPART B - NOTICE OF CONSTRUCTION OR ALTERATION

§77.13(a)(2) - A notice is required for any proposed construction or alteration that would be of greater height than an imaginary surface extending outward and upward at one of the following slopes -

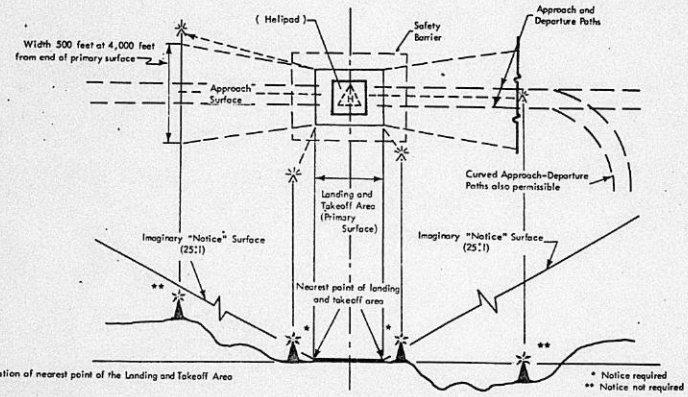
(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in actual length.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each each airport with its longest runway no more than 3,200 feet in actual length.

(Note: §77.13(a)(5) requires notice of any proposed construction or alteration on each airport, including heliports)

Trans. 8 (Amdt. 77-2; Eff. 5/16/61)

§ 77.13(a)(2) - NOTICE REQUIREMENT RELATED TO HELIPORTS

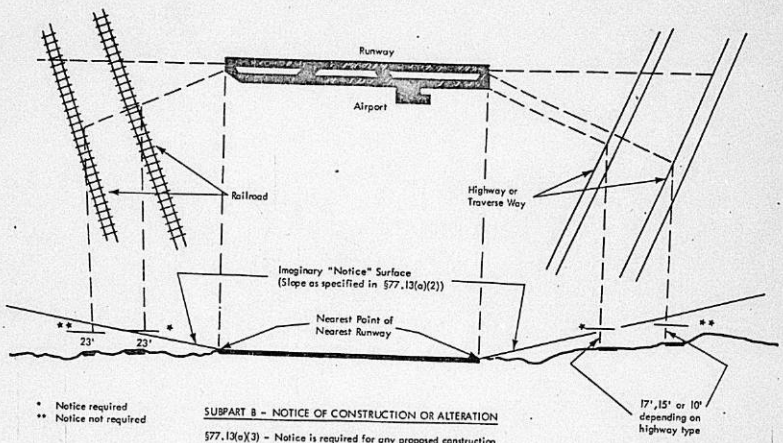


SUBPART B - NOTICE OF CONSTRUCTION OR ALTERATION

§77.13 (a)(2)-A notice is required for any proposed construction or alteration that would be of greater height than an imaginary surface extending outward and upward at the following slope:

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest landing and takeoff area of each heliport, available for public use and listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; is under construction and is the subject of a notice or proposal on file with the FAA and except for military heliports, it is clearly indicated that that heliport will be available for public use, or operated by a Federal Military agency.

§ 77.13(a)(3) - NOTICE REQUIREMENT RELATED TO TRAVERSE WAYS



* Notice required
** Notice not required

SUBPART B - NOTICE OF CONSTRUCTION OR ALTERATION

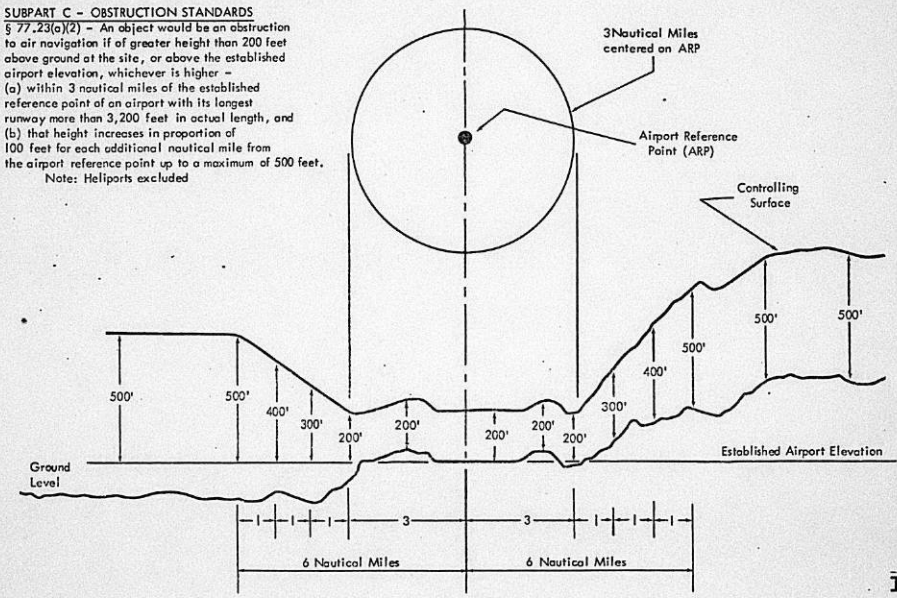
§77.13(a)(3) - Notice is required for any proposed construction or alteration of any highway, railroad, or other traverse way for mobile objects if of greater height than the standards of §77.13(a)(1) or (2) after their height has been adjusted upward by one of the following:

17 feet for an Interstate highway that is part of the National System of Military and Interstate Highways,
15 feet for any other public roadway
10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road,
23 feet for a railroad
For a waterway or any other traverse way, an amount equal to the height of the highest mobile object that would normally use it.

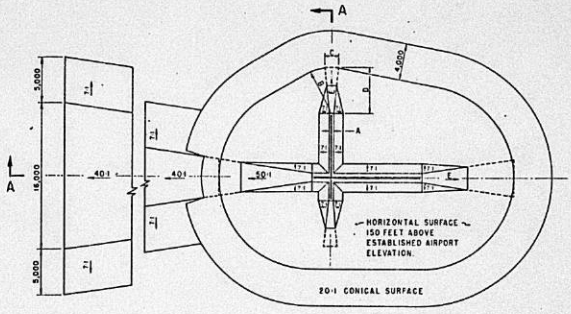
§77.23(a)(2) - NEAR AIRPORTS

SUBPART C - OBSTRUCTION STANDARDS

§ 77.23(a)(2) - An object would be an obstruction to air navigation if of greater height than 200 feet above ground at the site, or above the established airport elevation, whichever is higher -
(a) within 3 nautical miles of the established reference point of an airport with its longest runway more than 3,200 feet in actual length, and
(b) that height increases in proportion of 100 feet for each additional nautical mile from the airport reference point up to a maximum of 500 feet.
Note: Heliports excluded

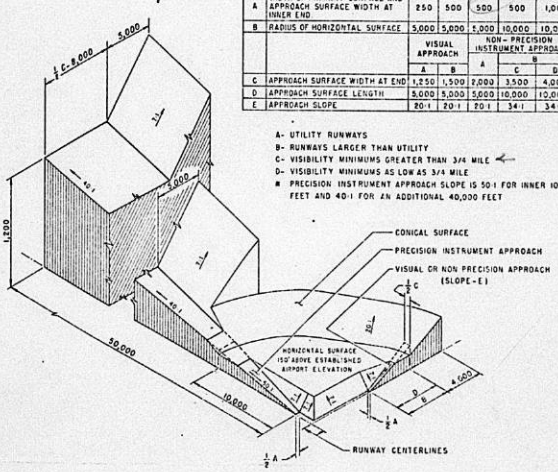


Trans. 8 (Amdt. 77-9, Eff. 5/16/71)



DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON-PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		A	B	A	B		
					C	D	
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	500	500	500	1,000	1,000
B	RADIUS OF HORIZONTAL SURFACE	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON-PRECISION INSTRUMENT APPROACH			PRECISION INSTRUMENT APPROACH
		A	B	A	B		
					C	D	
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	*
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	*

A- UTILITY RUNWAYS
B- RUNWAYS LARGER THAN UTILITY
C- VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
D- VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
* PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET

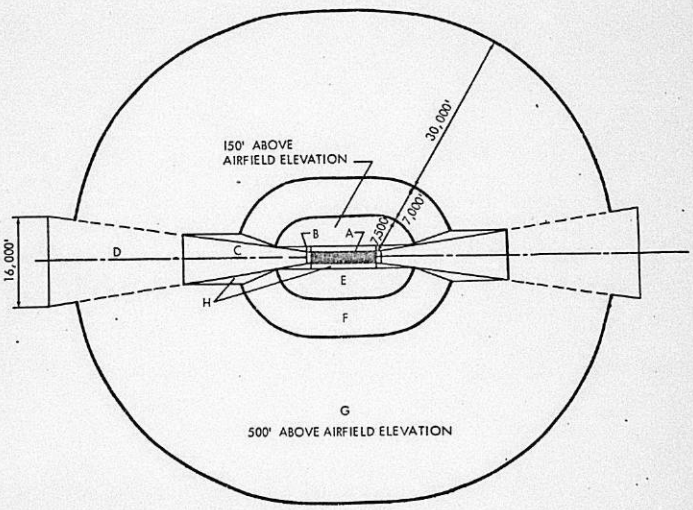


ISOMETRIC VIEW OF SECTION A-A

§ 77.25 CIVIL AIRPORT IMAGINARY SURFACES

Trans. 8 (Amdt. 77-9, Eff. 5/16/71)

§ 77.28 - MILITARY AIRPORT IMAGINARY SURFACES



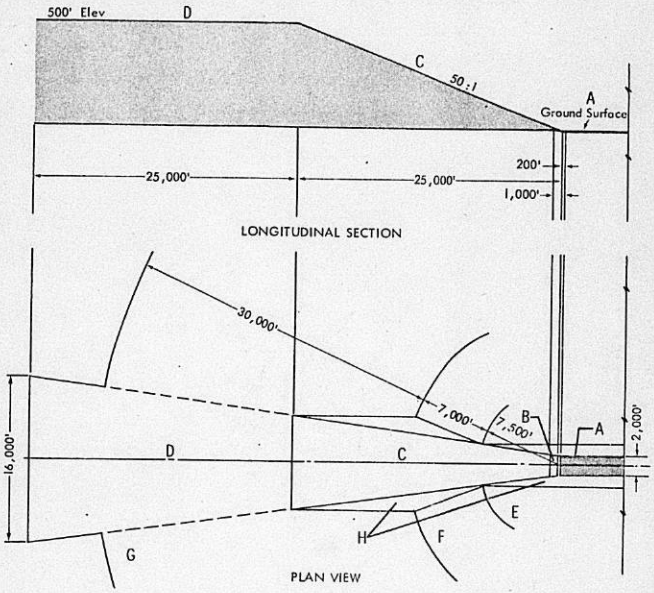
LEGEND

A Primary Surface
B Clear Zone Surface
C Approach-Departure Clearance Surface (Glide Angle)
D Approach-Departure Clearance Surface (Horizontal)
E Inner Horizontal Surface
F Conical Surface
G Outer Horizontal Surface
H Transitional Surface

§77.28 - MILITARY AIRPORT IMAGINARY SURFACES

LEGEND
A Primary Surface
B Clear Zone Surface
C Approach-Departure Clearance Surface (Glide Angle) (50:1)
D Approach-Departure Clearance Surface (Horizontal)
E Inner Horizontal Surface
F Conical Surface (20:1)
G Outer Horizontal Surface
H Transitional Surface (7:1)

§ 77.28 - MILITARY AIRPORT IMAGINARY SURFACES



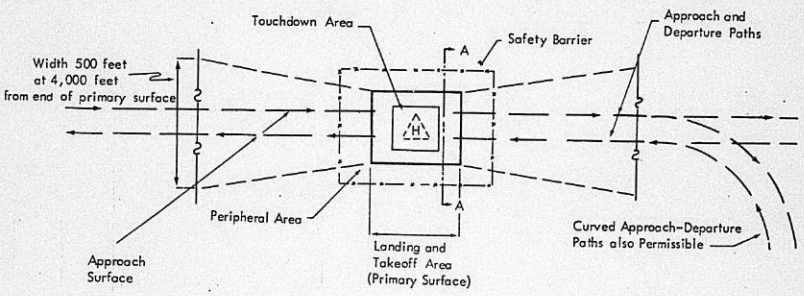
LEGEND

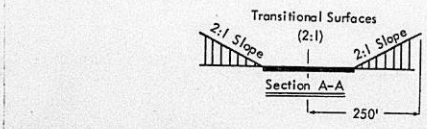
A Primary Surface
B Clear Zone Surface
C Approach-Departure Clearance Surface (Glide Angle)
D Approach-Departure Clearance Surface (Horizontal)
E Inner Horizontal Surface
F Conical Surface
G Outer Horizontal Surface
H Transitional Surface

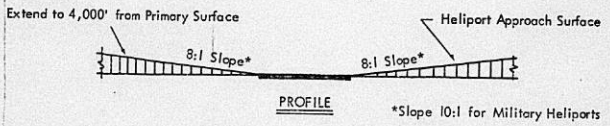
Trans. 8 (Amdt. 77-9, Eff. 5/16/71)

Trans. 8 (Amdt. 77-9, Eff. 5/16/71)

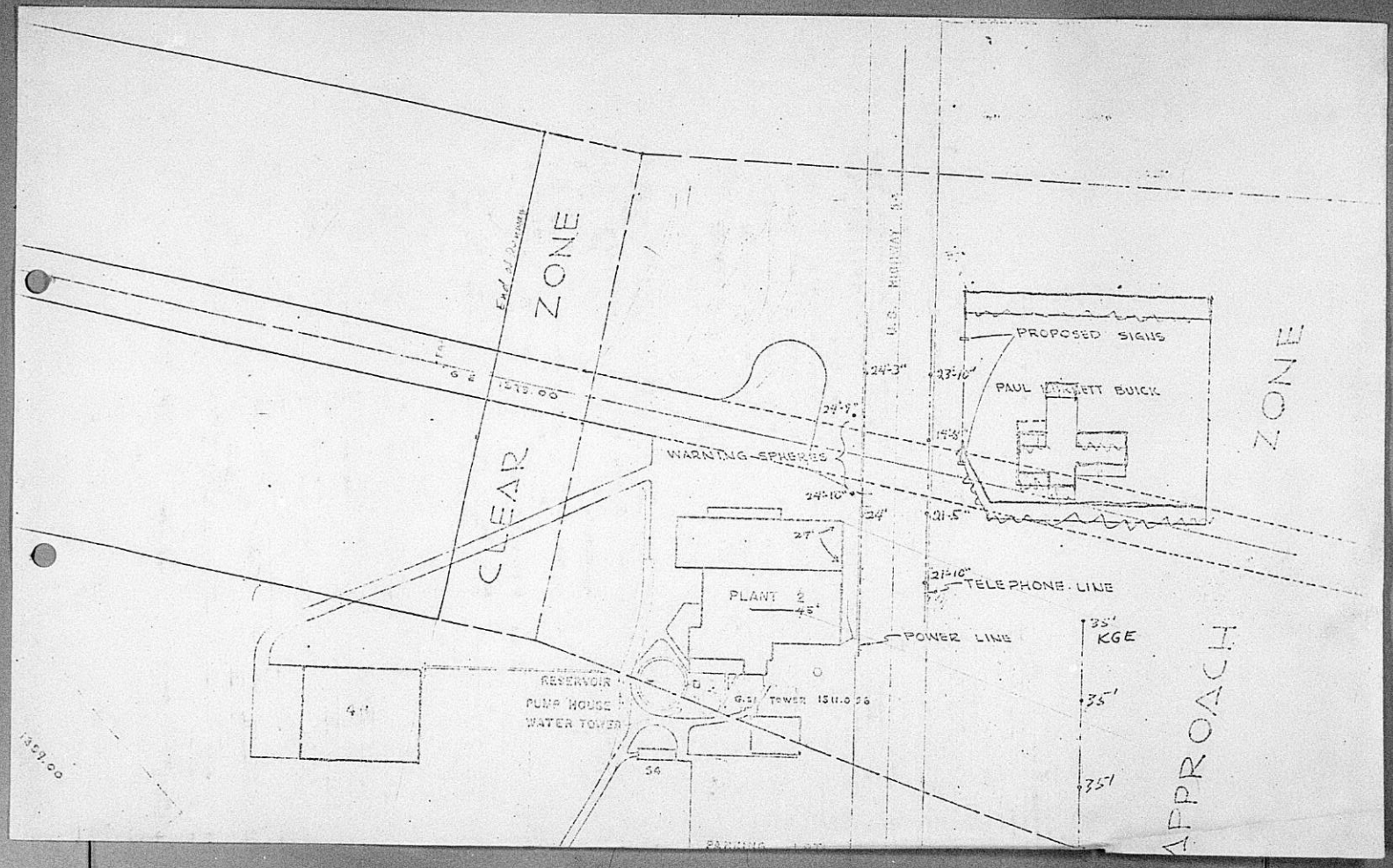
§ 77.29 - AIRPORT IMAGINARY SURFACES FOR HELIPORTS

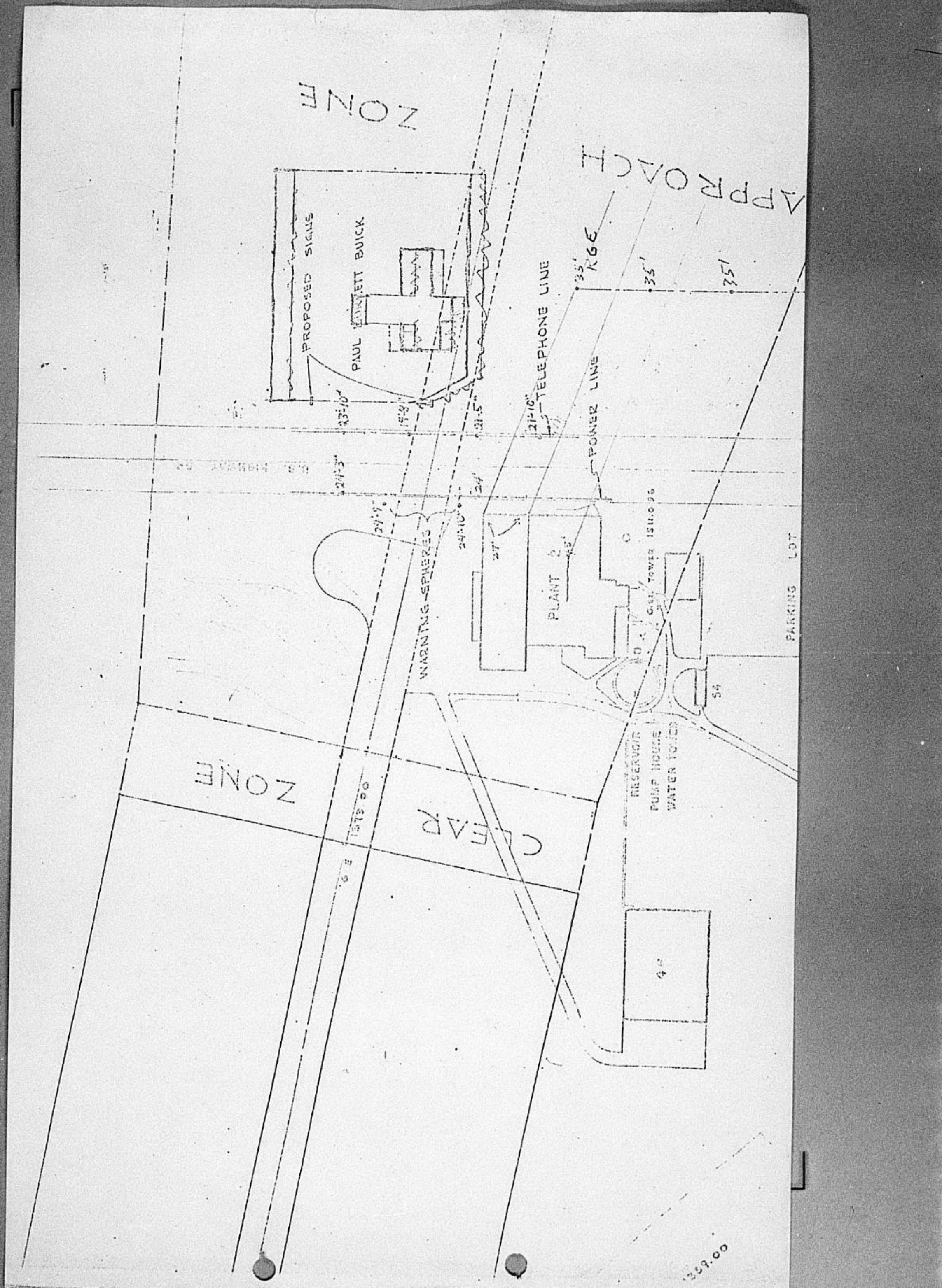






*Slope 10:1 for Military Heliports


CLEAR ZONE
End of Runway
U.S. HIGHWAY 85
PROPOSED SIGNS
PAUL BARNETT BUICK
APPROACH ZONE
WARNING SPHERES
PLANT 2
TELEPHONE LINE
POWER LINE
KGE
RESERVOIR
PUMP HOUSE
WATER TOWER
PARKING



APPROACH
ZONE
PROPOSED SIGNS
TELEPHONE LINE
POWER LINE
RGE
WARNING SPHERES
PLANT 2
PARKING LOT
RESERVOIR
PUMP HOUSE
WATER TOWER
CLEAR
ZONE

CORPORATE IDENTITY
General Motors

DEALERSHIP IDENTIFICATION PROGRAM

DEALERSHIP IDENTIFICATION AND INFORMATION SURVEY

PLOT PLAN

DEALERSHIP NAME	STREET	CITY	STATE	DEALER CLASS	FRANCHISE	PRIORITY SCHEDULE	SURVEY NUMBER
DAVE BURNETT BUICK OPELINC	9701 KELLOGG	WICHITA	KANSAS	M	BL		
ERECTOR COMPANY	**STREET**	**CITY**	**STATE**	**DEALER CODE NO.**		**SIGN MANUFACTURER**	
ED DUNN SONS, INC	933 SOUTHWEST STREET	WICHITA	KANSAS			TEXLITE	

NOTE: Separate questionnaire must be prepared for the main dealership facility and for each off-site location not immediately adjacent to the main facility.

This survey is for: ☒ Main dealership facility or ☐ Off-site location at (Street Address) _____

Which is (Specify) USED CAR LOT + SERVICE GARAGE

Indicate North in This Box

INSTRUCTIONS: The plot plan should be a general diagram of the dealership facilities and adjacent property and must show your recommendations as to location of new signs.

Please indicate the approximate scale used on drawings: 1" = 100'

THE PLOT PLAN SHOULD SHOW THE FOLLOWING:

1. The location of all buildings found on the dealership property, i.e. used car office, service garage, body shop. (Label Each)
2. Main Building(s) on adjoining property. (It is important that these buildings be plotted accurately in relation to the dealership building(s).)
3. Any natural or man-made obstructions, i.e. trees, traffic signals, sewer lines etc.
4. Indicate sidewalks, parking lots, used car lots, parts and/or service entrances and driveways. Include any signs on neighboring property which are large enough to be considered.
5. Designate streets which bound the property, and show directional flow of traffic, as ☒ Primary ☐ Secondary ☐ Residential.
6. The recommended location of the new signs. Label and circle each sign at its recommended site according to corresponding sign number shown in Section I of questionnaire; i.e. ① ② ③ ④ ⑤ . Fascia bands should be shown by a wavy line, i.e. ~~(F)~~
7. The exterior dimensions of all dealership buildings (corner radius & angle, etc.) and the exact distance from lot line to curb.
8. Indicate north with an arrow in box at upper right of form.
9. Indicate the location of the power source where electrical hook-up will be made--as (PS)
10. Show location of existing signs and number them in sequence to coincide with Section V of the questionnaire— (E1) , (E2) , etc.
11. Indicate by dotted line the dealer approved route for exterior electrical conduit.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1.

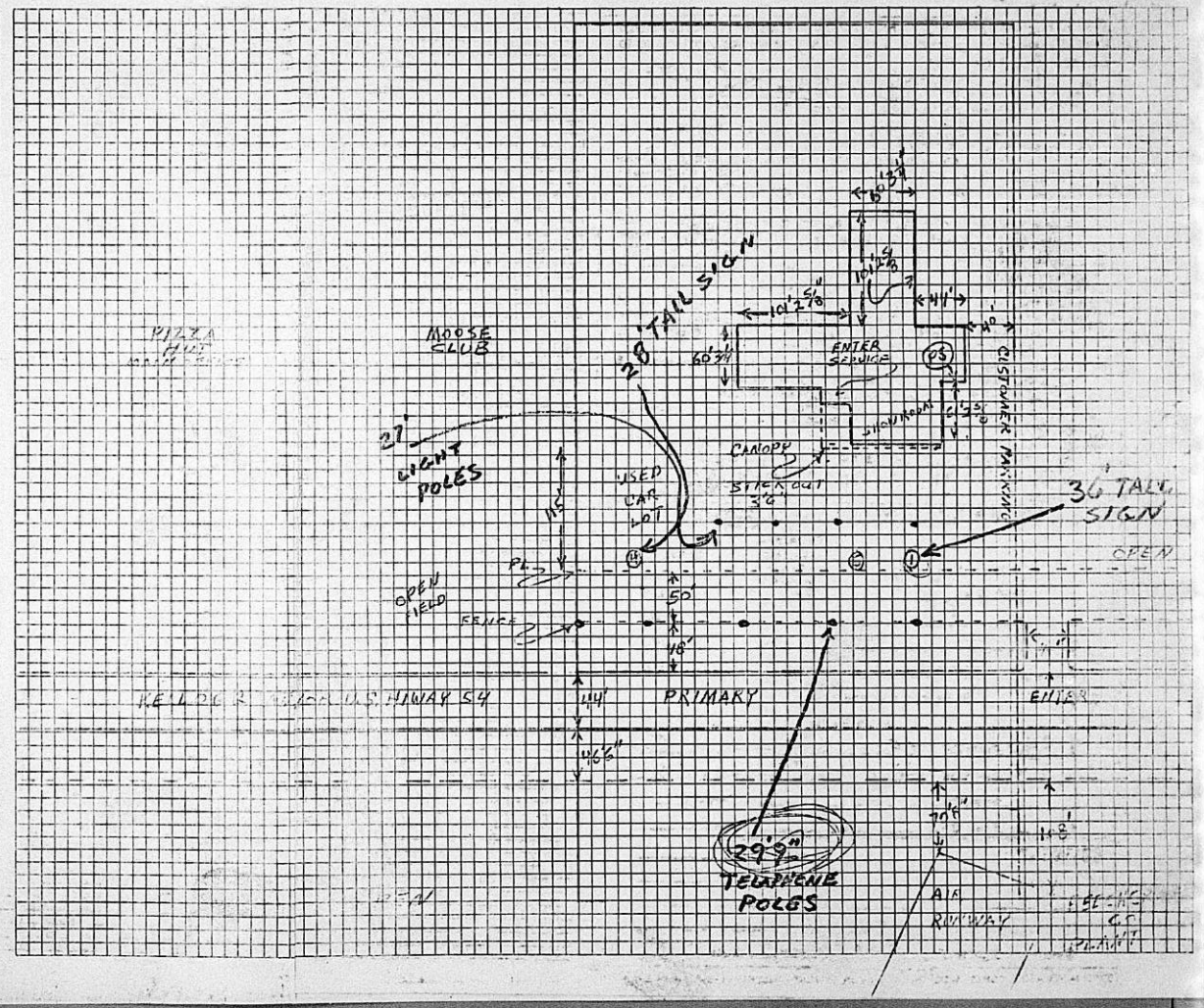
	Street Name	Distance--Dealership to Street	Speed Limit
A	KELLOGG	98' Feet	40 MPH
B		Feet	MPH
C		Feet	MPH
D		Feet	MPH

2. Dealership identifiable from distance of:

	Street Name		
A	650 Feet; On KELLOGG	Heading	E
B	800 Feet; On KELLOGG	Heading	W
C	Feet; On	Heading	
D	Feet; On	Heading	

COMMENTS:

Surveyor's Signature Harry Dunn Date 10-26-70



FORM CI-14 (REV. 4-70) COPIES: 1-CID 2-GM DIVISION 3-ZONE 4-SUPPLIER 5-SIGN ERECTOR

CORPORATE IDENTITY
General Motors

DEALERSHIP IDENTIFICATION PROGRAM

DEALERSHIP IDENTIFICATION AND INFORMATION SURVEY

PLOT PLAN

DEALERSHIP NAME	STREET	CITY	STATE
DAVE BURNETT BUICK OPELINC	9101 KELLOGG	WICHITA	KAN
ERECTOR COMPANY	STREET	CITY	STATE
ED DUNN SONS, INC	923 SOUTH WEST STREET	WICHITA	KAN

NOTE: Separate questionnaire must be prepared for the main dealership facility and for each off-site location not immediately adjacent to the main facility.

This srvy is for: ☒ Main dealership facility or ☐ Off-site location at (Street Address)
Whichis (Specify) USED CAR LOT + SERVICE

INSTRUCTIONS: The plot plan should be a general diagram of the dealership facilities and adjacent property and must show your recommendations as to location of new signs.

Please indicate the approximate scale used on drawings: 1" = 100'

THE PLOT PLAN SHOULD SHOW THE FOLLOWING:

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9. Indicate the location of the power source where electrical hook-up will be made--as (PS)
10. Show location of existing signs and number them in sequence to coincide with Section V of the questionnaire— (E1) , (E2) , etc.
11. Indicate by dotted line the dealer approved route for exterior electrical conduit.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

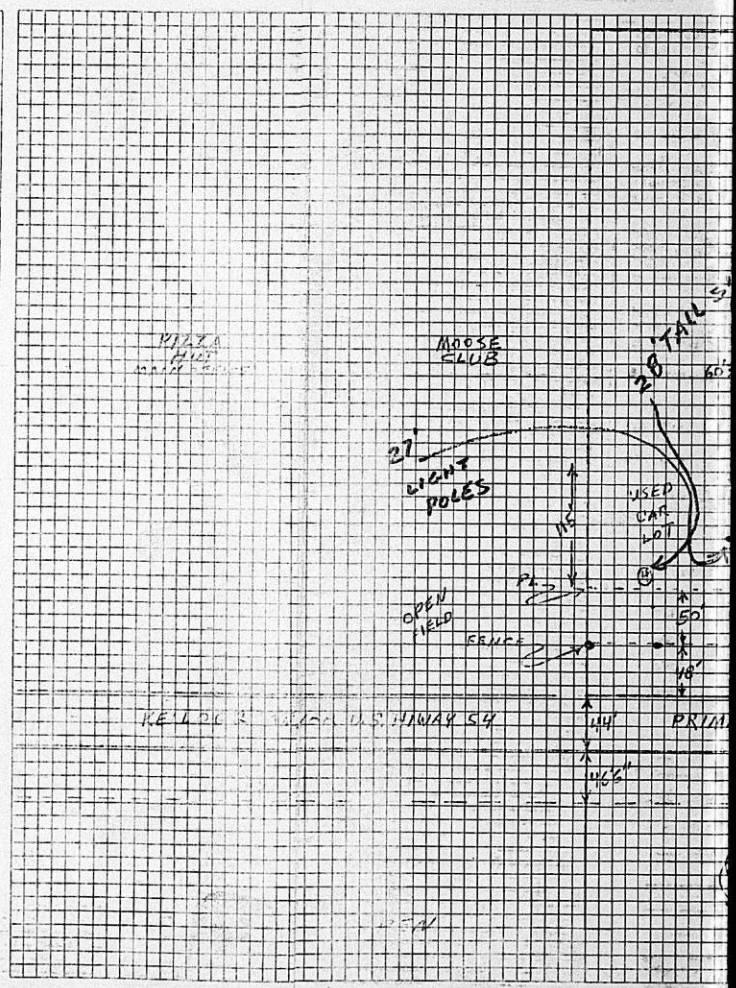
1.	Street Name	Distance--Dealership to Street	Speed Limit
A.	KELLOGG	98 Feet	40 MPH
B.		Feet	MPH
C.		Feet	MPH
D.		Feet	MPH

2. Dealership identifiable from distance of:

	Feet; On (Street Name)	Heading
A.	650 Feet; On KELLOGG	Heading E
B.	800 Feet; On KELLOGG	Heading W
C.	Feet; On	Heading
D.	Feet; On	Heading

COMMENTS:

Surveyor's Signature [signature] Date 10-26-70



FORM CI-14 (REV. 4-70) COPIES: 1-CID 2-GM DIVISION 3-ZONE 4-SUPPLIER 5-SIGN ERECTOR

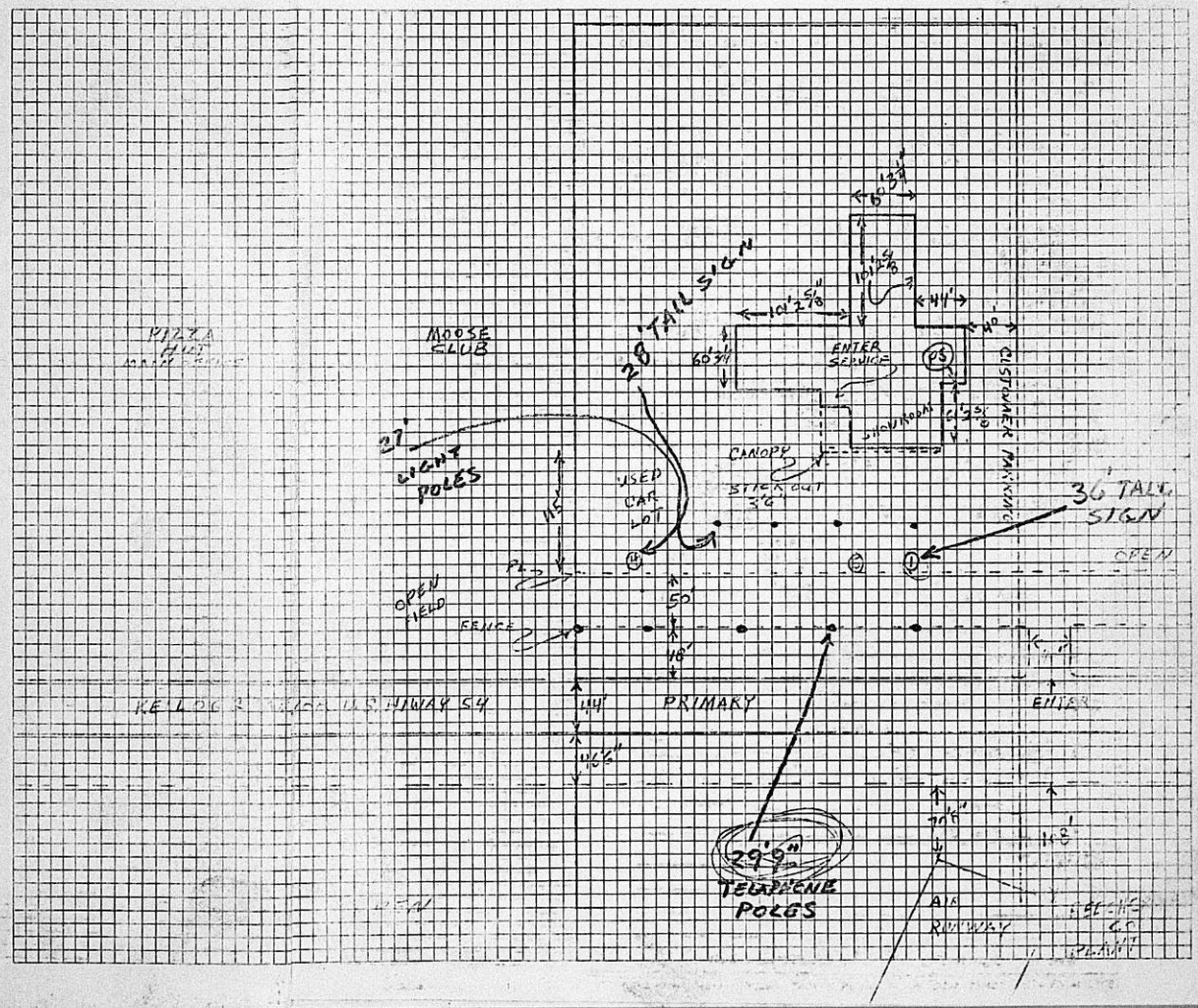
	STREET	CITY	STATE	DEALER CLASS	FRANCHISE	PRIORITY SCHEDULE	SURVEY NUMBER
ETT BUICK OPELINC	9901 E KELLOGG	WICHITA	KANSAS	M	BL		
WILSONS, INC	STREET 933 S WEST STREET	CITY WICHITA	STATE KANSAS	DEALER CODE NO.		SIGN MANUFACTURER TEXLITE	

questionnaire must be prepared for the main and for each off-site location not immediately ain facility.

This srvy is for: ☒ Main dealership facility or ☐ Off-site location at (Street Address) _____

Which is (Specify) USED CAR LOT + SERVICE GARAGE

Indicate North in This Box



CORPORATE IDENTITY
General Motors
GM

DEALERSHIP IDENTIFICATION PROGRAM

DEALERSHIP IDENTIFICATION AND INFORMATION SURVEY

PLOT PLAN

DEALERSHIP NAME	STREET	CITY	STATE
DAVE BURNETT BUICK OPEL INC	9901 E KELLOGG	WICHITA	KAN
ERECTOR COMPANY	**STREET**	**CITY**	**STATE**
ED DUNN & SONS, INC	933 S WEST STREET	WICHITA	KAN

NOTE: Separate questionnaire must be prepared for the main dealership facility and for each off-site location not immediately adjacent to the main facility.

This sheet is for: ☒ Main dealership facility or ☐ Off-site location at (Street Address).
Which (Specify) USED CAR LOT + SERVICE

INSTRUCTIONS: The plot plan should be a general diagram of the dealership facilities and adjacent property and must show your recommendations as to location of new signs.

Please indicate the approximate scale used on drawings: 1" = 100'

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9. Indicate the location of the power source where electrical hook-up will be made—as (PS).
10. Show location of existing signs and number them in sequence to coincide with Section V of the questionnaire— (E1) , (E2) , etc.
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PLEASE PROVIDE THE FOLLOWING INFORMATION:

1.

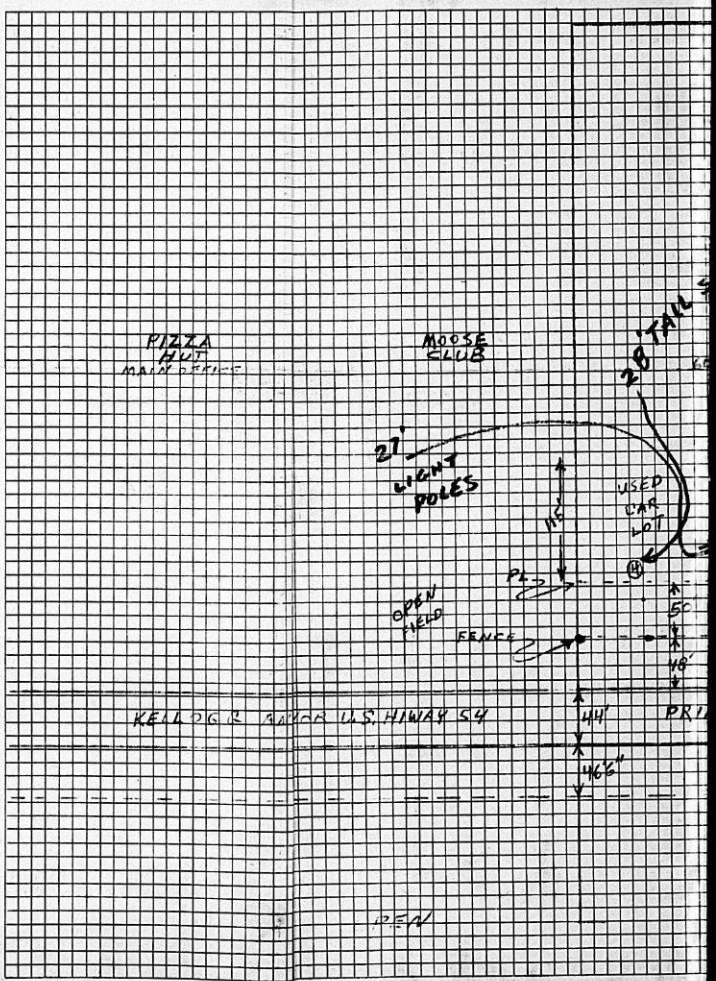
	Street Name	Distance—Dealership to Street	Speed Limit
A.	E KELLOGG	98' Feet	40 MPH
B.		Feet	MPH
C.		Feet	MPH
D.		Feet	MPH

2. Dealership identifiable from distance of:

		Street Name		
A.	650 Feet; On	KELLOGG	Heading	E
B.	800 Feet; On	KELLOGG	Heading	W
C.	Feet; On		Heading	
D.	Feet; On		Heading	

COMMENTS:

Surveyor's Signature Gary Dunn Date 10-26-70



FORM CI-14 (REV. 4-70) COPIES: 1-CID 2-GM DIVISION 3-ZONE 4-SUPPLIER 5-SIGN ERECTOR

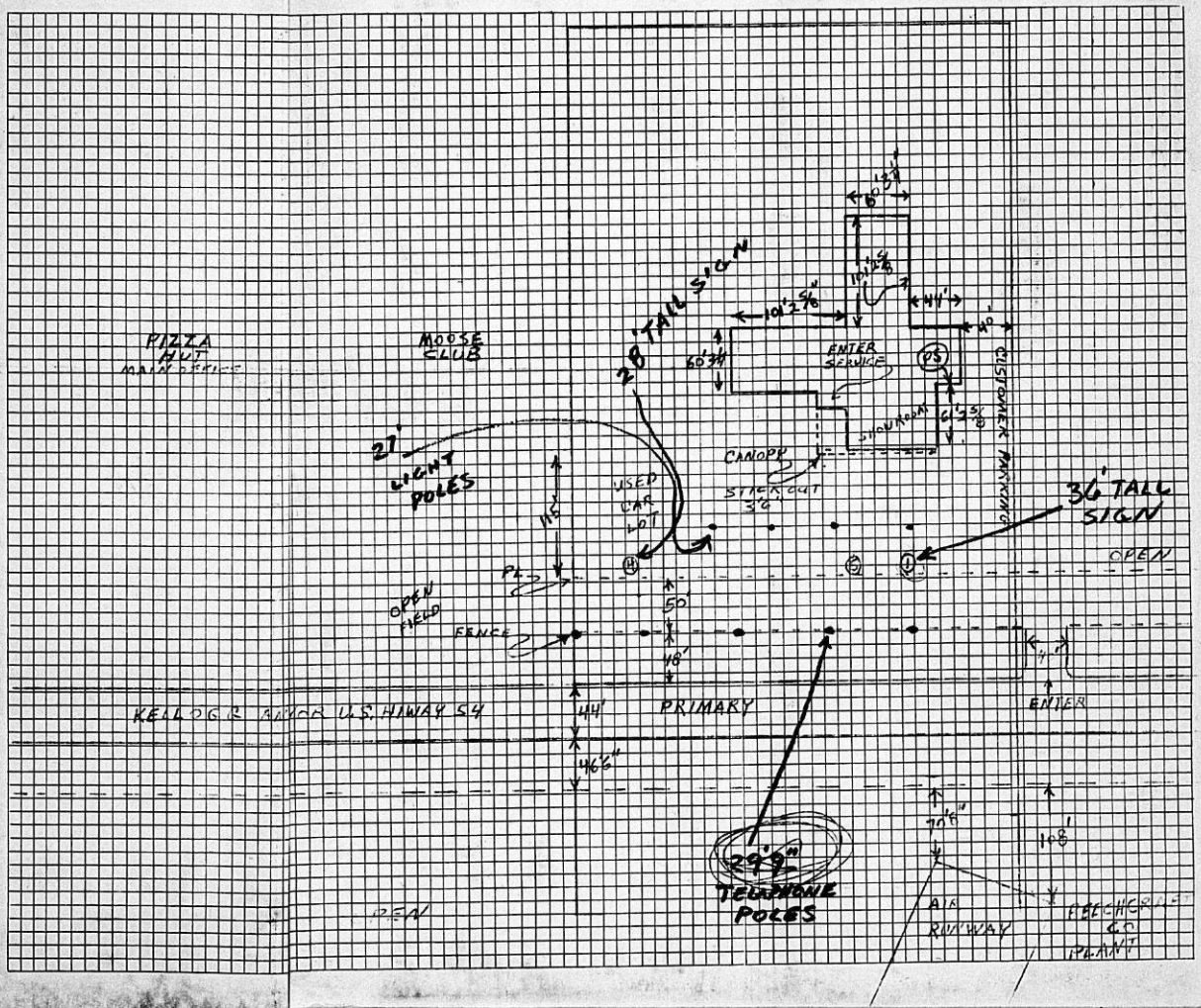
	STREET	CITY	STATE	DEALER CLASS	FRANCHISE	PRIORITY SCHEDULE	SURVEY NUMBER
T BUICK OPEL INC	9901 KELLOGG	WICHITA	KANSAS	M	BL		
N+SONS, INC	933 SWEST STREET	WICHITA	KANSAS	DEALER CODE NO.		SIGN MANUFACTURER: TEXLITE	

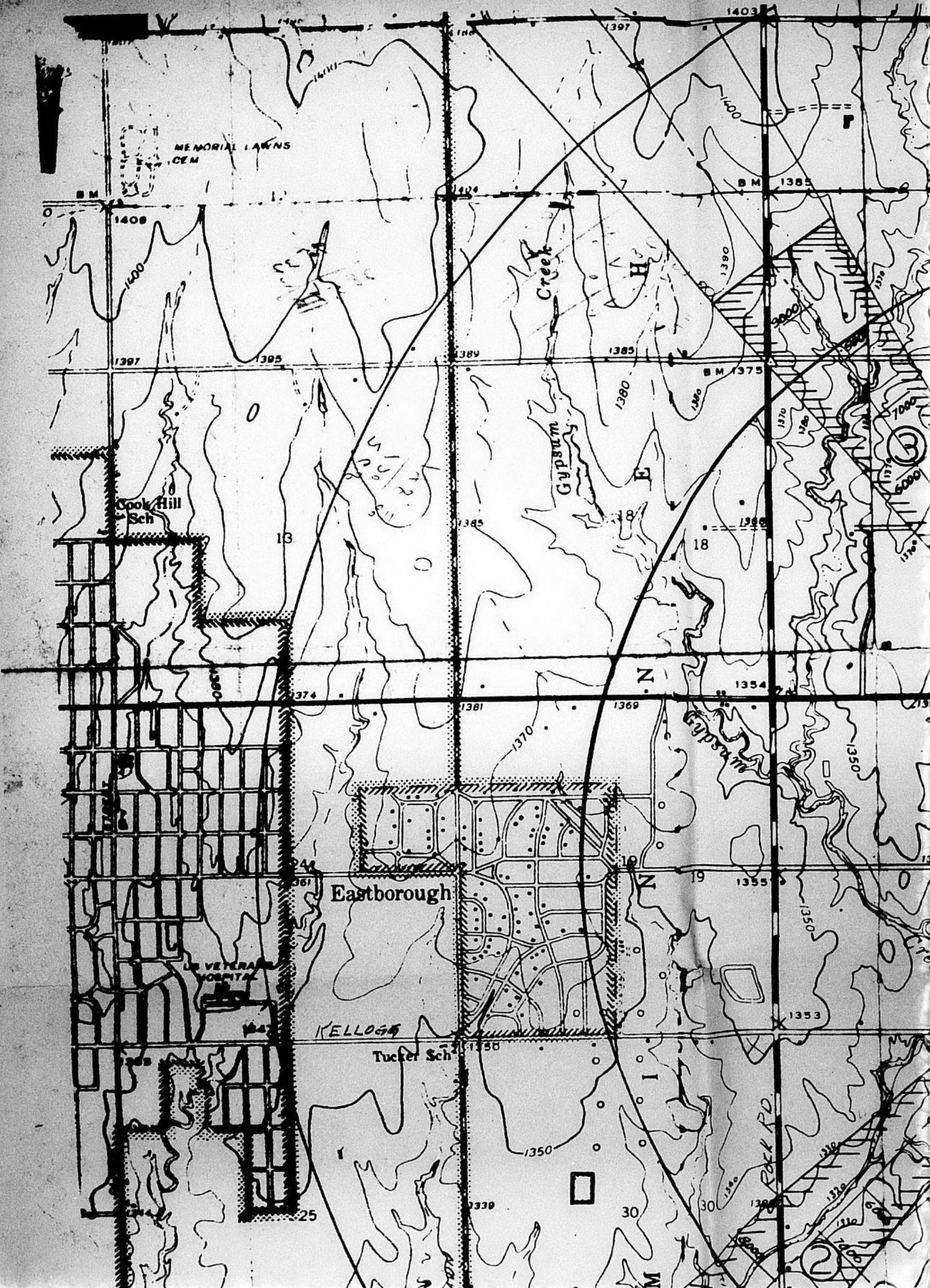
Questionnaire must be prepared for the main and for each off-site location not immediately ir facility.

This sn is for: ☒ Main dealership facility or ☐ Off-site location at (Street Address)

Which (Specify) USED CAR LOT + SERVICE GARAGE

Indicate North in This Box





MEMORIAL LAWNS CEM
B M 1409
1397
1395
1389
1385
B M 1385
B M 1375
Creek
Gypsum
Cook Hill Sch
13
18
1374
1381
1369
1354
1370
Eastborough
1361
US VETERANS HOSPITAL
KELLOGG
Tucker Sch
1350
1355
1353
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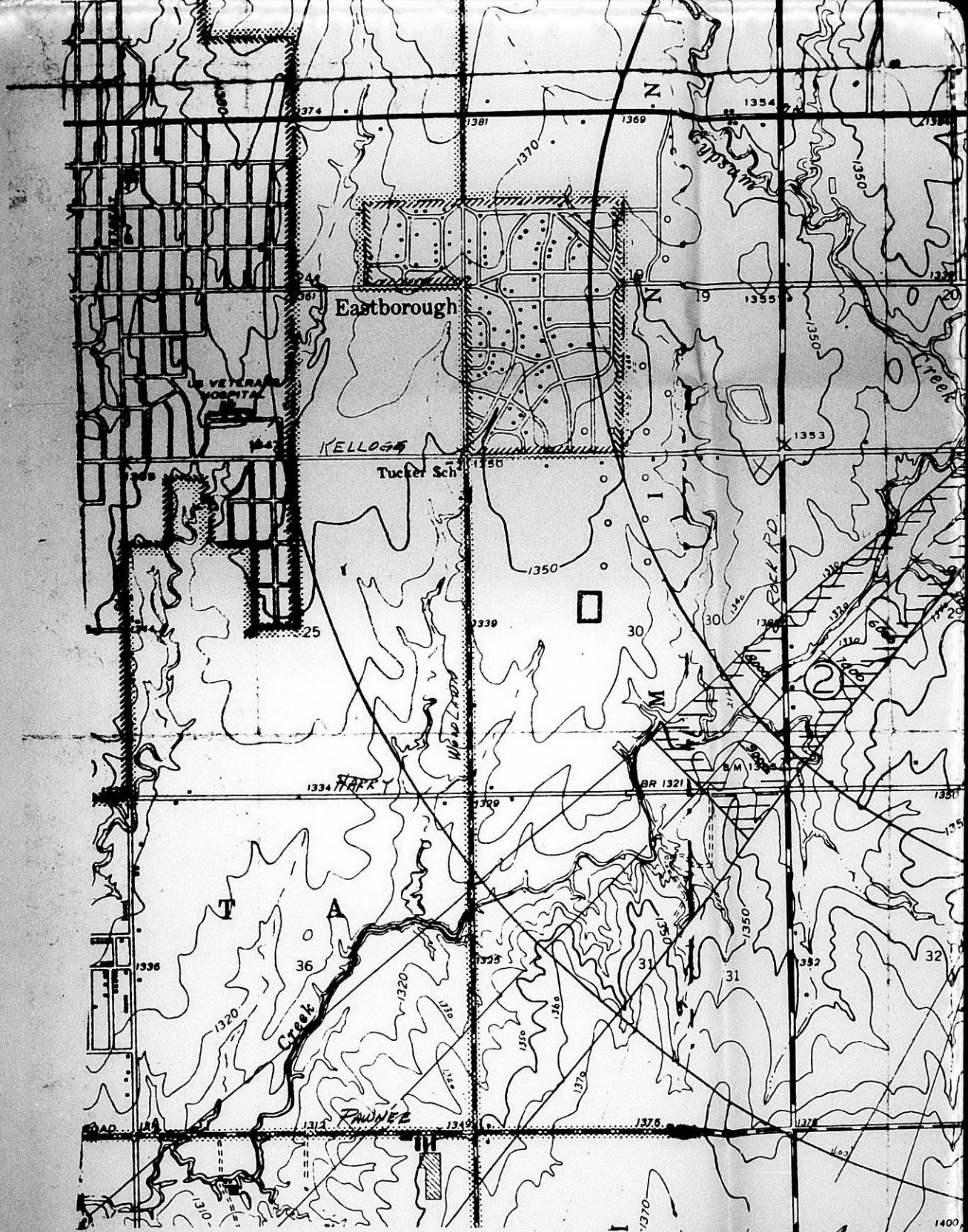
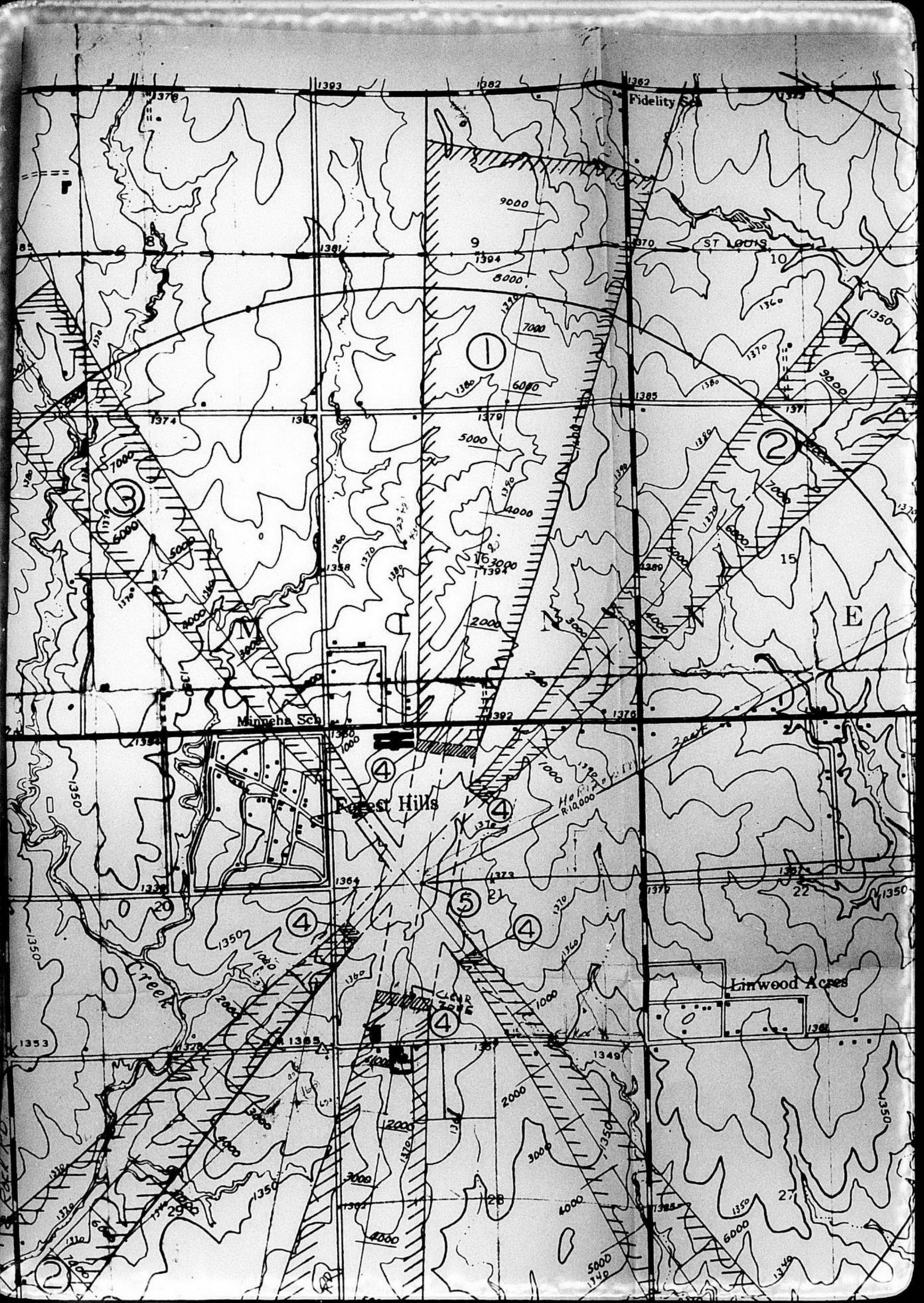
25
30
ROCK RD.



Call Mr. Waldrop
Beach Aircraft Co. MU3-4681



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Linwood Acres
Creek
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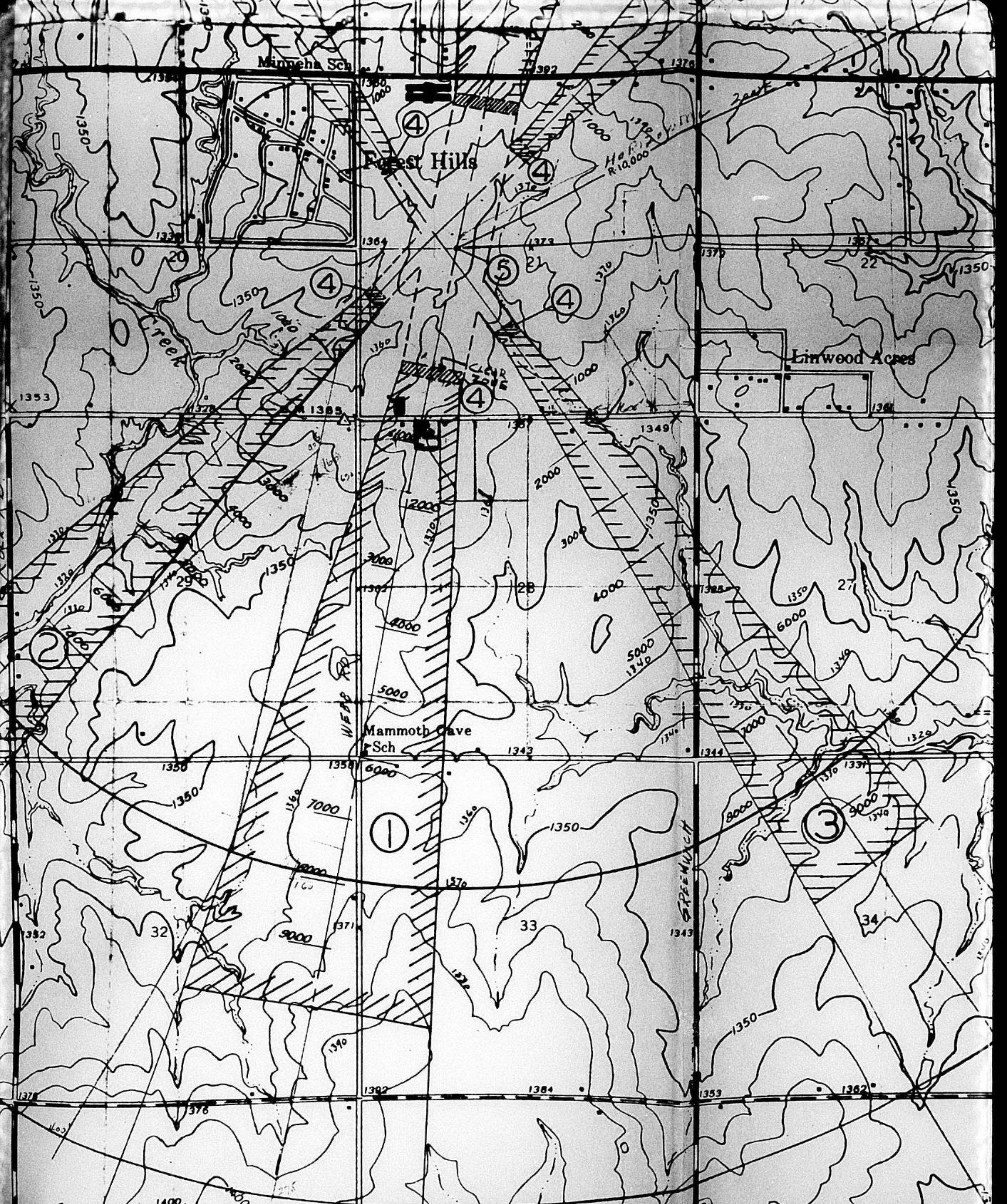
Minneha Sch
Forest Hills
Linwood Acres
Mammoth Cave
Sch
Creek
CLEAR ZONE
WEBB RD
GREENWICH
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2000
3000
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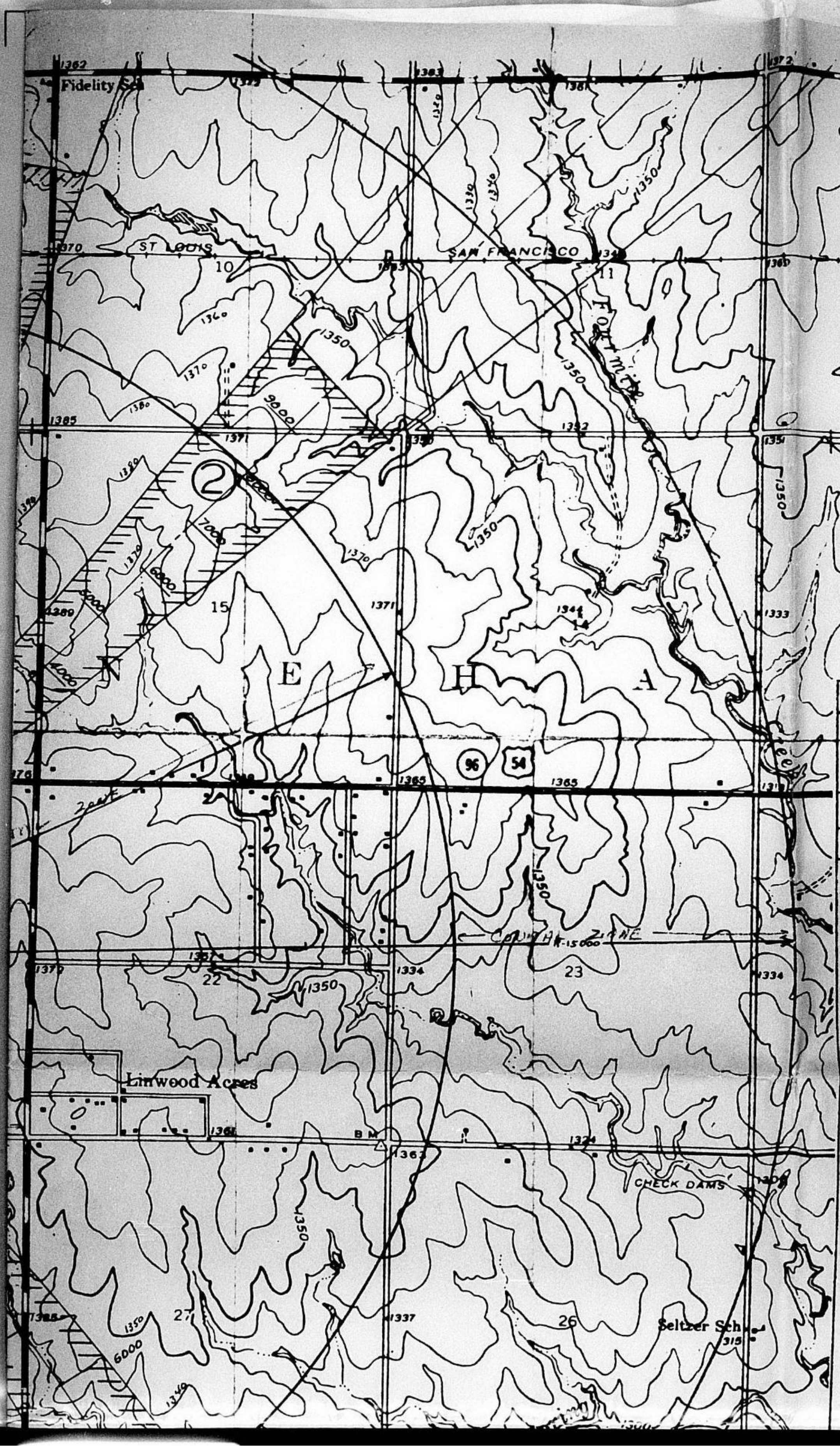
9000
10000
1400



APP

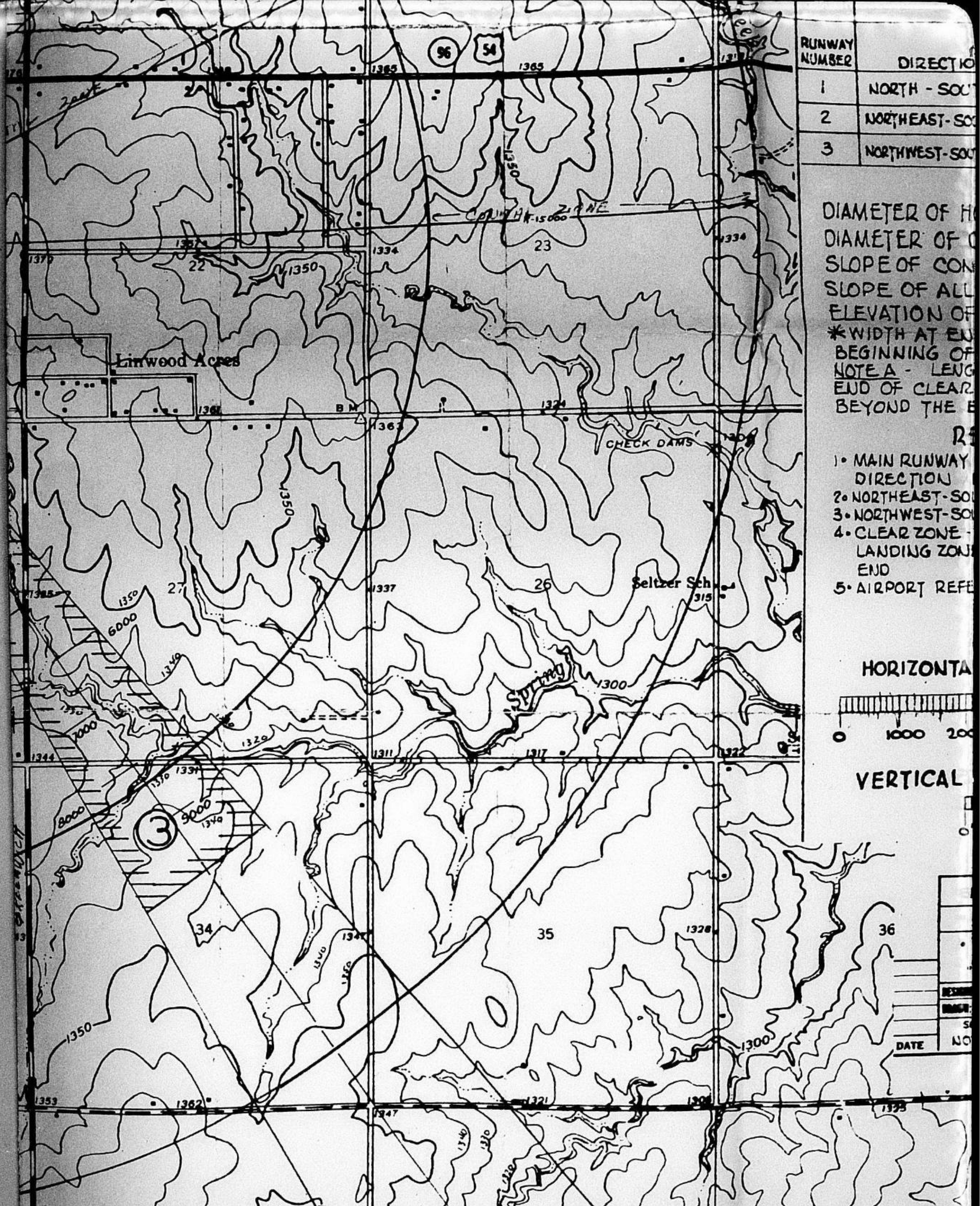
RUNWAY NUMBER	DIRECT
1	NORTH - SO
2	NORTHEAST- S
3	NORTHWEST-SO

DIAMETER OF
DIAMETER OF
SLOPE OF CON
SLOPE OF AL
ELEVATION OF
✱ WIDTH AT EN
BEGINNING OF
NOTE A - LENG
END OF CLEAR
BEYOND THE

R

1. MAIN RUNWAY DIRECTION
2. NORTHEAST-SO
3. NORTHWEST-SO
4. CLEAR ZONE LANDING ZON END
5. AIRPORT REFE

HORIZONT


RUNWAY NUMBER
DIRECTIO
1 NORTH - SOU
2 NORTHEAST - SO
3 NORTHWEST - SOU
DIAMETER OF H
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SLOPE OF CON
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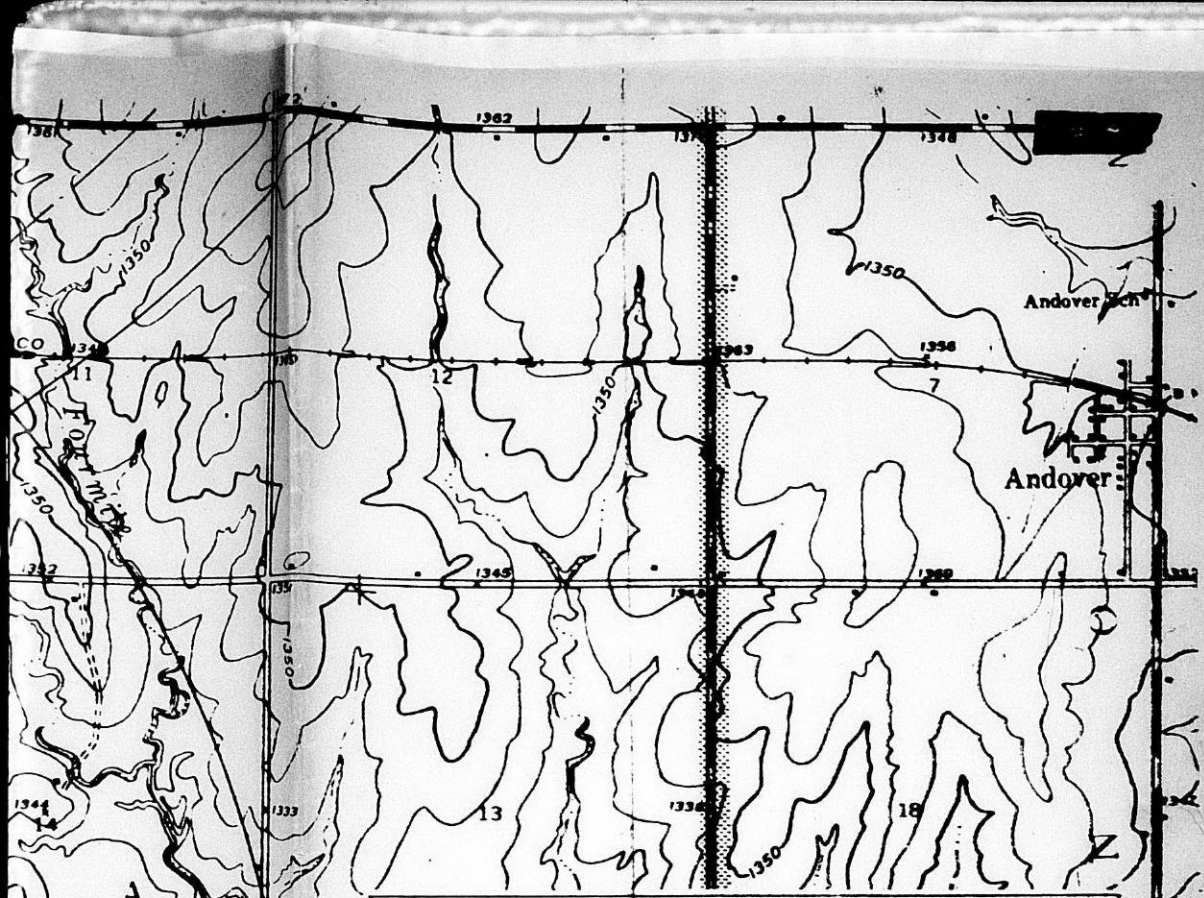
ELEVATION OF
* WIDTH AT EN
BEGINNING OF
NOTE A - LENG
END OF CLEAR
BEYOND THE E
1 • MAIN RUNWAY
DIRECTION
2 • NORTHEAST - SO
3 • NORTHWEST - SO
4 • CLEAR ZONE -
LANDING ZON
END
5 • AIRPORT REFE
HORIZONTA
0 1000 20
VERTICAL
DATE NO
96
54
1365
CONICAL ZONE
15000
23
22
1334
1350
Linwood Acres
BM
1363
1324
CHECK DAMS
27
26
Seltzer Sch
1337
6000
7000
8000
9000
Spring
1300
1311
1317
1322
1344
1331
3
34
35
36
1341
1328
1353
1362
1321
1347
1335



APPROACH ZONE DATA

RUNWAY NUMBER	DIRECTION	WIDTH OF RUNWAY FEET	LENGTH OF APPROACH ZONE FEET (SEE NOTE A)	WIDTH OF APPROACH ZONE ADJOINING CLEAR ZONE	WIDTH OF APPROACH ZONE AT OUTER END	SLOPE OF APPROACH ZONE
1	NORTH - SOUTH	1000	10,000 10,000 50,000	1000 4000 *	4000 16,000	1:50 1:40
2	NORTHEAST - SOUTHWEST	300	10,000	300	2300	1:40
3	NORTHWEST - SOUTHEAST	300	10,000	800	2300	1:40

DIAMETER OF HORIZONTAL TURNING ZONE 20,000 FEET
DIAMETER OF CONICAL ZONE - 30,000 FEET
SLOPE OF CONICAL ZONE - 1:20
SLOPE OF ALL TRANSITIONAL AREAS 1:7
ELEVATION OF AIRPORT (AIRPORT REFERENCE PT.) 1378

*WIDTH AT END OF 10,000 APPROACH ZONE AND BEGINNING OF 10,000-50,000 FOOT APPROACH ZONE

NOTE A - LENGTH OF APPROACH ZONE IS MEASURED FROM END OF CLEAR ZONE - THIS POINT IS 200 FEET BEYOND THE END OF THE LANDING ZONE OR RUNWAY

REFERENCE NUMBERS

1. MAIN RUNWAY AND APPROACH ZONES NORTH-SOUTH DIRECTION INSTRUMENT OPERATION
2. NORTHEAST-SOUTHWEST RUNWAY AND APPROACH ZONES
3. NORTHWEST-SOUTHEAST RUNWAY AND APPROACH ZONES
4. CLEAR ZONE - EXTENDS 200 FEET BEYOND END OF LANDING ZONE - APPROACH SLOPE BEGINS AT ITS OUTER END
5. AIRPORT REFERENCE POINT - ELEVATION 1378'

HORIZONTAL SCALE 1"=1304'

RUNWAY NUMBER	DIRECTION	WIDTH OF RUNWAY FEET	LENGTH OF APPROACH ZONE FEET (SEE NOTE A)	WIDTH OF APPROACH ZONE ADJOINING CLEAR ZONE	WIDTH OF APPROACH ZONE AT OUTER END	SLOPE OF APPROACH ZONE
1	NORTH - SOUTH	1000	10,000 10,000 50,000	1000 4000 *	4000 16,000	1:50 1:40
2	NORTHEAST - SOUTHWEST	300	10,000	300	2300	1:40
3	NORTHWEST - SOUTHEAST	300	10,000	800	2300	1:40

DIAMETER OF HORIZONTAL TURNING ZONE 20,000 FEET
DIAMETER OF CONICAL ZONE - 30,000 FEET
SLOPE OF CONICAL ZONE - 1:20
SLOPE OF ALL TRANSITIONAL AREAS 1:7
ELEVATION OF AIRPORT (AIRPORT REFERENCE PT) 1378
* WIDTH AT END OF 10,000 APPROACH ZONE AND BEGINNING OF 10,000-50,000 FOOT APPROACH ZONE
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3. NORTHWEST-SOUTHEAST RUNWAY AND APPROACH ZONES
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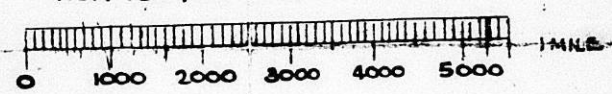
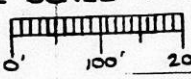
5. AIRPORT REFERENCE POINT - ELEVATION 1378'

HORIZONTAL SCALE 1"=1304'



VERTICAL SCALE 1"=130.4'



BEECH AIRCRAFT CORP.			
PLANT ENGINEERING DEPT.			
• NAVIGATION MAP • BEECH AIRPORT •			
DESIGNED	DATE	CHECKED	APPROVED
DRAWN CWW	8-3-55		
SCALE NOTED	No. DO-120-2		
DATE			

SHEET 1 OF 2 SHEETS

DO-14-2
4-2-71

Dick Holmes