COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

FEDERAL AVIATION REGULATIONS (FAR) PART 77 REVIEW

Rule 77 (Objects Affecting Navigable Airspace) requires all persons proposing any kind of construction or alteration[1] to give adequate notice to the Federal Aviation Administration (FAA). This process enables the FAA to:

- Evaluate the effect of the proposed construction or alteration on operational procedures and proposed operational procedures in the navigable airspace surrounding an airport;
- Determine the possible hazardous effects of the proposed construction or alteration on air navigation;
- Make recommendations for identifying the construction or alteration in accordance with current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting;"
- Determine other appropriate measures to be applied for continued safety of air navigation; and
- Charting and other notification to airmen of the construction or alteration (airspace navigation charts).

Rule 77 applies to any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, and accessories of a permanent or temporary character. In addition, any alteration of any permanent or temporary existing structure by a change in its height (including accessories), or lateral dimensions, including equipment or materials used therein. The following are examples of structure requiring notice to the FAA:

1. Structures
    a. Buildings
    b. Antenna Towers
    c. Roadways
    d. Overhead Communications and transmission lines as well as the height of the supporting structures
    e. Water towers and the supporting structure
2. Construction equipment or other temporary structures
    a. Cranes
    b. Derricks
    c. Stockpiles of equipment
    d. Earth moving equipment

[1] As described in Section 77.13 (a) of the Federal Aviation Regulations – Construction or Alterations Requiring Notice.

Form #H-06-0070
Revised 10-2006

FEDERAL AVIATION REGULATIONS PART 77 REVIEW HANDOUT

To determine if your proposed project warrants a Rule 77 Review, enter appropriate data to the following equation:

$$\frac{\text{Distance between the nearest point of the nearest runway and subject property}}{\text{Slope Ratio}} = \text{Maximum height permitted (ft) before Part 77 is required}$$

***If your project or equipment height is more than the maximum height permitted according to the formula above, FAA Review as to Rule 77 is <u>*REQUIRED*</u>.

EXAMPLE: A developer is proposing to build a fifty (50) foot building on a site located within the Riverside Municipal Airport's Influence Area. The proposed subject site is located approximately 3,241 feet from the nearest point of the nearest runway (i.e., the shortest distance between the runway and the proposed project's site). Using the formula above, does this project require a Part 77 Review?

$$\frac{3{,}241}{100} = 32.41 \text{ ft.}$$

ANSWER: Yes. Because the proposed building height (50 feet) is more than the maximum height permitted (32.41 feet), a Part 77 would be required.

Slope Ratios to Determine the Applicability of Federal Aviation Regulation Rule 77

- *Riverside Municipal Airport*
  - Slope Ratio: 100 to 1.
- *Flabob Airport*
  - Slope Ratio: 50 to 1.
- *March Air Reserve Base*
  - Slope Ratio: 100 to 1.

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Revised 10-2006

FEDERAL AVIATION REGULATIONS PART 77 REVIEW HANDOUT

You must notify the FAA of your proposed construction or alteration thirty (30) days before the earlier of the following:

- The date the proposed construction or alteration is to begin, or
- The date the application for a construction permit will be filed.

PLEASE NOTE: If a project needs a Part 77 Review, the FAA Review must be completed before an application may be submitted to City Planning Division Staff or ALUC Staff (if it is needed). A copy of the FAA's findings is required, along with all other necessary documentation. If the FAA Review is not included at the time of submittal, the application is deemed incomplete and cannot be processed.

Attached:

1. Notice of Proposed Construction or Alteration (FAA Form 7460)
   - Form and additional information is available from the Federal Aviation Administration at http://forms.faa.gov/forms/faa7460-1.pdf .
2. Airport Land Use Information Sheet

3900 Main Street – Third Floor, Riverside, CA 92522
Phone: (951) 826-5371 / Fax: (951) 826-5981
www.riversideca.gov/planning

Form #H-06-0070
Revised 10-2006

NOTICE OF PROPOSED 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 imaginary surface extending outward and upward at one of the following slopes:
(i) 1 00 to 1 for horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) or this section with at least one runway more than 3,200 feet in actual length, excluding heliports.
(ii) 50 to 1 for horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section 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 paragraph (a)(5) of this section.

(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, 16 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 paragraph (a)(1) or (2) of this section.

(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 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 regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of 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 regional office having jurisdiction over the region involved, if –
(1) The construction or alteration is more than 200 feet above the surface level of its site; or
(2) An FAA regional 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 air, 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 of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office 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 and the regional 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 this part 77 proposing a structure in excess of 2,000 feet above ground, 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 required 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 (5) 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 7460-2, Notice of Actual Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

ADDRESSES OF THE REGIONAL OFFICES

Alaska Region
AK
Alaskan Regional Office
Air Traffic Division, AAL-530
222 West An Avenue
Anchorage, AK 99513
Tel: 907-271-5893

Central Region
IA, KS, MO, NE
Central Regional Office
Air Traffic Division, ACE-520
60 East 12th Street
Kansas City, MO 64106
Tel: 816-426-3408 or 3409

Eastern Region
DC, DE, MD, NJ, NY, PA, VA, WV
Eastern Regional Office
Air Traffic Division, AEA-520
JFK International Airport
Fitzgerald Federal Building
Jamaica, NY 11430
Tel: 718-553-2616

Great Lakes Region
IL, IN, MI, MN, ND, OH, SD
Great Lakes Regional Office
Air Traffic Division, AGL-520
2300 East Devon Avenue
Des Plaines, IL 60018
Tel: 847-294-7568

New England Region
CT, MA, ME, NH, RI, VT
New England Regional Office
Air Traffic Division, ANE-520
12 New England Executive Park
Burlington, MA 01803-5299
Tel: 781-238-7520

Northwest Mountain Region
CO, ID, MT, OR, UT, WA, WY
Northwest Mountain Regional Office
Air Traffic Division, ANM-520
1601 Lind Avenue, SW
Renton, WA 98055-4056
Tel: 425-227-2520

Southern Region
AL, FL, GA, KY, MS, NC, PR
SC, TN, VI
Southern Regional Office
Air Traffic Division, ASO-520
1701 Columbia Avenue
College Park, GA 30337
Tel: 404-305-5685

Southwest Region
AR, LA, NM, OK, TX
Southwest Regional Office
Air Traffic Division, ASW-520
2601 Meacham Boulevard
For Worth, TX 76137-0520
Tel: 817-222-5531

Western Pacific Region
HI, CA, NV, AZ, GU
Western-Pacific Regional Office
Air Traffic Division, AWP-520
15000 Aviation Boulevard
Hawthorne, CA 90260
Tel: 310-725-6557

INSTRUCTIONS FOR COMPLETING FAA FORM 7460-1

PLEASE TYPE or PRINT

ITEM #1. Please include the name, address and phone number of a personal contact point as well as the company name.

ITEM #2. Please include the name, address and phone number of a personal contact point as well as the company name.

ITEM #3. New Construction would be a structure that has not yet been built.

Alteration is a change to an existing structure such as the addition of a side mounted antenna, a change to the marking and lighting, a change to power and/or frequency, or a change to the height. The nature of the alteration shall be included in **ITEM #21** "Complete Description of Proposal".

Existing would be a correction to the latitude and/or longitude, a correction to the height, or if filing on an existing structure which has never been studied by the FAA. The reason for the notice shall be included in **ITEM #21** "Complete Description of Proposal".

ITEM #4. If Permanent, so indicate. If Temporary, such as a crane or drilling derrick, enter the estimated length of time the temporary structure will be up.

ITEM #5. Enter the date that construction is expected to start and the date that construction should be completed.

ITEM #6. Please indicate the type of structure. **DO NOT LEAVE BLANK.**

ITEM #7. In the event that obstruction marking and lighting is required, please indicate type desired. If no preference, check "other" and indicate "no preference" **DO NOT LEAVE BLANK.** ***NOTE:*** *High Intensity lighting shall be used only for structures over 500' AGL.* In the absence of high intensity lighting for structures over 500' AGL, marking is also required.

ITEM #8. If this is an existing tower that has been registered with the FCC, enter the FCC Antenna Structure Registration number here.

ITEM #9 and #10. Latitude and longitude must be geographic coordinates, accurate to within the nearest second or to the nearest hundredth of a second if known. Latitude and longitude derived solely from a **hand-held GPS instrument is NOT acceptable**. A hand-held GPS is only accurate to within 100 meters (328 *feet*) 95 percent of the time. This data, when plotted, should match the site depiction submitted under **ITEM #20**.

ITEM #11. NAD 83 is preferred; however, latitude and longitude may be submitted in NAD 27. Also, in some geographic areas where NAD 27 and NAD 83 are not available other datums may be used. It is important to know which datum is used. **DO NOT LEAVE BLANK.**

ITEM #12. Enter the name of the nearest city and state to the site. If the structure is or will be in a city, enter the name of that city and state.

ITEM #13. Enter the **full** name of the nearest public-use ***(not private-use)*** airport or heliport or military airport or heliport to the site.

ITEM #14. Enter the distance **from** the airport or heliport listed in **#13 to the structure.**

ITEM #15. Enter the direction **from** the airport or heliport listed in **#13 to the structure.**

ITEM #16. Enter the site elevation above mean sea level and expressed in whole feet rounded to the nearest foot (e.g. 17'3" rounds to 17', 17'6" rounds to 18'). This data should match the ground contour elevations for site depiction submitted under **ITEM #20.**

ITEM #17. Enter the total structure height **above ground level** in **whole feet** rounded to the **next highest foot** (e.g. 17'3" rounds to 18'). **The total structure height shall include anything mounted on top of the structure, such as antennas, obstruction lights, lightning rods, etc.**

ITEM #18. Enter the overall height above mean sea level and expressed in **whole feet.** This will be the total of **ITEM #16 + ITEM #17.**

ITEM #19. If an FAA aeronautical study was previously conducted, enter the previous study number.

ITEM #20. Enter the relationship of the structure to roads, airports, prominent terrain, existing structures, etc. Attach an 8-1/2" x 11" non-reduced copy of the appropriate 7.5 minute U.S. Geological Survey *(USGS)* Quadrangle Map MARKED WITH A PRECISE INDICATION OF THE SITE LOCATION. To obtain maps, contact USGC at 1-800-435-7627 or via internet at "http://mapping.usgs.gov". If available, attach a copy of a documented site survey with the surveyor's certification stating the amount of vertical and horizontal accuracy in feet.

ITEM #21.

- For transmitting stations, include maximum effective radiated power *(ERP)* and all frequencies.
- For antennas, include the type of antenna and center of radiation *(Attach the antenna pattern, if available)*.
- For microwave, include azimuth relative to true north.
- For overhead wires or transmission lines, include size and configuration of wires and their supporting structures *(Attach depiction)*.
- For **each** pole/support, include coordinates, site elevation, and structure height above ground level or water.
- For buildings, include site orientation, coordinates of **each** corner, dimensions, and construction materials.
- For alterations, explain the alteration thoroughly.
- For existing structures, thoroughly explain the reason for notifying the FAA *(e.g. corrections, no record or previous study, etc.)*.

Filing this information with the FAA does not relieve the sponsor of this construction or alteration from complying with any other federal, state or local rules or regulations. If you are not sure what other rules or regulations apply to your proposal, contact local/state aviations and zoning authorities.

Paperwork Reduction Work Act Statement: This information is collected to evaluate the effect of proposed construction or alteration on air navigation and is not confidential. Providing this information is mandatory for anyone proposing construction or alteration that meets or exceeds the criteria contained in 14 CFR, part 77. We estimate that the burden of this collection is an average 19 minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection is 2120-0001.

Please Type or Print on This Form

Form Approved OMB No.2120-0001
Expiration Date: 7/31/07

U.S. Department of Transportation
Federal Aviation Administration

Failure To Provide All Requested Information May Delay Processing of Your Notice

Notice of Proposed Construction or Alteration

FOR FAA USE ONLY

Aeronautical Study Number

1. Sponsor *(person, company, etc. proposing this action):*

Attn. of: _____

Name: _____

Address: _____

_____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

2. Sponsor's Representative *(if other than #1):*

Attn. of: _____

Name: _____

Address: _____

_____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

3. Notice of: ☐ New Construction ☐ Alteration ☐ Existing

4. Duration: ☐ Permanent ☐ Temporary (____ months, ____ days)

5. Work Schedule: Beginning _____ End _____

6. Type: ☐ Antenna Tower ☐ Crane ☐ Building ☐ Power Line
☐ Landfill ☐ Water Tank ☐ Other _____

7. Marking/Painting and/or Lighting Preferred:
☐ Red Lights and Paint ☐ Dual - Red and Medium Intensity White
☐ White - Medium Intensity ☐ Dual - Red and high Intensity White
☐ White - High Intensity ☐ Other

8. FCC Antenna Structure Registration Number *(if applicable)*:

_____

9. Latitude: _____ ° _____ ' _____ , _____ "

10. Longitude: _____ ° _____ ' _____ , _____ "

11. Datum: ☐ NAD 83 ☐ NAD 27 ☐ Other

12. Nearest: City: _____ State _____

13. Nearest *Public-use* *(not private-use)* or Military Airport or Heliport:

_____

14. Distance from #13. to Structure: _____

15. Direction from #13. to Structure: _____

16. Site Elevation *(AMSL)*: _____ ft.

17. Total Structure Height *(AGL)*: _____ ft.

18. Overall Height (#16 + #17) *(AMSL)*: _____ ft.

19. Previous FAA Aeronautical Study Number *(if applicable)*:

_____-OE

20. Description of Location: *(Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey)*

21. Complete Description of Proposal:

Frequency/Power (kW)	

Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of $1,000 per day until the notice is received, pursuant to 49 U.S.C., Section 46301(a)

I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking & lighting standards as necessary.

Date	Typed or Printed Name and Title of Person Filing Notice	Signature