

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 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 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 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 regional 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 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 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 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 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 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 (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

**Alaskan Region
AK**

Alaskan Regional Office
Air Traffic Division, AAL-530
222 West 7th Avenue
Anchorage, AK 99513
Tel. 907-271-5893
Mailing Address:
Federal Aviation Administration
Alaskan Regional Office
Air Traffic Division, AAL-530
222 West 7th Avenue, Box 14
Anchorage, AK 99513-7587

**Central Region
NE, IA, MO, KS**

Central Regional Office
Air Traffic Division, ACE-530
601 East 12th Street
Kansas City, MO 64106
Tel. 816-426-3408

**Eastern Region
NY, PA, WV, VA, DC, MD, DE, NJ**

Eastern Regional Office
Air Traffic Division, AEA-530
JFK International Airport
Fitzgerald Federal Building
Jamaica, NY 11430
Tel. 718-553-1228
Fax: 718-553-1384

**Great Lakes Region
ND, WI, MI, SD, IL, OH, MN, IN**

Great Lakes Regional Office
Air Traffic Division, AGL-530
2300 East Devon Avenue
Des Plaines, IL 60018
Tel. 708-294-7568

**New England Region
MA, NH, VT, RI, CT, ME**

New England Regional Office
Air Traffic Division, ANE-530
12 New England Executive Park
Burlington, MA 01803-5299
Tel. 617-238-7538

**Northwest Mountain Region
WA, OR, MT, ID, WY, UT, CO**

Northwest Mountain Regional Office
Air Traffic Division, ANM-530
1601 Lind Avenue, SW
Renton, WA 98055-4056
Tel. 206-227-2530
Fax: 206-227-1530

**Southern Region
KY, TN, NC, SC, GA, AL,
MS, FL, VI, PR**

Southern Regional Office
Air Traffic Division, ASO-530
1710 Columbia Avenue
College Park, GA 30337
Tel. 404-305-5585
Mail Address:
Federal Aviation Administration
Southern Regional Office
Air Traffic Division, ASO-530
P.O. Box 20636
Atlanta, GA 30320

**Southwest Region
NM, TX, OK, AR, LA**

Southwest Regional Office
Air Traffic Division, ASW-530
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Tel. 817-222-5531
Mail Address:
Department of Transportation
Federal Aviation Administration
Fort Worth, TX 76193-0530

**Western Pacific Region
HI, CA, NV, AZ, GU**

Western-Pacific Regional Office
Air Traffic Division, AWP-530
15000 Aviation Boulevard
Hawthorne, CA 90260
Tel. 310-297-1182
Mail Address:
AWP-530
P.O. Box 92007
Worldway Postal Center
Los Angeles, CA 90009