

## **PROTECT THAT AIRPORT!**

Keep your town vibrant by keeping your airport accessible

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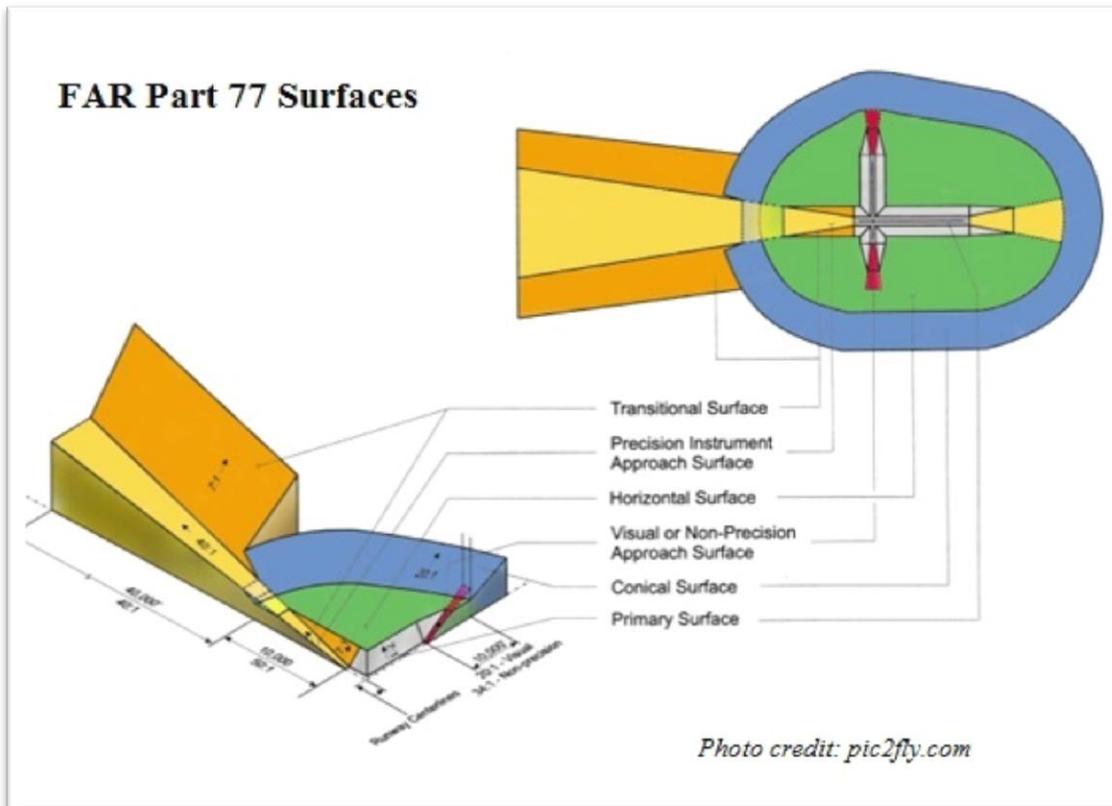
A municipal ordinance can be something more than words and legal terms when applied to an airport. And that's because—as people familiar with aviation and its issues will tell you: “Everything's different with aviation.” In the case of local measures addressing the height and hazard presented by structures near an airport, an ordinance most often goes by the name of “airport overlay district.” Either way, the purpose of a height/hazard ordinance or an airport overlay district is the same: managing local land use in the vicinity of a local airport. In doing so, there is a singular benefit of local prosperity by ensuring ready-access to the airport.

### Up in the Air with FAA

All airspace in the United States is federal jurisdiction, made certain by Congress by placing regulatory authority for its control with the Federal Aviation Administration. But airports and airspace are distinct entities. Only one portion of the Federal Aviation Regulations (FARs) applies to airports on the ground instead of the air. In the Code of Federal Regulations, Title 14, Part 139 (FAR Part 139), airport certification is addressed with standards for accommodating airline operations, fire and rescue service, surface markings, lighting and pavement condition. Otherwise, FAA is up in the air. Several FARs cover several specific aspects of using airspace. As examples, FAR Part 61 covers training requirements for pilot licenses, and Part 91 covers operating rules for flights conducted by either visual or instrument references. Additional regulations within Part 91 define airspace classifications and altitudes, limitations at the nation's large metropolitan airports to mitigate traffic congestion, and restrictions around sensitive locations. But, such an elaborate structure cannot be dismissed as regulatory saturation. Justifiably, the airspace system of the United States is the safest in the world. And with safety comes the FAA's interest in the airspace located at an airport via Part 77.

### Imagine FAR Part 77

FAR Part 77 describes the airspace of an airport as “imaginary surfaces,” one supposes for the lack of a better term. Nonetheless, the wording makes it clear that airspace at an airport is different from an airport's airspace classification, which is based on its level of activity. Classifications follow simple international designations: A is at the top: 18,000' and above; B for the big airports in places like Denver and Kansas City, and C and D for intermediate and smaller airports, such as Wichita and Garden City, respectively. But for Part 77, the surfaces are applied against structures on the ground. If the structures rise high enough vertically—or are close enough horizontally—to penetrate Part 77's various surfaces (seen illustrated in the diagram below), then structures become obstructions that may adversely impact airport utilization.



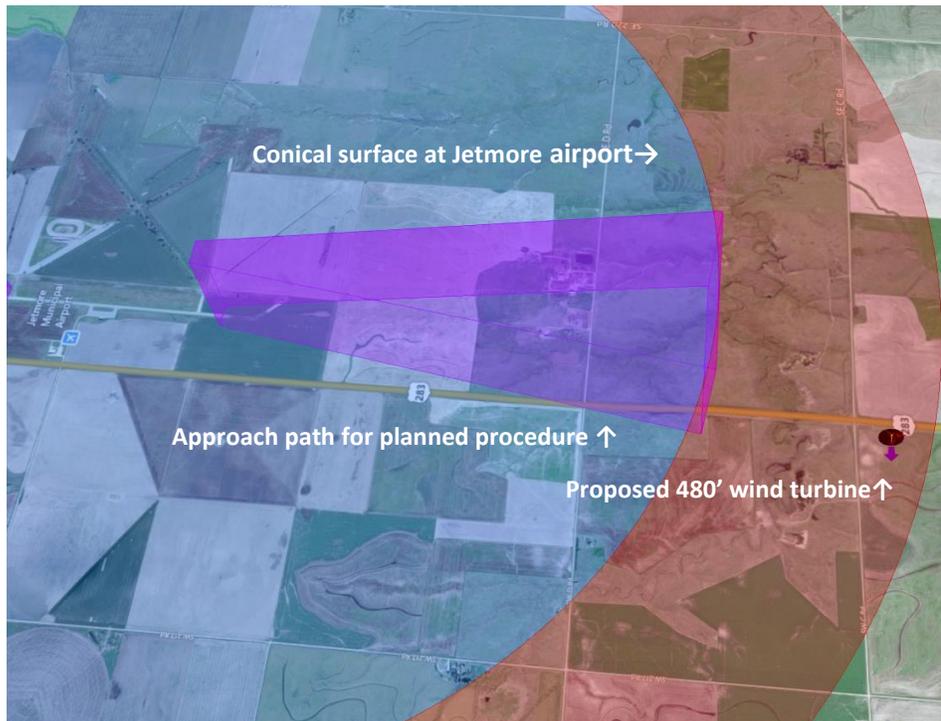
A discussion of each surface area is outside the scope of this article, but it is important to consider how they play their parts for safety. Essentially, the outer ring known as the conical surface is treated as an airport's basic airspace. At the margins of the outer ring (inside and out) are trapezoidal spaces used in relation to the airport's approach glide path and the adjoining areas used for approach maneuvering. Obstacles within these areas can present safety issues for aircraft, especially when operating by reference to instruments during inclement weather.

### Clearing the Air

While the FAA evaluates proposed structures to determine if they present a hazard, the agency's determinations are made ONLY in relation to air navigation. In other words, FAA simply doesn't want aircraft running into things. If an obstacle is so close to an airport as to make an approach unsafe, the FAA will pursue changes to the approach criteria, not any change to the obstruction's location. Only local authorities can do that; if not by negotiations with developers, then by zoning. Consider a "real-life" example illustrated below from the Kansas Aviation Portal (<http://ksaviationportal.ksdot.org>).

A recent case in Jetmore, Hodgeman County, presented a wind turbine site within the conical surface for the airport. An instrument approach procedure in development for the airport may need higher approach altitudes than could otherwise be used in order to make the most use of the airport in low weather (such as air ambulance service). In such cases, local authorities and developers always have the potential for working things out. But, with an

ordinance, you could say the stage is set before the opening act instead of improvising along the way.



### Height/Hazard Zoning Guidance

In Kansas statutes, Chapter 3 covers airfields and aircraft, and Article 7 (KSA 3-7) deals with zoning. The statute serves as guidance for developing and implementing a local ordinance. Key elements are identified to be included in a local measure, and the statute defines the basis from which local authorities can act. Below are key points along a path to airport protection:

- 3-702: It is hereby found that an airport hazard...in effect reduces the size of the area available for...maneuvering of aircraft, thus tending to destroy or impair the utility of the airport
- 3-705: *Notice and hearing.* No airport zoning regulations shall be adopted, amended, or changed under this act except by action of the governing body of the political subdivision or subdivisions in question, after a public hearing
- 3-706: *Reasonableness.* In determining what regulations it may adopt, each political subdivision shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.
- 3-710: The political subdivision or subdivisions adopting zoning regulations under this act may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this act, or of airport zoning regulations adopted under this act

By examining local airport conditions and goals, and by working within the framework provided by KSA 3-7, local authorities presently have the tools they need to address airport protection without impeding future development. Airport protection is a genuine “win-win” for all.

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