



U.S. Department
of Transportation
Federal Aviation
Administration

10A TECHNICAL UNIT

MAY 8 1987

Advisory Circular

Subject: PROPOSED CONSTRUCTION OR
ALTERATION OF OBJECTS THAT MAY
AFFECT THE NAVIGABLE AIRSPACE

Date: 11/15/85
Initiated by: ATO-210

AC No: 70/7460-2H
Change:

1. PURPOSE. This advisory circular explains and informs those individuals proposing to erect or alter an object which may affect the navigable airspace regarding the need to notify the Federal Aviation Administration (FAA) prior to such construction. The circular also explains FAA actions in response to the notices received under the provisions of Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace.

2. CANCELLATION. This cancels AC 70/7460-2G, dated November 22, 1976.

3. BACKGROUND. In passing the Federal Aviation Act of 1958, Congress granted the FAA the authority, "...to require all persons to give adequate public notice, in the form and manner prescribed by the Administrator, of the construction or alteration, or of the proposed construction or alteration of any structure where notice will promote safety in air commerce." To this end, Part 77 of the FAR's was issued prescribing notice to the Administrator of certain proposed construction or alteration.

4. WHY NOTICE IS REQUIRED. The prime objective of the FAA in administering FAR Part 77 is to ensure the safety of aircraft and the efficient utilization of navigable airspace by aircraft. A second objective is the protection of persons and property on the ground, through appropriate revision of air traffic procedures and airspace use. While the FAA recognizes that there are varied demands for the use of the airspace, both by aviation and nonaviation interests, when conflicts arise out of construction proposals, the FAA emphasizes the need for conserving the navigable airspace. Therefore, the required early notice of proposed construction or alteration provides the FAA the opportunity to:

- a. Recognize potential aeronautical hazards in order to attempt to discourage or prevent construction or minimize the adverse effects to aviation.
- b. Issue notices to airmen (NOTAMS) to assure that pilots are alerted to changes in procedures that are made as a result of the structures.
- c. Recommend appropriate marking and lighting to make such objects visible to pilots.
- d. Depict obstructions on aeronautical charts for pilotage and safety.

5. WHO MUST FILE NOTICE. Any construction sponsor (any party, or agent thereof, who intends to sponsor construction) is required to submit notice to the Administrator if the proposed construction or alteration falls within the following conditions:

a. Greater Than 200 Feet in Height. If the proposed object would be more than 200 feet above ground level (AGL) at its location. (See Figure 1)

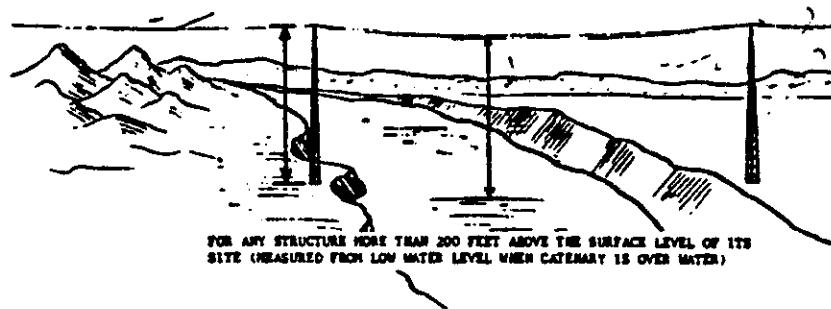
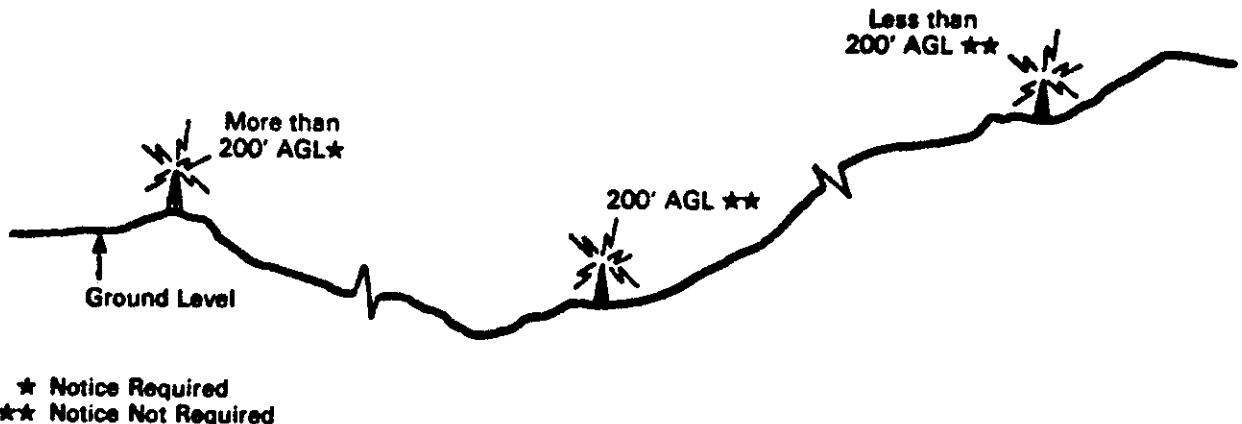


Figure 1

b. Near a Public Use Airport. 1/

(1) If the proposed object would be within 20,000 feet of an airport with at least one runway more than 3,200 feet in length; and the object would exceed a slope of 100:1 horizontally (one foot in height for each 100 feet) from the nearest point of the nearest runway. (See Figure 2)

1/ To qualify, an airport, heliport or visually marked seaplane base, must be listed in the current Airport/Facility Directory or in either the Alaska Supplement or Pacific Chart Supplement or operated by an armed force of the United States.

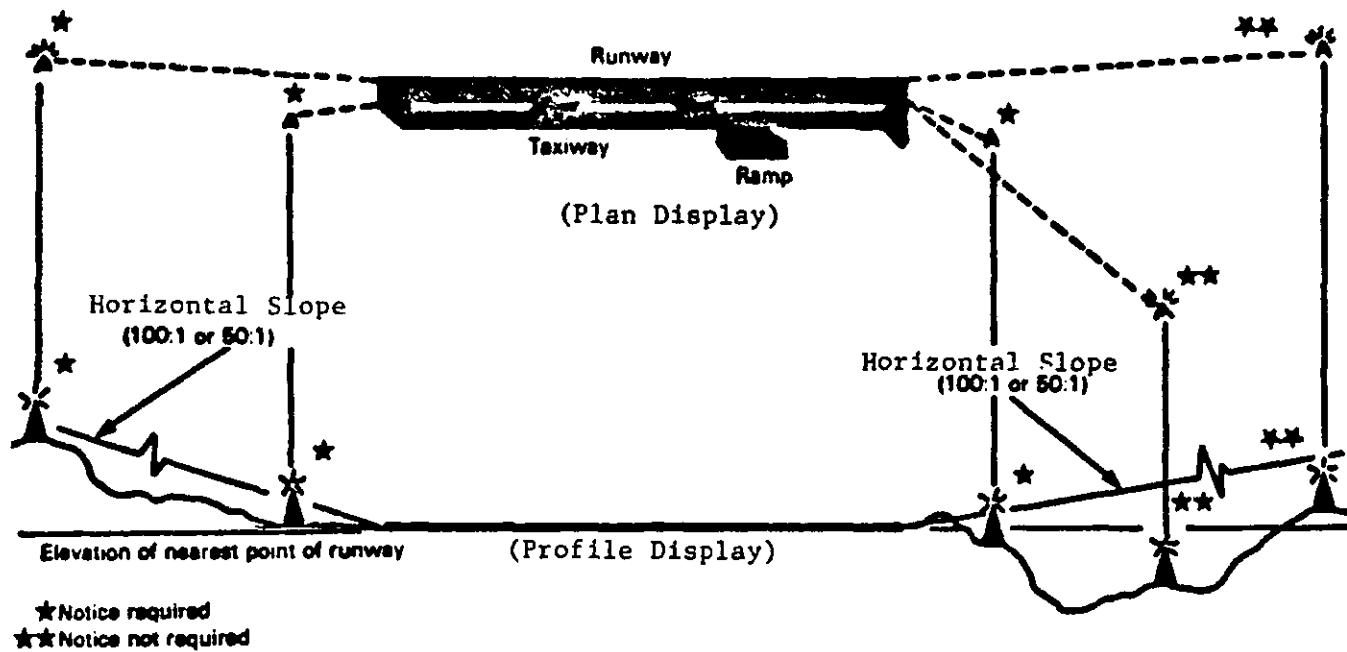


Figure 2

(2) If the proposed object would be within 10,000 feet of an airport having no runway more than 3,200 feet in length; and the object would exceed a 50:1 horizontal slope (one foot in height for each 50 feet) from the nearest point of the nearest runway. (See Figure 2).

c. Near a Public Use Seaplane Base. If the proposed object would be near a seaplane base, apply item b(1) or (2) above as applicable.

d. Near a Public Use Heliport. If the proposed object would be within 5,000 feet of a heliport and would exceed a 25:1 horizontal slope (1 foot in height for each 25 feet) from the nearest landing and takeoff area of that heliport. (See Figure 3)

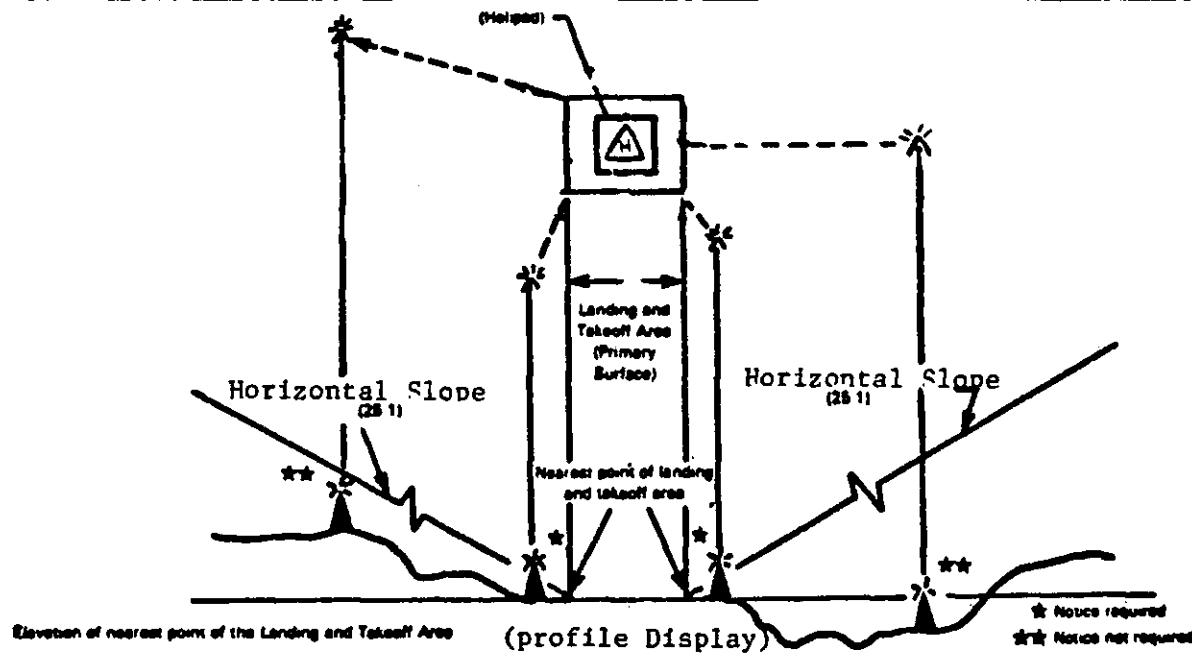


Figure 3 Page 3

e. Highways and Railroads. If the proposed object is a traverse way which would exceed at least one of the standards listed in Subparagraphs a - d above, after its height is adjusted upward 17 feet for an Interstate Highway; 15 feet for any other public roadway; 10 feet, or the height of the highest mobile objects that would normally traverse the road, for the private road; 23 feet for a railroad, or an amount equal to the height of the highest mobile objects that would traverse a waterway or any other thoroughfare not previously mentioned. (See Figure 4)

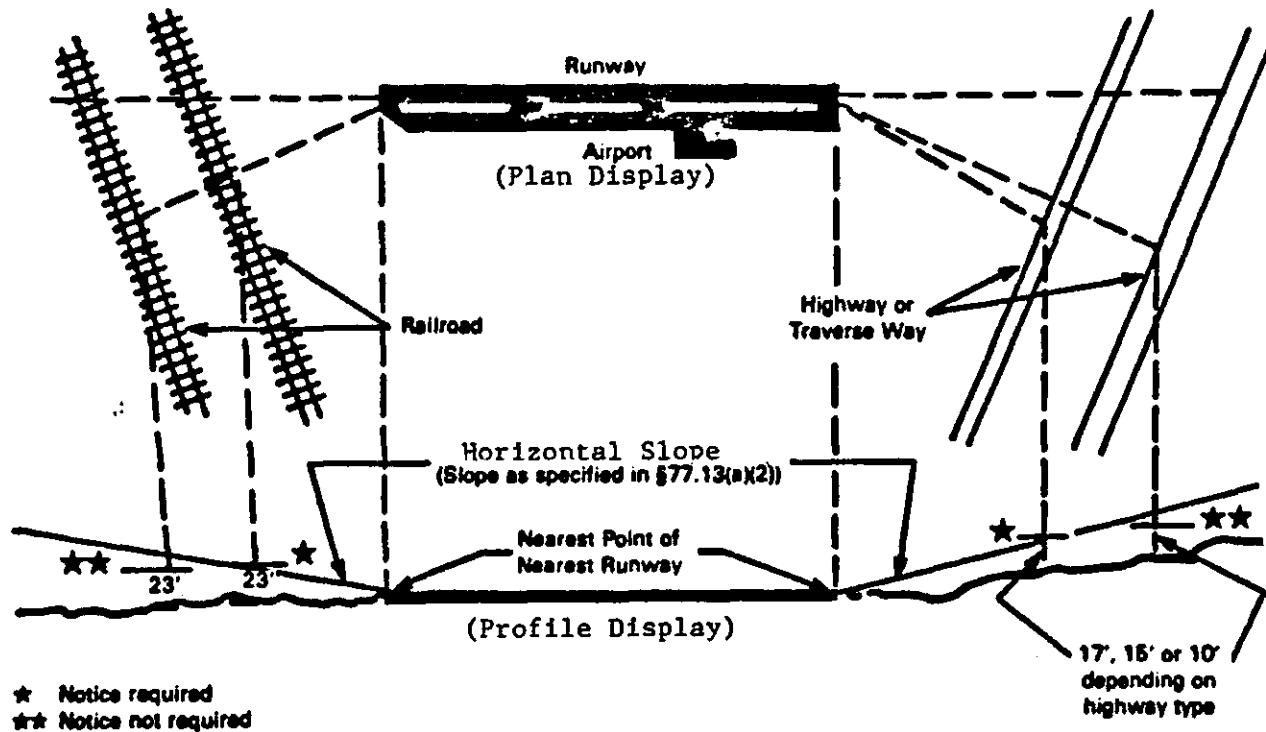


Figure 4

f. Object on a Public Use Airport. If the proposed construction or alteration would be on an airport, regardless of height or location.

g. When requested by FAA. The FAA may request a notice if available information indicates the proposal may exceed a standard or it is suspected the proposal may cause interference to aircraft or air navigational aids or affect instrument procedures.

6. KIND OF OBJECTS. The notice requirement criteria apply to the proposed construction or alteration of any structure (building, tower, roadway, etc.), including ANY CONSTRUCTION EQUIPMENT SUCH AS CRANES OR DERRICKS EMPLOYED. These criteria also apply to the height of overhead communications and electric transmission lines above the terrain, or water if so situated, as well as the height of their supporting structures.

7. WHEN NOTICE MUST BE FILED: The notice required under paragraph 5a through g above must be submitted:

a. At least 30 days before the earlier of the following dates:

(1) the construction or alteration is to begin; or,

(2) the application for a construction permit is to be filed.

b. On or before the date the application for construction is filed with the Federal Communications Commission (FCC), if the proposed structure would be subject to FCC licensing requirements.

c. Immediately by telephone or other expeditious means, with written notification submitted within 5 days thereafter, if immediate construction or alteration is required as in cases involving public services, health or safety.

d. As early as possible, and preferably in the planning stage, but still within the 30-day requirement for construction or alteration on an airport or near an air navigational facility if the proposal could possibly have an adverse effect on air traffic control operations or air navigation facilities. This includes the effect of the physical presence of structures upon the line-of-sight capability of airport air traffic control towers and the operation of air traffic control radar, as well as the interference effect of electromagnetic signals transmitted or reflected by some structures upon ground-based or airborne air navigation equipment.

8. PENALTY FOR FAILING TO PROVIDE NOTICE: Persons failing to comply with the provisions of FAR Part 77 may be subject to a criminal penalty under Section 902(a) of the Federal Aviation Act of 1958, as amended.

9. HOW AND WHERE TO FILE NOTICE. Notification to the FAA should be made by forwarding one completed set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, ALONG WITH APPROPRIATE CHARTS OR DRAWINGS (See Appendix 1) to the Manager, Air Traffic Division, at the regional office having jurisdiction over the area within which the construction or alteration will take place. In Puerto Rico and the Virgin Islands, notices should be forwarded to the Manager, San Juan CERAP.

The geographic area of jurisdiction for each regional office, appropriate mailing address and telephone number is listed on the following page. (See Figure 5)

ADDRESSES OF THE REGIONAL OFFICES AND SAN JUAN OFFICE

Alaskan Region AK	Central Region NE, IA, MO, KS	Western-Pacific Region HI, CA, NV, AZ, GU	Southern Region KY, TN, NC, SC, GA, AL, MS, FL
Alaskan Regional Office Air Traffic Division AAL-530 701 "C" Street Anchorage, AK 99513 Mail Address: 701 "C" Street, Box 14 Anchorage, AK 99513 Tel. 907-271-5922	Central Regional Office Air Traffic Division ACE-530 601 East 12th Street Kansas City, MO 64108 Tel. 816-374-3408	Western-Pacific Regional Office Air Traffic Division AWP-530 15000 Aviation Boulevard Hawthorne, CA 92600 Mail Address: AWP-530 P.O. Box 92007 Worldway Postal Center Los Angeles, CA 90009 Tel. 213-297-1182	Southern Regional Office Air Traffic Division ASD-530 3400 Norman Berry Drive Ft. Mill, GA 30344 Mail Address: P.O. Box 20838 Atlanta, GA 30320 Tel. 404-763-7648
Northwest Mountain Region WA, OR, MT, ID, WY, UT, CO	Eastern Region NY, PA, WV, VA, DC, MD, DE, NJ	Southwest Region NM, TX, OK, AR, LA	San Juan Office VI, PR
Northwest Mountain Regional Office Air Traffic Division ANM-530 17800 Pacific Hwy. South C-68008 Seattle, WA 98188 Tel. 206-431-2330	Eastern Regional Office Air Traffic Division AEA-530 JFK International Airport Federal Building Jamaica, NY 11430 Tel. 718-917-1228	Southwest Regional Office Air Traffic Division ASW-530 4400 Blue Mound Road Fort Worth, TX 76101 Mail Address: P.O. Box 1699 Fort Worth, TX 76101 Tel. 817-877-2640	DOT/FAA San Juan CERAP ATTN: ML & SO GPO Section San Juan, PR 00936 Tel. 609-797-1615
Great Lakes Region ND, WI, MI, SD, IL, OH, MN, IN	New England Region MA, NH, VT, RI, CT, ME		
Great Lakes Regional Office Air Traffic Division AGL-530 2300 East Devon Avenue Des Plaines, IL 60018 Tel. 312-694-7458	New England Regional Office Air Traffic Division ANE-530 12 New England Executive Park Burlington, MA 01803 Tel. 617-273-7150		

Figure 5

10. WHAT FAA DOES WITH THE NOTICE.

a. The FAA will acknowledge notice receipt in writing. This acknowledgement may consist of one of the following methods.

(1) A copy of the received FAA Form 7460-1 is returned annotated to reflect that the proposal "does not require a notice to FAA."

(2) A copy of the FAA Form 7460-1 is returned annotated to reflect that the proposal "is not identified as an obstruction...and would not be a hazard to air navigation." The form will also indicate whether or not the proposed structure should be obstruction marked and/or obstruction lighted in accordance with Advisory Circular 70/7460-1. (Some structures may not be obstructions but may need to be marked and lighted to maintain aviation safety.)

(3) FAA Form 7460-7, Acknowledgment of Notice of Proposed Construction or Alteration, may be issued indicating that "no notice is required," "the proposal is not identified as an obstruction and would not be a hazard to air navigation," or that "the proposal is presumed to be a hazard to air navigation pending further aeronautical study." The latter type of acknowledgment will either specify that the FAA has initiated further study, or that the sponsor may request further study in which event the FAA will begin the study when the sponsor responds to the acknowledgement (See paragraph 10.b below).

(4) FAA Form 7460-9, Determination of No Hazard to Air Navigation, may be issued citing conditions and rationale behind the determination.

(5) FAA Form 7460-10, Determination of Hazard to Air Navigation, may be issued citing rationale for the determination.

(6) Formal letter advising of study results.

b. FAA acknowledges each notice after initial screening. The outcome of the initial screening may result in an acknowledgement that the structure would be an obstruction and if the proponent would lower to a specified height it would not be an obstruction. The acknowledgement may also offer the proponent the opportunity to request within 30 days further aeronautical study. If further aeronautical study is initiated, circular notices on FAA Form 7460-8 are prepared and distributed for comments to those agencies, organizations, or individuals with valid aeronautical interests to determine whether or not the proposal would be a hazard to air navigation. State and local aviation authorities, as well as various military organizations of the Department of Defense are also offered the opportunity to comment on the aeronautical effects of the proposal.

c. All responses received by the end of the specified comment period are analyzed by the FAA regional specialists for valid aeronautical comments and objections.

d. If the proposal is found to be controversial, the office conducting the study may decide to conduct an informal airspace meeting with interested parties to gather additional facts or information relevant to that study and to discuss the effects of the proposal.

e. The FAA specialists may also attempt to negotiate with the sponsor during the study process to resolve the proposal's adverse effect(s) on aeronautical operations. Many times, a minor reduction in height and/or relocation of a proposed structure will eliminate or sufficiently minimize the adverse aeronautical effects that would permit the early issuance of a Determination of No Hazard to Air Navigation.

f. After this review period, the regional office will normally issue either a Determination of Hazard or a Determination of No Hazard to Air Navigation.

11. ASSISTANCE TO CONSTRUCTION SPONSORS.

a. Airspace specialists in each regional office are available for assistance; and sponsors are encouraged to call in advance for appointments. Limited resources prevent the specialists from responding spontaneously and without advanced planning or preparation.

b. Airspace specialists also recommend that for timely determinations construction sponsors should submit complete and accurate data, including frequency and effective radiating power of proposed antennas. To aid in determining geographical coordinates (latitude/longitude) and site elevation, mean sea level, United States Geological Survey quadrangle maps are available at nominal costs from the U. S. Geological Survey, Department of Interior.

c. Airport planners are available for assistance for construction proposals on obligated airports, Federal Agreement Airports.

12. ASSOCIATED PUBLICATIONS. The following publications contain obstruction criteria, marking and lighting standards as well as lighting and paint specifications:

a. Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, sets forth the requirements for notice to the FAA of proposed construction or alteration and sets forth the standards for determining obstructions to navigable airspace. FAR Part 77 may be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (Stock No. 050-007-00276-9).

b. Advisory Circulars: FAA Advisory Circulars are available free of charge from: Department of Transportation, Subsequent Publication Section, M-494.3, 400 7th Street, SW., Washington, DC 20590.

(1) AC 70/7460-1, Obstruction Marking and Lighting, describes the standards for marking and lighting of structures such as buildings, chimneys, antenna towers, cooling towers, storage tanks, supporting structures of overhead wires, etc.

(2) AC 150/5345-1, Approved Airport Lighting Equipment, lists the model numbers of equipment demonstrated to be in compliance with item (3). The manufacturers' names and addresses are also given.

(3) AC 150/5345-43, Specification for Obstruction Lighting Equipment, contains the specifications for equipment used in obstruction lighting systems.

c. Marking Specifications and Standards. FAA standards and specifications are available free of charge from: Business Service Center, General Services Administration, Washington, DC 20405. Aviation colors and paint should conform with the following:

(1) Federal Standard Number 595, Color Guide, Ready Mixed Paint.

(a) Orange Number 12197

(b) White Number 17875

(c) Yellow Number 13538

(2) Federal Specification TI-P-59, Aviation Surface Paint, Ready Mixed, International Orange.

(3) Federal Specification TI-102, Aviation Surface Paint, Oil Titanium Lead-Zinc and Oil, Exterior, Ready Mixed, White and Light Tints.

d. FAA Forms. FAA forms are available free of charge from all FAA regional offices and headquarters.

(1) FAA Form 7460-1. Notice of Proposed Construction or Alteration, is used to notify the FAA of the proposed construction or alteration of an object that may interfere with the navigable airspace.

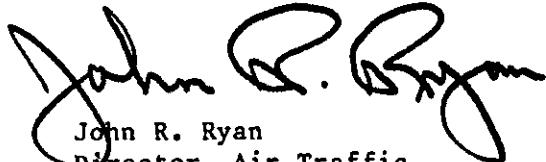
(2) FAA Form 7460-2. Notice of Actual Construction or Alteration, is used to notify the FAA of progress or abandonment, when and as requested on the form. This form is routinely furnished by the FAA regional office when it issues its determination whenever such information is required. Very often the information is needed for charting purposes, to change affected aeronautical procedures and to notify pilots of the structures presence.

12. HOW TO PETITION THE ADMINISTRATOR FOR DISCRETIONARY REVIEW. 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 FAR Part 77.19 or Part 77.35 or revision or extension of the determination under Part 77.39(c), for a review of the determination, revision, or extension. This does not apply to any acknowledgement issued under Part 77.19(c)(1). The petition must be in triplicate and contain a full statement of the basis upon which it is made.

13. MISCELLANEOUS.

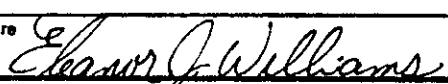
a. It should be noted that an FAA determination is a study conclusion based on a structure's projected impact on the safe and efficient use of the navigable airspace by aircraft. It should not be construed as an approval or disapproval of the project since issues other than aviation are not considered.

b. Filing of notice with the FAA does not relieve a construction sponsor of any compliance responsibilities relating to any law, ordinance, or regulation of any other Federal, state, or local governmental body.



John R. Ryan
Director, Air Traffic
Operations Service

DO NOT REMOVE CARBONS

 <p>U.S. Department of Transportation Federal Aviation Administration</p>			<p>NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION</p> <p style="text-align: right;">Aeronautical Study Number</p>														
<p>1. Nature of Proposal</p> <table border="1"> <tr> <td>A. Type <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration</td> <td>B. Class <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)</td> <td>C. Work Schedule Dates Beginning <u>12/21/85</u> End <u>06/22/86</u></td> </tr> </table>			A. Type <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration	B. Class <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	C. Work Schedule Dates Beginning <u>12/21/85</u> End <u>06/22/86</u>	<p>2. Complete Description of Structure</p> <p>A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure.</p> <p>B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports.</p> <p>C. Include information showing site orientation, dimensions, and construction materials of the proposed structure.</p> <p>FM Antenna Tower ERP - 3,000 Watts Frequency - 105.5 MHz</p>											
A. Type <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration	B. Class <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	C. Work Schedule Dates Beginning <u>12/21/85</u> End <u>06/22/86</u>															
<p>3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code)</p> <p>(202) <u>426-8777</u> area code Telephone Number</p> <p>Eleanor J. Williams D/B/A E. J. Enterprises P. O. Box 23150 Washington, DC 20026</p>			<p>(if more space is required, continue on a separate sheet.)</p>														
<p>3B. Name, address and telephone number of proponent's representative if different than 3 above.</p> <p>N/A</p>																	
<p>4. Location of Structure</p> <table border="1"> <tr> <td>A. Coordinates (To nearest second) 34 ° 47 ' 30 " Latitude</td> <td>B. Nearest City or Town, and State Huntsville, Alabama</td> <td>C. Name of nearest airport, heliport, flightpark, or seaplane base Huntsville North Arpt</td> </tr> <tr> <td>86 ° 38 ' 49 "</td> <td>(1) Distance to 4B 1 Miles</td> <td>(1) Distance from structure to nearest point of nearest runway 6.2NM</td> </tr> <tr> <td></td> <td>(2) Direction to 4B East</td> <td>(2) Direction from structure to airport Northeast</td> </tr> </table>			A. Coordinates (To nearest second) 34 ° 47 ' 30 " Latitude	B. Nearest City or Town, and State Huntsville, Alabama	C. Name of nearest airport, heliport, flightpark, or seaplane base Huntsville North Arpt	86 ° 38 ' 49 "	(1) Distance to 4B 1 Miles	(1) Distance from structure to nearest point of nearest runway 6.2NM		(2) Direction to 4B East	(2) Direction from structure to airport Northeast	<p>5. Height and Elevation (Complete to the nearest foot)</p> <table border="1"> <tr> <td>A. Elevation of site above mean sea level 1130</td> <td>B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated 201</td> </tr> <tr> <td colspan="2">C. Overall height above mean sea level (A + B) 1331</td> </tr> </table>		A. Elevation of site above mean sea level 1130	B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated 201	C. Overall height above mean sea level (A + B) 1331	
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<p>D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (if more space is required, continue on a separate sheet of paper and attach to this notice.)</p> <p>Structure to be built on top of Drake Mountain. (See attached copy of quadrangle map and copy of Atlanta Sectional)</p>																	
<p><i>Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).</i></p>																	
<p>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 obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.</p>																	
Date 10/22/85	Typed Name/Title of Person Filing Notice Eleanor J. Williams, Owner		Signature 														
<p>FOR FAA USE ONLY</p>			<p>FAA will either return this form or issue a separate acknowledgement.</p>														
<p>The Proposal:</p> <p><input type="checkbox"/> Does not require a notice to FAA.</p> <p><input type="checkbox"/> Is not identified as an obstruction under any standard of FAR, Part 77, Subpart C, and would not be a hazard to air navigation.</p> <p><input type="checkbox"/> Is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation.</p> <p><input type="checkbox"/> Should be obstruction <input type="checkbox"/> marked, <input type="checkbox"/> lighted per FAA Advisory Circular 70/7460-1, Chapter(s) _____</p> <p><input type="checkbox"/> Obstruction marking and lighting are not necessary.</p>			<p>Supplemental Notice of Construction FAA Form 7460-2 is required any time the project is abandoned, or</p> <p><input type="checkbox"/> At least 48 hours before the start of construction.</p> <p><input type="checkbox"/> Within five days after the construction reaches its greatest height.</p> <p>This determination expires on _____ unless:</p> <p>(a) extended, revised or terminated by the issuing office;</p> <p>(b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application.</p> <p>NOTE: Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date.</p> <p>If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.</p>														
<p>Remarks:</p>																	
Issued In	Signature		Date														

