



**AIRCRAFT OWNERS AND PILOTS ASSOCIATION**

421 Aviation Way • Frederick, MD 21701-4798  
Telephone (301) 695-2000 • Fax (301) 695-2375  
www.aopa.org

---

September 11, 2006

Ms. Nancy Kalinowski  
Director of System Operations Airspace and Aeronautical Information Management  
Docket Management Facility  
U.S. Department of Transportation  
400 Seventh Street, SW.  
Nassif Building, Room PL-401  
Washington, DC 20590-001

RE: Safe, Efficient Use and Preservation of the Navigable Airspace, Docket No. FAA-2006-25002; Notice No. 06-06

Dear Ms. Kalinowski:

The Aircraft Owners and Pilots Association (AOPA), on behalf of its more than 408,000 members nationwide, submits the following comments on the Federal Aviation Administration's (FAA) notice of proposed rulemaking (NPRM) to amend the regulations governing objects affecting navigable airspace. AOPA generally supports the proposed changes to Part 77, which will result in increased protection of navigable airspace. However, the Association has a concern regarding the proposed changes to airspace protection at airports and the potential for unintended negative impacts. The FAA must address these concerns before issuing a final rule.

**AOPA supports electromagnetic interference obstruction standards:**

AOPA supports the FAA's proposal to codify new electromagnetic interference (EMI) obstruction standards in Part 77 along with the obstruction standards for physical obstructions. While the FAA has long applied the policies of studying the adverse effects of EMI in accordance with FAA policies and FAA Order 7400.2, Procedures for Handling Airspace Matters and Order 6050.32, Spectrum Management Regulations and Procedures Manual, it is important to codify the current application of these policies.

**AOPA supports notification requirement near a private-use airport:**

AOPA agrees with the FAA's proposal to protect private-use airports by requiring notice of construction or alteration on or near a private use airport if that airport has at least one FAA-approved instrument approach procedure (IAP). Protection of our nations airports is a top concern for AOPA, whether public or private use. AOPA supports this additional

measure to protect the airspace surrounding private use airports from objects that could affect the safety of flight.

**AOPA supports 60-day notification requirement:**

AOPA fully supports the proposed change that would extend the period from 30 to 60 days for filing with the FAA before either construction begins or the date that an application is submitted for a permitting process. The additional timeframe would allow for greater opportunity to study and determine the impacts of a “proposed” structure and allow the FAA to carefully consider all comments from the public and aviation community received during circulation process.

**AOPA recommends lowering height of obstruction standard:**

AOPA fully supports the principal of lowering the obstruction standard but recommends the FAA lower the standard that allows for better protection of the National Airspace System and its users. As proposed, the FAA is recommending changing the obstruction standard from being a hazard if an object is higher than 500 feet above ground level (agl) to being a hazard if the object exceeds 499 feet agl. While minimum safe altitudes generally provide that aircraft are not flown below 500 feet agl, the adoption of this change would allow a 498 feet agl object to be considered no hazard. In effect, the FAA is allowing for a 2 feet safety buffer for aircraft operating in uncongested areas. AOPA contends that adopting an obstruction standard that builds in a greater safety margin and sets the obstruction standard at 400 feet agl would better protect airspace. This would allow safe operation for airspace users operating at minimum safe altitudes in uncongested airspace areas.

**AOPA recommends additional analysis on general aviation airports:**

While the proposed expansion of the imaginary surfaces is intended to provide greater protection for airports, AOPA has some concerns about “unintended” consequences that could result from the changes. Currently, the FAA defines airport imaginary surfaces within three separate sources that are NOT consistent in definition. Although it appears the FAA has tried to adopt a level of consistency between the varying sources, there are still major differences between the Federal Aviation Regulation (FAR) Part 77, the FAA Order 8260.3 TERPS, and the Advisory Circular (AC) 150/5300-13, *Airport Design*. These inconsistencies make the application of these standards extremely complex and onerous for airport operators, especially at small, general aviation airports.

The proposed rule would increase the primary surface width at many general aviation airports with non-precision approaches. Currently, the primary surface width for a utility runway with a non-precision approach is 500 feet. Under the proposed modifications, airports with an instrument approach procedure with visibility minimums of  $\frac{3}{4}$  mile, up to and including one mile would be considered a non-precision runway and would now be subject to a primary surface width of 1,000 feet. This additional increase in the primary

Docket Management System

Page 3

September 11, 2006

surface width has the potential to substantially impact the amount of unusable land available for airport development such as hangars, taxiways, aprons, etc. AOPA is concerned that these changes will mean existing structures could be rendered “obstructions” based on the proposed regulations, posing very serious implications for many general aviation airports across the country. Simply put, smaller general aviation airports cannot comply financially with the same standards applicable at larger hub airport facilities. AOPA recommends that the FAA conduct additional analysis on the economic impact and effect the imaginary surface changes will have on general aviation airports before adopting these changes. If the impact is negative, AOPA recommends that the FAA not implement this change to the primary surface area.

**Conclusion**

In general, AOPA supports the proposed changes to Part 77, which will result in increased protection of navigable airspace. However, the FAA must address the potential for any unintended negative impacts resulting from the proposed changes to the imaginary surfaces prior to issuing a final rule.

Sincerely,



Heidi J. Williams

Director

Air Traffic Services

cc: Ms. Nancy Kalinowski

Ms. Edie Parish, ATA-400