

Please review this section of the Aviation Code:

AVIATION CODE

Act of October 10, 1984, P.L. 837, No. 164

(Amending Title 74 [Transportation] of the Pennsylvania Consolidated Statistics)

CHAPTER 57

OBSTRUCTIONS TO AIRCRAFT OPERATION

SEC. 5701. DEPARTMENT APPROVAL

- (a) Obstructions to aircraft within approach area. A person who erects and maintains any smokestack, flag pole, elevated tank, radio station tower, antenna, building, structure, any object of natural growth or other obstruction to the operation of aircraft within an approach area that extends above an inclined plane without first obtaining prior approval thereof from the Department commits a summary offense. Each day a violation of this subsection continues constitutes a separate offense.
- (b) Structures in close proximity to airport. A person who erects a new structure or adds to an existing structure in violation of guidelines or regulations adopted by the Federal Aviation Administration of the United States Department of Transportation, or who erects the structure with respect to the airport without, in either event, first obtaining prior approval from the Department, commits a summary offense.
- (c) Definition. As used in this section the term "approach area" includes all that area lying within and above an inclined plane, starting at each end of each runway or landing strip of a public-use airport, as described by guidelines or regulations adopted by the Federal Aviation Administration of the United States Department of Transportation.

TITLE 67 PENNSYLVANIA CODE

CHAPTER 479

SEC. 479.4. AIRPORT OBSTRUCTIONS

A person who plans to erect a new structure, to add to an existing structure, or to erect or maintain any object (natural or man-made), as defined in 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), shall first obtain approval from the Department by submitting a written notice (Form AV-57) to the Department at least thirty (30) days prior to commencement thereof.

Federal Aviation Regulation, Part 77

§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.

Please mail the completed application to: PA Department of Transportation
Bureau of Aviation
P.O. Box 3457
Harrisburg, PA 17105