

1 ENGROSSED HOUSE AMENDMENTS

TO

2 ENGROSSED SENATE BILL NO. 477

By: Newhouse and Standridge of
the Senate

3

and

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Ortega of the House

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An Act relating to aircraft and airports; amending 3
O.S. 2011, Sections 120.1, 120.2, 120.3, 120.7 and
8 120.8, which relate to the Aircraft Pilot and
Passenger Protection Act; specifying standards;
9 modifying definitions; modifying exemption to permit
requirement; extending time for permit recording;
10 allowing for amended permits; specifying conditions;
and providing an effective date.

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13 AMENDMENT NO. 1. Page 1, lines 7-10 1/2, strike the title to read

14 "[aircraft and airports - Aircraft Pilot and

15 Passenger Protection Act - effective date]"

16 AMENDMENT NO. 2. Page 1, line 14 through Page 9, line 11

17 delete Sections 1, 2 and 3 and insert new

18 Sections 1, 2 and 3 to read

19 "SECTION 1. AMENDATORY 3 O.S. 2011, Section 120.1, is

20 amended to read as follows:

21 Section 120.1 A. This act shall be known and may be cited as

22 the "Aircraft Pilot and Passenger Protection Act".

23 B. It is the intent of this act to:

24

1 1. Regulate obstructions to air navigation that have the
2 potential of endangering the lives and property of aircraft pilots
3 and passengers and those that live or work in the vicinity of
4 public-use airports; that may affect existing and future instrument
5 approaches to a public-use airport; and that may reduce the size of
6 areas available for the landing, takeoff and maneuvering of aircraft
7 thus impairing the utility of a public-use airport and the public
8 investment therein;

9 2. Regulate the use of land in close proximity to a public-use
10 airport to ensure compatibility with aircraft operations; ~~and~~

11 3. Regulate obstructions to air navigation that have the
12 potential of endangering the lives and property of military aircraft
13 pilots and passengers in military training routes, drop areas and
14 traffic patterns; and that may reduce the size of areas available
15 for the training of military pilots thus impairing the utility of
16 Oklahoma's airspace for military aircraft operations; and

17 4. Provide specific powers and duties to the Oklahoma
18 Aeronautics Commission in the interest of the health, safety and
19 welfare of the public so that the state may properly fulfill its
20 duty to ensure that land use around a public-use airport is
21 compatible with normal airport operations including the landing and
22 takeoff of aircraft.

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1 C. ~~All heights or surfaces set forth in this act are from the~~
2 ~~standards set forth in Subpart C of Federal Aviation Regulations~~
3 ~~(FAR) Part 77.~~

4 ~~D.~~ Depending upon the type of survey used, an adjustment will
5 be made in accordance with Federal Aviation Administration standards
6 to the horizontal and vertical measurements of the proposed
7 structure as follows:

8	Survey	Horizontal	Survey	Vertical
9	Type	Adjustment	Type	Adjustment
10	1	±20 ft (6 m)	A	+3 ft (1 m)
11	2	±50 ft (15 m)	B	+10 ft (3 m)
12	3	±100 ft (30 m)	C	+20 ft (6 m)
13	4	±250 ft (75 m)	D	+50 ft (15 m)
14	5	±500 ft (150 m)	E	+125 ft (38 m)

15 If the survey type (horizontal and vertical) is not certified by
16 a licensed engineer or a licensed surveyor, a horizontal adjustment
17 of plus or minus two hundred fifty (250) feet and a vertical
18 adjustment of fifty (50) feet will be applied to the structure
19 measurements.

20 ~~E.~~ D. This act shall neither prevent nor preempt a municipality
21 from having ordinances or regulations governing land use that may
22 affect public-use airports.

23 SECTION 2. AMENDATORY 3 O.S. 2011, Section 120.2, is
24 amended to read as follows:

1 Section 120.2 As used in the Aircraft Pilot and Passenger
2 Protection Act:

3 1. "Airport reference point" is the geometrical center of all
4 usable runways;

5 2. "Airport elevation" is the highest point of an airport's
6 usable runways measured in feet from mean sea level;

7 3. "Approach surface" is an imaginary surface shaped like a
8 trapezoid:

9 a. longitudinally centered on the extended runway
10 centerline at a public-use airport,

11 b. beginning two hundred (200) feet beyond the end of
12 each runway pavement and at the runway end elevation,

13 c. having an inner-edge width of one thousand (1,000)
14 feet expanding outward uniformly to a width of sixteen
15 thousand (16,000) feet at the outer edge, and

16 d. sloping upward for a distance of ten thousand (10,000)
17 feet at a slope of fifty (50) to one (1), with an
18 additional forty thousand (40,000) feet at a slope of
19 forty (40) to one (1);

20 4. "Commission" means the Oklahoma Aeronautics Commission or a
21 successor agency;

22 5. "Conical surface" is an imaginary surface extending outward
23 and upward from the periphery of the horizontal surface at a slope
24

1 of twenty (20) to one (1) for a horizontal distance of four thousand
2 (4,000) feet;

3 6. "FAA" means the Federal Aviation Administration or a
4 successor agency to the Federal Aviation Administration;

5 7. "Horizontal surface" is an imaginary horizontal plane one
6 hundred fifty (150) feet above the established airport elevation,
7 the perimeter of which is constructed by swinging arcs of ten
8 thousand (10,000) feet radii from a point located on the extended
9 runway centerline two hundred (200) feet beyond each end of runway
10 pavement and connecting the adjacent arcs by lines tangent to those
11 arcs;

12 8. "Incompatible purpose" means the use of a building ~~or~~,
13 structure or area as a residence, educational center (including all
14 types of primary and secondary schools, preschools, and child-care
15 facilities), ~~places~~ place of worship, place of public assembly,
16 hospital, medical inpatient treatment facility, nursing/convalescent
17 home, retirement home, transportation facility, storage facility,
18 aboveground utility facility or similar use;

19 9. "Legal representative" means a person who is authorized to
20 legally bind an entity;

21 10. "Military drop area" means a designated drop area
22 identified by the military which takes the shape of a rectangle with
23 dimensions of thirty (30) nautical miles in the longitudinal
24 direction and six (6) nautical miles wide. The rectangle shall be

1 positioned in the drop area so that twenty (20) nautical miles is
2 located prior to the center of the drop area and ten (10) nautical
3 miles is located beyond the center of the drop area along the
4 longitudinal axis of the flight path;

5 11. "Military training route" means any training route
6 designated by the military including visual routes (VR), instrument
7 routes (IR), and slow-speed routes (SR). The width of the route
8 will vary with the mission of the aircraft and shall include the
9 approach and departure points of the route which are measured in a
10 radius equal to one-half (1/2) the width of the route;

11 12. "Military traffic pattern" means a fifteen-nautical-mile
12 radius around the airport reference point of a military airport;

13 13. "Permit" means a permit issued by the Commission under this
14 act;

15 ~~11.~~ 14. "Person" means an individual, firm, partnership,
16 corporation, association, or body politic and includes a trustee,
17 receiver, assignee, or other similarly authorized representative of
18 any of them;

19 ~~12.~~ 15. "Primary surface" is a surface longitudinally centered
20 on a runway. When the runway has a specially prepared hard surface,
21 the primary surface extends two hundred (200) feet beyond each end
22 of that runway; but when the runway has no specially prepared hard
23 surface, or planned hard surface, the primary surface ends at each
24 end of that runway. The elevation of any point on the primary

1 surface is the same as the elevation of the nearest point on the
2 runway centerline. The width of the primary surface is one thousand
3 (1,000) feet;

4 ~~13.~~ 16. "Public-use airport" means a structure or an area of
5 land or water that is designed and set aside for the landing and
6 taking off of aircraft, is utilized or to be utilized by and in the
7 interest of the public for the landing and taking off of aircraft
8 and is identified by the FAA as a public-use airport. Public-use
9 airport shall include any military airport operated by a branch of
10 the armed services of the United States government. Public-use
11 airport shall not include any privately owned airport for private
12 use as identified by the FAA, or any airport owned by a municipality
13 with a population exceeding five hundred thousand (500,000)
14 according to the most recent Federal Decennial Census;

15 ~~14.~~ 17. "Runway" means the portion of an airport designated as
16 the area used for the landing or takeoff of aircraft;

17 ~~15.~~ 18. "Runway protection zone" is a trapezoidal zone centered
18 along the extended runway centerline, beyond each end of the primary
19 surface, two thousand five hundred (2,500) feet long, with an inner
20 width of one thousand (1,000) feet and an outer width of one
21 thousand seven hundred fifty (1,750) feet. The function of the
22 runway protection zone is to enhance the protection of people and
23 property on the ground;

24

1 ~~16.~~ 19. "Structure" means any constructed or installed object,
2 or area including, but not limited to, buildings, towers, wind
3 turbines, smokestacks, electronic transmission or receiving towers,
4 and antennae and overhead transmission lines. The term does not
5 include:

- 6 a. any aviation navigational aids that are fixed by
- 7 function, or
- 8 b. any construction or installed object on property owned
- 9 by the federal government; and

10 ~~17.~~ 20. "Total structure height" means the elevation of the
11 ground above mean sea level at the structure's location, plus the
12 height of the structure above ground level in feet, plus the
13 applicable survey type adjustment provided the survey adjustment is
14 in accordance with Federal Aviation Administration standards.

15 SECTION 3. AMENDATORY 3 O.S. 2011, Section 120.3, is
16 amended to read as follows:

17 Section 120.3 A. A person shall obtain a permit from the
18 Commission prior to the construction ~~or,~~ installation or use of any
19 of the following near a public-use airport:

- 20 1. Any proposed structure or area for an incompatible purpose
- 21 in the primary surface or the runway protection zone;
- 22 2. Any structure, alteration or addition to a structure within
- 23 three (3) statute miles from the airport reference point of a
- 24 public-use airport, that would result in a total structure height in

1 excess of one hundred fifty (150) feet above the established airport
2 elevation; and

3 3. Any structure, alteration or addition to a structure that
4 would result in a total structure height greater than the
5 horizontal, conical or approach surfaces, as defined in Section 2
6 120.2 of the Aircraft Pilot and Passenger Protection Act this title.

7 B. A person shall obtain a permit from the Commission prior to
8 the construction or installation of any of the following near a
9 military training route, drop area or traffic pattern:

10 1. Any structure, alteration or addition to a structure that
11 would exceed two hundred (200) feet above ground level underneath a
12 military training route;

13 2. Any structure, alteration or addition to a structure that
14 would exceed fifty (50) feet above ground level within a military
15 drop area; and

16 3. Any structure, alteration or addition to a structure that
17 would exceed one hundred fifty (150) feet above the established
18 airport elevation underneath a military traffic pattern.

19 C. No permit shall be required:

20 1. For mobile or temporary equipment used to construct or
21 install a new structure or to perform routine maintenance, repairs,
22 or replace parts of an existing structure or for temporary
23 structures that will be in place for less than twenty-four (24)
24 months; or

1 2. To repair, replace, or alter an existing structure that
2 would not result in a total structure height greater than the
3 horizontal, conical or approach surfaces as defined in Section ~~2~~
4 120.2 of this act, ~~or change the location of an existing structure~~
5 title; or

6 3. To repair, replace or alter an existing structure that would
7 not result in a total structure height greater than two hundred
8 (200) feet above ground level underneath a military training route,
9 fifty (50) feet above ground level within a military drop area, or
10 one hundred fifty (150) feet above the established airport elevation
11 within a military traffic pattern.

12 ~~C.~~ D. Any person required to notify the FAA of any proposed
13 construction or alteration pursuant to Subpart B of Section 77.13 of
14 the Federal Aviation Regulations Part 77, that in response receives
15 an acknowledgement from the FAA that further aeronautical study is
16 required to determine whether the proposed construction or
17 alteration would be a hazard to air navigation, shall, upon
18 requesting further aeronautical study by the FAA, concurrently
19 notify the Commission of the request and shall provide the
20 Commission with true and correct copies of all relevant filings made
21 with the FAA.

22 Upon receipt of such notification of the filing of a request for
23 further aeronautical study, the Commission shall give timely notice
24 thereof to the Oklahoma Strategic Military Planning Commission, or

1 any successor agency, and to any military airport within Oklahoma
2 potentially affected by the proposed construction or alteration.

3 The Commission further shall use its best efforts to establish
4 regular and consistent communication with the ~~FAA~~ Oklahoma military
5 installations to encourage sharing of information regarding
6 construction or alteration ~~in~~ of a structure underneath a military
7 training route ~~or slow-speed low-altitude training route~~ within a a
8 military drop area or underneath a military traffic pattern in the
9 State of Oklahoma ~~with appropriate state agencies and military~~
10 ~~installations."~~

11 AMENDMENT NO. 3. Page 9, line 12 through Page 13, line 12,
12 delete Sections 4 and 5 and insert new
13 Sections 4, 5, 6 and 7 to read

14 "SECTION 4. AMENDATORY 3 O.S. 2011, Section 120.5, is
15 amended to read as follows:

16 Section 120.5 A. Any structure or alteration to a structure is
17 presumed to be a hazard to air navigation if its total structure
18 height is greater than the horizontal, conical or approach surfaces,
19 as defined in Section 2 of the Aircraft Pilot and Passenger
20 Protection Act.

21 B. Any structure or alteration to a structure is presumed to be
22 a hazard to air navigation if its total structure height is greater
23 than two hundred (200) feet above ground level underneath a military
24 training route, fifty (50) feet above ground level within a military

1 drop area or one hundred fifty (150) feet above the established
2 airport elevation underneath a military traffic pattern.

3 SECTION 5. AMENDATORY 3 O.S. 2011, Section 120.6, is
4 amended to read as follows:

5 Section 120.6 Applications to the Commission for a permit in
6 accordance with the provisions of the Aircraft Pilot and Passenger
7 Protection Act for construction near a public-use airport, or
8 military training route, drop area or traffic pattern shall include
9 the following:

10 1. For construction in a primary surface or runway protection
11 zone, under paragraph 1 of subsection A of Section ~~3~~ 120.3 of this
12 ~~act~~ title:

13 a. a completed application on a form prescribed by the
14 Commission with the following statement on the
15 application, signed by a legal representative of the
16 applicant:

17 "The applicant acknowledges for itself, its heirs, its
18 successors, and its assigns, that the real estate
19 described in this application is located in the
20 primary surface or the runway protection zone of a
21 public-use airport, and that the applicant is building
22 a structure upon this real estate, with the full
23 knowledge and acceptance that it may be incompatible
24

1 with normal airport operations including the landing
2 and takeoff of aircraft.", and

- 3 b. if required, a copy of the FAA Form 7460-1, "Notice of
4 Proposed Construction or Alteration", as described in
5 14 CFR part 77, sub-part B, Section 17, to be
6 submitted to the FAA; and

7 2. For construction or alteration of a structure in a
8 horizontal, conical, or approach surface under paragraph 2 or 3 of
9 subsection A of ~~Section 3~~ Section 120.3 of this ~~act~~ title:

- 10 a. a completed application on a form prescribed by the
11 Commission, and
12 b. a copy of FAA Form 7460-1, to be submitted to the FAA;
13 and

14 3. For construction or alteration of a structure underneath a
15 military training route, within a military drop area or underneath a
16 military traffic pattern as defined in Section 120.3 of this title:

- 17 a. a completed application on a form prescribed by the
18 Commission, and
19 b. a copy of FAA Form 7460-1, to be submitted to the FAA.

20 SECTION 6. AMENDATORY 3 O.S. 2011, Section 120.7, is
21 amended to read as follows:

22 Section 120.7 A. If FAA Form 7460-1 is required, then an
23 application for a permit pursuant to Section ~~3~~ 120.3 of ~~the Aircraft~~
24 ~~Pilot and Passenger Protection Act~~ this title shall be filed at the

1 same time the FAA Form 7460-1 is sent to the FAA, or at any time
2 before that. If FAA Form 7460-1 is not required, then the
3 application shall be filed at least thirty (30) days before the
4 earlier of the following:

5 1. The date the proposed construction or alteration is to
6 begin; or

7 2. The date an application for a construction or building
8 permit is to be filed with the municipality.

9 Upon receiving an application filed pursuant to paragraphs 1 and 2
10 of Section 120.6 of this title, the Commission shall notify a legal
11 representative of the public-use airport owner affected by the
12 application and solicit comments from the airport owner; and upon
13 receiving an application filed pursuant to paragraph 3 of Section
14 120.6 of this title, the Commission shall notify a legal
15 representative of the military installation affected by the
16 application and the chairman of the Oklahoma Strategic Military
17 Planning Commission or successor agency and solicit their comments.

18 B. In determining whether to issue a permit for an application
19 pursuant to paragraphs 1 and 2 of Section 120.6 of this title, the
20 Commission shall consider:

21 1. The nature of the terrain and height of existing structures;

22 2. Public and private interests and investments of an airport;

23 3. The character of flying operations and planned developments
24 of an airport;

1 4. Whether the construction of the proposed structure would
2 cause an increase in the minimum descent altitude or the decision
3 height at the affected airport;

4 5. Technological advances;

5 6. The safety of persons on the ground and in the air;

6 7. Land use density;

7 8. Comments from all interested persons; and

8 9. Findings and determinations of other government agencies.

9 C. In determining whether to issue a permit for an application
10 pursuant to paragraph 2 of Section 120.6 of this title, the
11 Commission shall consider:

12 1. Comments from the chairman of the Oklahoma Strategic
13 Military Planning Commission or successor agency;

14 2. Comments from a legal representative of the military
15 installation affected by the proposed structure;

16 3. Whether the proposed structure would encroach upon or
17 otherwise have an adverse impact on the mission, training, or
18 operations of any military installation; and

19 4. The safety of military aircraft, pilots and passengers.

20 D. If FAA Form 7460-1 is required, then the Commission shall
21 notify the applicant of its determination within thirty (30) days of
22 the FAA completing its aeronautical study. If the applicant has not
23 been notified by the Commission of its determination within thirty
24 (30) days of the FAA completing its aeronautical study, then the

1 applicant shall notify the Commission that it has not received
2 notice of the Commission's determination. The Commission shall then
3 have seven (7) working days from the date of the applicant's notice
4 to notify the applicant of its determination. Nothing herein
5 precludes the Commission from making its determination before the
6 FAA completes its aeronautical study.

7 ~~D.~~ E. If FAA Form 7460-1 is not required, then the Commission
8 shall notify the applicant of its determination within sixty (60)
9 days of filing the application. If the applicant has not been
10 notified by the Commission of its determination within sixty (60)
11 days of filing the application, then the applicant shall notify the
12 Commission that it has not received notice of the Commission's
13 determination. The Commission shall then have seven (7) working
14 days from the date of the applicant's notice to notify the applicant
15 of its determination.

16 SECTION 7. AMENDATORY 3 O.S. 2011, Section 120.8, is
17 amended to read as follows:

18 Section 120.8 A. Once a permit is issued by the Commission,
19 the applicant shall be required to complete the following steps to
20 complete the permit process:

21 1. The applicant for a permit under Section ~~3~~ 120.3 of ~~the~~
22 ~~Aircraft Pilot and Passenger Protection Act~~ this title shall record
23 each permit issued by the Commission in the office of the county
24 clerk for the county where the structure is located not later than

1 ~~thirty (30)~~ sixty (60) business days after the Commission issues the
2 permit. If a structure is located in more than one county, the
3 county that contains the majority of the structure is the county in
4 which the permit must be filed. A permit issued under paragraph 1
5 of subsection A of Section ~~3~~ 120.3 of this ~~act~~ title shall contain
6 the following statement:

7 "The permittee acknowledges for itself, its heirs, its
8 successors, and its assigns, that the real estate described in
9 this permit is located within the primary surface or the runway
10 protection zone of a public-use airport, and that the permittee
11 is building a structure upon this real estate with the full
12 knowledge and acceptance that it may be incompatible with normal
13 airport operations including the landing and takeoff of
14 aircraft.";

15 2. A permit issued in accordance with the provisions of Section
16 ~~3~~ 120.3 of this ~~act~~ title is valid only after the Commission
17 receives a certified copy of the recorded permit with the recording
18 data from the county clerk of the county in which the structure is
19 located; and

20 3. Every permit granted by the Commission shall specify that
21 obstruction markers, markings, lighting, or other visual or aural
22 identification required to be installed on or in the vicinity of the
23 structure shall conform to federal laws and regulations.

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1 B. Once a permit is valid the permittee may request to amend a
2 permit under these conditions:

3 1. The amendment is to change the administrative items of the
4 permit including the transfer of ownership rights. There shall be
5 no limit to the number of times a permittee can request an amendment
6 that is administrative in nature; or

7 2. The amendment is for the purpose of micrositing a structure
8 that has been permitted, but not yet constructed. Micrositing shall
9 allow for a structure to be moved four hundred (400) feet or less in
10 a horizontal direction provided the new location will not impact an
11 airport's instrument or visual approaches or a military training
12 route, drop area or traffic pattern. A permittee can request to
13 amend a permit for micrositing up to two times. A third micrositing
14 request on the structure will require the permittee to file a new
15 permit application."

16 and renumber subsequent section

17 and amend title to conform

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1 Passed the House of Representatives the 27th day of April, 2017.

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4 _____
5 Presiding Officer of the House of
6 Representatives

7 Passed the Senate the _____ day of _____, 2017.

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10 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 477

By: Newhouse and Standridge of
the Senate

3 and

4 Ortega of the House
5
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7 An Act relating to aircraft and airports; amending 3
8 O.S. 2011, Sections 120.1, 120.2, 120.3, 120.7 and
9 120.8, which relate to the Aircraft Pilot and
10 Passenger Protection Act; specifying standards;
11 modifying definitions; modifying exemption to permit
12 requirement; extending time for permit recording;
13 allowing for amended permits; specifying conditions;
14 and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 3 O.S. 2011, Section 120.1, is
17 amended to read as follows:

18 Section 120.1. A. This act shall be known and may be cited as
19 the "Aircraft Pilot and Passenger Protection Act".

20 B. It is the intent of this act to:

21 1. Regulate obstructions to air navigation that have the
22 potential of endangering the lives and property of aircraft pilots
23 and passengers and those that live or work in the vicinity of
24 public-use airports; that may affect existing and future instrument
approaches to a public-use airport; and that may reduce the size of
areas available for the landing, takeoff and maneuvering of aircraft

1 thus impairing the utility of a public-use airport and the public
2 investment therein;

3 2. Regulate the use of land in close proximity to a public-use
4 airport to ensure compatibility with aircraft operations; and

5 3. Provide specific powers and duties to the Oklahoma
6 Aeronautics Commission in the interest of the health, safety and
7 welfare of the public so that the state may properly fulfill its
8 duty to ensure that land use around a public-use airport is
9 compatible with normal airport operations including the landing and
10 takeoff of aircraft.

11 C. All heights or surfaces set forth in this act are from the
12 standards set forth in Subpart C of Federal Aviation Regulations
13 (FAR) Part 77.

14 D. Depending upon the type of survey used, an adjustment will
15 be made in accordance with Federal Aviation Administration standards
16 to the horizontal and vertical measurements of the proposed
17 structure as follows:

18	Survey	Horizontal	Survey	Vertical
19	Type	Adjustment	Type	Adjustment
20	1	±20 ft (6 m)	A	+3 ft (1 m)
21	2	±50 ft (15 m)	B	+10 ft (3 m)
22	3	±100 ft (30 m)	C	+20 ft (6 m)
23	4	±250 ft (75 m)	D	+50 ft (15 m)
24	5	±500 ft (150 m)	E	+125 ft (38 m)

1 If the survey type (horizontal and vertical) is not certified by
2 a licensed engineer or a licensed surveyor, a horizontal adjustment
3 of plus or minus two hundred fifty (250) feet and a vertical
4 adjustment of fifty (50) feet will be applied to the structure
5 measurements.

6 E. This act shall neither prevent nor preempt a municipality
7 from having ordinances or regulations governing land use that may
8 affect public-use airports.

9 SECTION 2. AMENDATORY 3 O.S. 2011, Section 120.2, is
10 amended to read as follows:

11 Section 120.2. As used in the Aircraft Pilot and Passenger
12 Protection Act:

13 1. "Airport reference point" is the geometrical center of all
14 usable runways;

15 2. "Airport elevation" is the highest point of an airport's
16 usable runways measured in feet from mean sea level;

17 3. "Approach surface" is an imaginary surface shaped like a
18 trapezoid:

- 19 a. longitudinally centered on the extended runway
20 centerline at a public-use airport,
- 21 b. beginning two hundred (200) feet beyond the end of
22 each runway pavement and at the runway end elevation,
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- 1 c. having an inner-edge width of one thousand (1,000)
2 feet expanding outward uniformly to a width of sixteen
3 thousand (16,000) feet at the outer edge, and
4 d. sloping upward for a distance of ten thousand (10,000)
5 feet at a slope of fifty (50) to one (1), with an
6 additional forty thousand (40,000) feet at a slope of
7 forty (40) to one (1);

8 4. "Commission" means the Oklahoma Aeronautics Commission or a
9 successor agency;

10 5. "Conical surface" is an imaginary surface extending outward
11 and upward from the periphery of the horizontal surface at a slope
12 of twenty (20) to one (1) for a horizontal distance of four thousand
13 (4,000) feet;

14 6. "FAA" means the Federal Aviation Administration or a
15 successor agency to the Federal Aviation Administration;

16 7. "Horizontal surface" is an imaginary horizontal plane one
17 hundred fifty (150) feet above the established airport elevation,
18 the perimeter of which is constructed by swinging arcs of ten
19 thousand (10,000) feet radii from a point located on the extended
20 runway centerline two hundred (200) feet beyond each end of runway
21 pavement and connecting the adjacent arcs by lines tangent to those
22 arcs;

23 8. "Incompatible purpose" means the use of a building ~~or~~
24 structure or area as a residence, educational center (including all

1 types of primary and secondary schools, preschools, and child-care
2 facilities), ~~places~~ place of worship, place of public assembly,
3 hospital, medical inpatient treatment facility, nursing/convalescent
4 home, retirement home, transportation facility, storage facility,
5 aboveground utility facility or similar use;

6 9. "Legal representative" means a person who is authorized to
7 legally bind an entity;

8 10. "Permit" means a permit issued by the Commission under this
9 act;

10 11. "Person" means an individual, firm, partnership,
11 corporation, association, or body politic and includes a trustee,
12 receiver, assignee, or other similarly authorized representative of
13 any of them;

14 12. "Primary surface" is a surface longitudinally centered on a
15 runway. When the runway has a specially prepared hard surface, the
16 primary surface extends two hundred (200) feet beyond each end of
17 that runway; but when the runway has no specially prepared hard
18 surface, or planned hard surface, the primary surface ends at each
19 end of that runway. The elevation of any point on the primary
20 surface is the same as the elevation of the nearest point on the
21 runway centerline. The width of the primary surface is one thousand
22 (1,000) feet;

23 13. "Public-use airport" means a structure or an area of land
24 or water that is designed and set aside for the landing and taking

1 off of aircraft, is utilized or to be utilized by and in the
2 interest of the public for the landing and taking off of aircraft
3 and is identified by the FAA as a public-use airport. Public-use
4 airport shall include any military airport operated by a branch of
5 the armed services of the United States government. Public-use
6 airport shall not include any privately owned airport for private
7 use as identified by the FAA, or any airport owned by a municipality
8 with a population exceeding five hundred thousand (500,000)
9 according to the most recent Federal Decennial Census;

10 14. "Runway" means the portion of an airport designated as the
11 area used for the landing or takeoff of aircraft;

12 15. "Runway protection zone" is a trapezoidal zone centered
13 along the extended runway centerline, beyond each end of the primary
14 surface, two thousand five hundred (2,500) feet long, with an inner
15 width of one thousand (1,000) feet and an outer width of one
16 thousand seven hundred fifty (1,750) feet. The function of the
17 runway protection zone is to enhance the protection of people and
18 property on the ground;

19 16. "Structure" means any constructed or installed object,
20 including, but not limited to, buildings, towers, wind turbines,
21 smokestacks, electronic transmission or receiving towers, and
22 antennae and overhead transmission lines. The term does not
23 include:
24

- 1 a. any aviation navigational aids that are fixed by
2 function, or
3 b. any construction or installed object on property owned
4 by the federal government; and

5 17. "Total structure height" means the elevation of the ground
6 above mean sea level at the structure's location, plus the height of
7 the structure above ground level in feet, plus the applicable survey
8 type adjustment provided the survey adjustment is in accordance with
9 Federal Aviation Administration standards.

10 SECTION 3. AMENDATORY 3 O.S. 2011, Section 120.3, is
11 amended to read as follows:

12 Section 120.3. A. A person shall obtain a permit from the
13 Commission prior to the construction ~~or~~, installation, or use of any
14 of the following near a public-use airport:

15 1. Any proposed structure or area for an incompatible purpose
16 in the primary surface or the runway protection zone;

17 2. Any structure, alteration or addition to a structure within
18 three (3) statute miles from the airport reference point of a
19 public-use airport, that would result in a total structure height in
20 excess of one hundred fifty (150) feet above the established airport
21 elevation; and

22 3. Any structure, alteration or addition to a structure that
23 would result in a total structure height greater than the
24

1 horizontal, conical or approach surfaces, as defined in Section 2
2 120.2 of ~~the Aircraft Pilot and Passenger Protection Act~~ this title.

3 B. No permit shall be required:

4 1. For mobile or temporary equipment used to construct or
5 install a new structure or to perform routine maintenance, repairs,
6 or replace parts of an existing structure or for temporary
7 structures that will be in place for less than twenty-four (24)
8 months; or

9 2. To repair, replace, or alter an existing structure that
10 would not result in a total structure height greater than the
11 horizontal, conical or approach surfaces as defined in Section 2
12 120.2 of ~~this act~~ this title, or change the location of an existing
13 structure.

14 C. Any person required to notify the FAA of any proposed
15 construction or alteration pursuant to Subpart B of Section 77.13 of
16 the Federal Aviation Regulations Part 77, that in response receives
17 an acknowledgement from the FAA that further aeronautical study is
18 required to determine whether the proposed construction or
19 alteration would be a hazard to air navigation, shall, upon
20 requesting further aeronautical study by the FAA, concurrently
21 notify the Commission of the request and shall provide the
22 Commission with true and correct copies of all relevant filings made
23 with the FAA.

24

1 Upon receipt of such notification of the filing of a request for
2 further aeronautical study, the Commission shall give timely notice
3 thereof to the Oklahoma Strategic Military Planning Commission, or
4 any successor agency, and to any military airport within Oklahoma
5 potentially affected by the proposed construction or alteration.

6 The Commission further shall use its best efforts to establish
7 regular and consistent communication with the FAA to encourage
8 sharing of information regarding construction or alteration in a
9 military training route or slow-speed low-altitude training route
10 within the State of Oklahoma with appropriate state agencies and
11 military installations.

12 SECTION 4. AMENDATORY 3 O.S. 2011, Section 120.7, is
13 amended to read as follows:

14 Section 120.7. A. If FAA Form 7460-1 is required, then an
15 application for a permit pursuant to Section ~~3~~ 120.3 of ~~the Aircraft~~
16 ~~Pilot and Passenger Protection Act~~ this title shall be filed at the
17 same time the FAA Form 7460-1 is sent to the FAA, or at any time
18 before that. If FAA Form 7460-1 is not required, then the
19 application shall be filed at least thirty (30) days before the
20 earlier of the following:

21 1. The date the proposed construction or alteration is to
22 begin; or

23 2. The date an application for a construction or building
24 permit is to be filed with the municipality.

1 Upon receiving an application, the Commission shall notify a legal
2 representative of the public-use airport owner affected by the
3 application and solicit comments from the airport owner.

4 B. In determining whether to issue a permit, the Commission
5 shall consider:

6 1. The nature of the terrain and height of existing structures;

7 2. Public and private interests and investments of an airport;

8 3. The character of flying operations and planned developments
9 of an airport;

10 4. Whether the construction of the proposed structure would
11 cause an increase in the minimum descent altitude or the decision
12 height at the affected airport;

13 5. Technological advances;

14 6. The safety of persons on the ground and in the air;

15 7. Land use density;

16 8. Comments from all interested persons; and

17 9. Findings and determinations of other government agencies.

18 C. If FAA Form 7460-1 is required, then the Commission shall
19 notify the applicant of its determination within thirty (30) days of
20 the FAA completing its aeronautical study. If the applicant has not
21 been notified by the Commission of its determination within thirty
22 (30) days of the FAA completing its aeronautical study, then the
23 applicant shall notify the Commission that it has not received
24 notice of the Commission's determination. The Commission shall then

1 have seven (7) working days from the date of the applicant's notice
2 to notify the applicant of its determination. Nothing herein
3 precludes the Commission from making its determination before the
4 FAA completes its aeronautical study.

5 D. If FAA Form 7460-1 is not required, then the Commission
6 shall notify the applicant of its determination within sixty (60)
7 days of filing the application. If the applicant has not been
8 notified by the Commission of its determination within sixty (60)
9 days of filing the application, then the applicant shall notify the
10 Commission that it has not received notice of the Commission's
11 determination. The Commission shall then have seven (7) working
12 days from the date of the applicant's notice to notify the applicant
13 of its determination.

14 SECTION 5. AMENDATORY 3 O.S. 2011, Section 120.8, is
15 amended to read as follows:

16 Section 120.8. A. Once a permit is issued by the Commission,
17 the applicant shall be required to complete the following steps to
18 complete the permit process:

19 1. The applicant for a permit under Section ~~3~~ 120.3 of ~~the~~
20 ~~Aircraft Pilot and Passenger Protection Act~~ this title shall record
21 each permit issued by the Commission in the office of the county
22 clerk for the county where the structure is located not later than
23 ~~thirty (30)~~ sixty (60) business days after the Commission issues the
24 permit. If a structure is located in more than one county, the

1 county that contains the majority of the structure is the county in
2 which the permit must be filed. A permit issued under paragraph 1
3 of subsection A of Section ~~3~~ 120.3 of this ~~act~~ title shall contain
4 the following statement:

5 "The permittee acknowledges for itself, its heirs, its
6 successors, and its assigns, that the real estate described in
7 this permit is located within the primary surface or the runway
8 protection zone of a public-use airport, and that the permittee
9 is building a structure upon this real estate with the full
10 knowledge and acceptance that it may be incompatible with normal
11 airport operations including the landing and takeoff of
12 aircraft.";

13 2. A permit issued in accordance with the provisions of Section
14 ~~3~~ 120.3 of this ~~act~~ title is valid only after the Commission
15 receives a certified copy of the recorded permit with the recording
16 data from the county clerk of the county in which the structure is
17 located; and

18 3. Every permit granted by the Commission shall specify that
19 obstruction markers, markings, lighting, or other visual or aural
20 identification required to be installed on or in the vicinity of the
21 structure shall conform to federal laws and regulations.

22 B. Once a permit is valid the permittee may request to amend a
23 permit under these conditions:
24

1 1. The amendment is to change the administrative items of the
2 permit including the transfer of ownership rights. There shall be
3 no limit to the number of times a permittee can request an amendment
4 that is administrative in nature; or

5 2. The amendment is for the purpose of micrositing a structure
6 that has been permitted, but not yet constructed. Micrositing shall
7 allow for a structure to be moved four hundred (400) feet or less in
8 a horizontal direction provided the new location will not impact an
9 airport's instrument or visual approaches. A permittee can request
10 to amend a permit for micrositing up to two (2) times. A third
11 micrositing request on the structure will require the permittee to
12 file a new permit application.

13 SECTION 6. This act shall become effective November 1, 2017.

14 Passed the Senate the 27th day of February, 2017.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2017.

20

21

Presiding Officer of the House
of Representatives

22

23

24