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September 8, 2006

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**VICE CHAIR**

Brian P. Reed  
Reynolds, Smith & Hills, Inc.

**Docket Number FAA-2006-25002**

**ACC Review Comments – Proposed Changes to 14 CFR Part 77**

**SECRETARY/TREASURER**

Michael J. DeVoy, P.E.  
R.W. Armstrong & Associates

On behalf of the Airport Consultants Council (ACC), I would like to thank you for the opportunity to provide input on proposed changes to 14 CFR Part 77. On behalf our Planning committee, we offer the following attached comments, and request feedback in the table herein.

**IMMEDIATE PAST CHAIR**

Laddie E. Irion  
URS Corporation

The ACC members who contributed the time to consolidate and vet these comments to ensure that they accurately reflect the consultant community's views are as follows: ACC Planning Committee Chair, Michael R. Arnold with ESA Airports; ACC Planning Committee Vice Chair, Douglas DiCarlo with Hoyle, Tanner & Associates, Inc.

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On behalf of the ACC, I again thank you for allowing us to provide input on this very important document. Please respond to our comments using this letter or another format suitable for this process. If you have any questions regarding our comments, please do not hesitate to call me at (703) 683-5900.

Sincerely,

Paula Hochstetler  
President  
Airport Consultants Council

**PRESIDENT**

Paula P. Hochstetler

ACC Comment	Accept/ Decline	FAA Response
<p>1. It is mentioned that the Part 77 surfaces are to be aligned with FAA design standards. Would be good to know which FAA design standards.</p>		
<p>2. If this document is to support TERPS criteria, which are certainly subject to change, maybe best to cross reference TERPS to various Part 77 surfaces? Without question this would be the most important revision required of Part 77. The multiple changes in TERPS criteria in recent years have created a significant degree of inconsistency between these two sets of criteria. Inefficiency in the airport design process results because of these inconsistencies. The FAA recognizes this fact in the "Civil Airports Imaginary Surfaces" section of the Federal Register notice beginning on page 34035 and extending to the middle of page 34036. The key language in that section is the following, "...The FAA has been working for many years to bring about uniformity and consistency among criteria for airports, instrument approach procedures and obstructions. This proposal would amend the applicable sections of part 77 obstruction standards to more closely align with the standards that are currently used by the FAA in the airport design and TERPS for instrument procedures..."</p> <p>This effort should be applauded and, in fact, the FAA should be encouraged to eliminate any inconsistency between the two criteria so that the words "...to more closely align..." can be replaced with "...to be completely consistent with..." in the quoted section.</p>		
<p>3. Page 34043 – First Table. Item 2 says for '...day/night instrument operations' use 500 foot Primary Surface. Item 3 says for 'nonprecision instrument runway' use 1,000 foot Primary Surface. Need clarification on difference between 'instrument operations' and 'nonprecision instrument runway', which many associate as the same?</p>		
<p>4. Along the same lines as above, another suggestion for the first table on Page 34043 follows: Paragraph 77.19 as proposed could be significantly improved and clearly understood by all if the criteria for primary surfaces definitions were modified slightly. The definitions of specific primary widths 250 feet, 500 feet &amp; 1000 feet are left to interpretation however if number (2) were changed to read:</p> <p>Visual, or used by other than small aircraft during VFR-only operations, or day/night instrument</p>		

<p>operations <u>by small aircraft</u>.</p> <p>The same change would be recommended for the approach surface criteria by adding the words after day/night instrument operations <u>by small aircraft</u>.</p> <p>Reason for recommending the change: There are many small general aviation airports that serve only small aircraft. Normally instrument approaches to these airports are designed for both day &amp; night operations. Rarely do these (or any airports) have instrument approaches limited to day-only instrument operations. The use of the 500 feet wide surface is questioned and clarification would be a great help to those airports designed for Small Aircraft only. It is further believed the definition might be considered as implied based on the criteria stated for the 250 feet wide primary surface which is limited to day-only instrument operations.</p> <p>With the current wording, an instrument and non-precision runway could have a 500' and 1,000' primary surface at the same time. Existing Part 77 rules differentiate the 500' and 1,000' primary surface widths for non-precision approaches using ¾ mile visibility requirements as the separating factor (500' vs. 1,000'). This differentiation seems to have been removed/omitted in the proposed change.</p>		
<p>5. For all precision instrument runways, criteria still requires a 1,000 foot wide Primary Surface. With WAAS type instrument approaches, many smaller general aviation airports now have the ability to obtain precision instrument approaches. However, many of these smaller airports do not have the space to provide the 1,000 foot Primary Surface and accompanying 7:1 Transitional Surfaces without impacting a number of facilities and/or other natural features. Consideration must be given for a different size precision approach Primary Surface for the smaller wingspan and slower approach speeds of general aviation aircraft versus the other end of the spectrum (i.e. Boeing 747, Airbus 340, etc.).</p>		
<p>6. Page 34041 – First Table. Consideration needs to be given for the vertical clearance required for railroad traverse ways. Still today, this clearance has always been 23 feet. This height is not necessary for smaller commuter rail cars and/or above ground transportation (AGT) type people movers common at commercial passenger service. The 23 foot requirement unnecessarily limits the ability to located these types of transportation facilities at a number of airports in the nation.</p>		

<p>7. This draft is an incredible opportunity to add to some "teeth" to the intent of 14 CFR Part 77 which is, in general, to protect the nation's aviation system from the hazards to same as resulting from encroachment by development. Not unlike the authority that the Corp of Engineers wields with respect to protecting the nation's navigable waterways and wild and scenic rivers (see NEPA), it seems that the CFR should include language (or reference another document) that would provide specific information with respect to non-compliance (i.e. neglecting to submit a 7460 as, and within the timeframe required).</p> <p>Obviously enforcement of federally mandated constraints on development is a very sensitive topic and has historically been conveyed to the local jurisdictions to regulate via the issuance of local zoning codes and laws. Thus the FAA has always had to rely on the local jurisdiction to establish specific zoning regulations that would protect the airspace per CFR Part 77. This has always left the Federal Government without any sort of "stick" with which to truly protect the national airspace system.</p> <p>As such, it seems the best way of accomplishing the intent would be to have the revised CFR Part 77 include narrative that turns the FAA Form 7460 into a true "permit application" rather than simply a request for an FAA airspace analysis, and that it also specify that the local agencies responsible for issuing building/construction permits within any given jurisdiction, prior to issuing a construction permit, be held responsible to verify that the Owner of the property has submitted and received the appropriate FAA determination as resulting from the Owner's submission of the Federal FAA 7460 "permit application". Then, should jurisdictions with building permit issuance authorization issue a building permit without having verified that this process has been followed, they (the local jurisdiction) would be open to Federal action (not unlike failure to ensure that NEPA is followed).</p>		
<p>8. General comment - while making this change, what (if any) consideration was given to surfaces used by Unmanned Aerial Vehicles (UAV) or Unmanned Aerial Systems (UAS)? This has potential issues with Part 77.</p>		