

# An Act

ENROLLED HOUSE  
BILL NO. 2919

By: Morgan, Shannon, Luttrell,  
Williams, Cox, Wright  
(Harold), Ritze and Pittman  
of the House

and

Myers, Corn, Easley and  
Coates of the Senate

An Act relating to airports; creating the Aircraft Pilot and Passenger Protection Act; stating intent; defining terms; requiring permit for certain construction; declaring certain structures incompatible with act; stating requirements for permit applications for certain purposes; authorizing the Oklahoma Aeronautics Commission to investigate and evaluate certain permit applications; providing for validation of permits and requiring recording in counties; providing for duration of permits; providing for denial of permits by Commission; stating application of act; stating penalties for violations; providing for fees; authorizing Commission to promulgate rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.1 of Title 3, unless there is created a duplication in numbering, reads as follows:

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

B. It is the intent of this act to:

adjustment of fifty (50) feet will be applied to the structure measurements.

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.2 of Title 3, unless there is created a duplication in numbering, reads as follows:

As used in the Aircraft Pilot and Passenger Protection Act:

1. "Airport reference point" is the geometrical center of all usable runways;
2. "Airport elevation" is the highest point of an airport's usable runways measured in feet from mean sea level;
3. "Approach surface" is an imaginary surface shaped like a trapezoid:
  - a. longitudinally centered on the extended runway centerline at a public-use airport,
  - b. beginning two hundred (200) feet beyond the end of each runway pavement and at the runway end elevation,
  - c. having an inner-edge width of one thousand (1,000) feet expanding outward uniformly to a width of sixteen thousand (16,000) feet at the outer edge, and
  - d. sloping upward for a distance of ten thousand (10,000) feet at a slope of fifty (50) to one (1), with an additional forty thousand (40,000) feet at a slope of forty (40) to one (1);
4. "Commission" means the Oklahoma Aeronautics Commission or a successor agency;
5. "Conical surface" is an imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet;

the armed services of the United States government. Public-use airport shall not include any privately owned airport for private use as identified by the FAA, or any airport owned by a municipality with a population exceeding five hundred thousand (500,000) according to the most recent Federal Decennial Census;

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

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

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

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

17. "Total structure height" means the elevation of the ground above mean sea level at the structure's location, plus the height of the structure above ground level in feet, plus the applicable survey type adjustment.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.3 of Title 3, unless there is created a duplication in numbering, reads as follows:

A. A person shall obtain a permit from the Commission prior to the construction or installation of any of the following near a public-use airport:

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.4 of Title 3, unless there is created a duplication in numbering, reads as follows:

The construction of a structure for an incompatible purpose within the primary surface or the runway protection zone is presumed to be incompatible with normal airport operations including the landing and takeoff of aircraft.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.5 of Title 3, unless there is created a duplication in numbering, reads as follows:

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.6 of Title 3, unless there is created a duplication in numbering, reads as follows:

Applications to the Commission for a permit in accordance with the provisions of the Aircraft Pilot and Passenger Protection Act for construction near a public-use airport shall include the following:

1. For construction in a primary surface or runway protection zone, under paragraph 1 of subsection A of Section 3 of this act:

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

"The applicant acknowledges for itself, its heirs, its successors, and its assigns, that the real estate described in this application is located in the primary surface or the runway protection zone of a public-use airport, and that the applicant is building a structure upon this real estate, with the full knowledge and acceptance that it may be incompatible with normal airport operations including the landing and takeoff of aircraft.", and

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

5. Technological advances;

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

7. Land use density;

8. Comments from all interested persons; and

9. Findings and determinations of other government agencies.

C. If FAA Form 7460-1 is required, then the Commission shall notify the applicant of its determination within thirty (30) days of the FAA completing its aeronautical study. If the applicant has not been notified by the Commission of its determination within thirty (30) days of the FAA completing its aeronautical study, then the applicant shall notify the Commission that it has not received notice of the Commission's determination. The Commission shall then have seven (7) working days from the date of the applicant's notice to notify the applicant of its determination. Nothing herein precludes the Commission from making its determination before the FAA completes its aeronautical study.

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

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.8 of Title 3, unless there is created a duplication in numbering, reads as follows:

Once a permit is issued by the Commission, the applicant shall be required to complete the following steps to complete the permit process:

A. If the Commission determines that a permit should not be issued under the provisions of the Aircraft Pilot and Passenger Protection Act, the Commission shall notify the applicant in writing of its determination. The notification may be served by delivering it personally to the applicant or by sending it by certified or registered mail to the applicant at the address specified in the application.

B. The determination is final thirty (30) days after notification of the determination is served, unless the applicant, within the thirty-day period, requests reconsideration in writing to the Commission and provides written evidence showing why the application should have been granted. The Commission has up to a period of thirty (30) days from the receipt of the request. The Commission shall notify the applicant of its determination as specified in subsection A of this section. In the event of a second denial by the Commission of the permit request, the applicant can request a hearing before the Commission with reference to the application. A hearing under this section shall be open to the public. The applicant may appear and be heard either in person or by counsel and may present pertinent evidence and testimony. At the hearing, the applicant has the burden to show cause why the Commission should have granted the permit to erect the proposed structure.

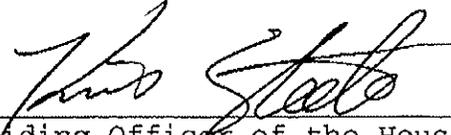
SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.11 of Title 3, unless there is created a duplication in numbering, reads as follows:

The provisions of the Aircraft Pilot and Passenger Protection Act shall not apply to structures that existed or have an approved building permit from the local authority with jurisdiction over the property that the structure is proposed to be constructed upon, prior to the effective date of this act.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 120.12 of Title 3, unless there is created a duplication in numbering, reads as follows:

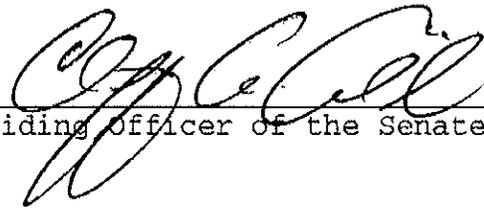
Each violation of the Aircraft Pilot and Passenger Protection Act, or rulings promulgated by the Commission pursuant to this act, shall constitute a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00). Each day that such a violation or failure continues constitutes a separate offense. In addition, the Commission may institute in any court of general jurisdiction, an

Passed the House of Representatives the 27th day of May, 2010.



Presiding Officer of the House of  
Representatives

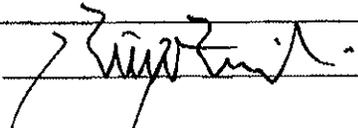
Passed the Senate the 28th day of May, 2010.



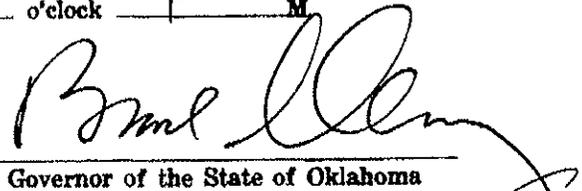
Presiding Officer of the Senate

**OFFICE OF THE GOVERNOR**

Received by the Governor this 28<sup>th</sup>  
day of May, 2010,  
at 8:45 o'clock P M.

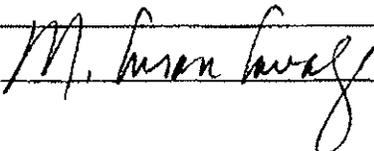
By: 

Approved by the Governor of the State of Oklahoma the 7<sup>th</sup> day of  
June, 2010, at 6:50 o'clock P M.

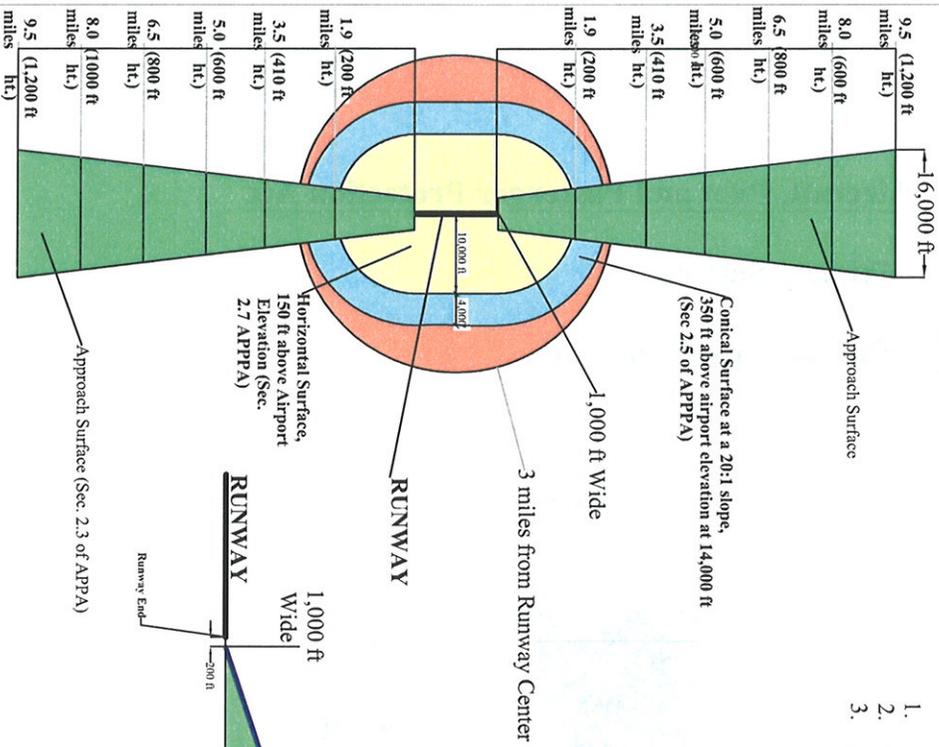
  
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this  
8<sup>th</sup> day of June, 2010,  
at 4:38 o'clock P. M.

By: 

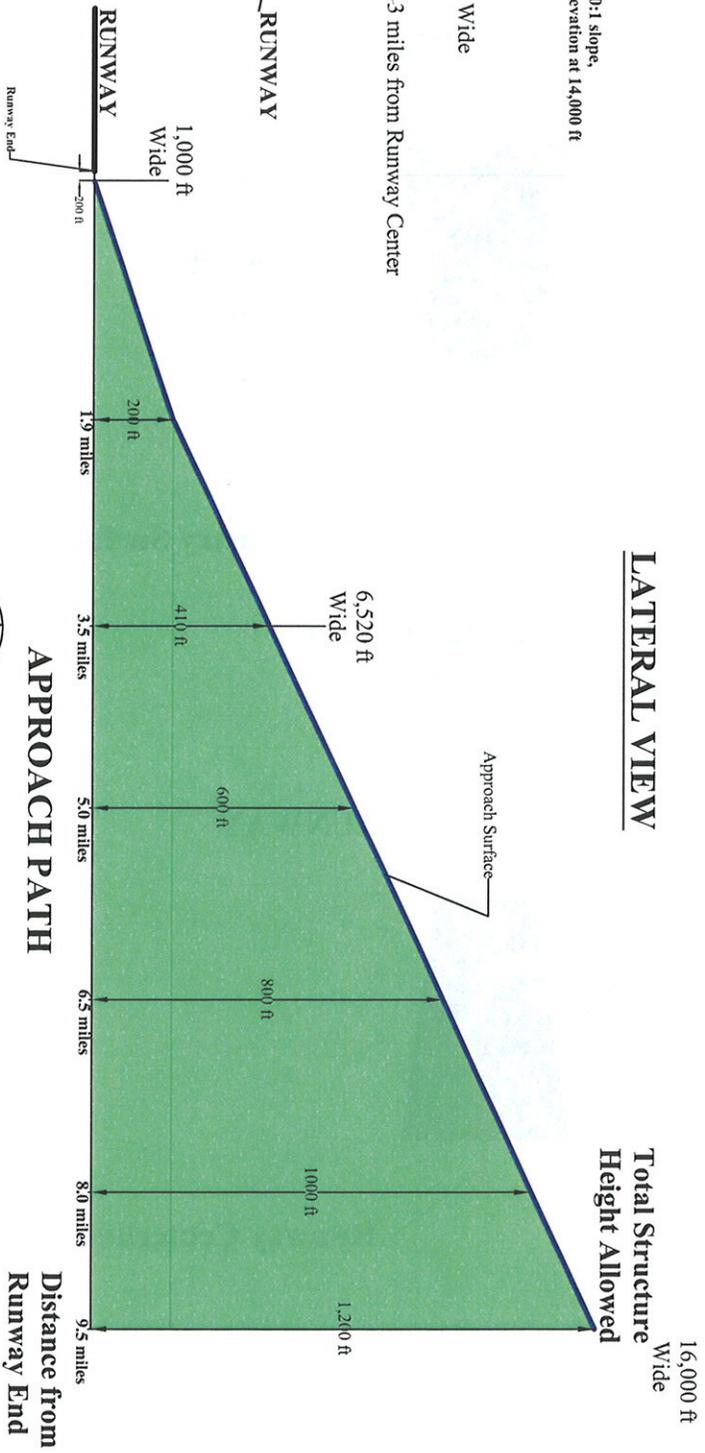
## AERIAL VIEW



## Aircraft, Pilot and Passenger Protection Act (APPPA) Tall Structures Regulation

1. Horizontal Surface - Yellow
2. Conical Surface (20:1) for 4,000 ft - Blue
3. 3-Mile radius from airport reference point - Orange

## LATERAL VIEW



Typical 3-Megawatt rated  
Wind-Turbine - 410 ft

**Aircraft, Pilot and Passenger Protection Act**



Primary Surface



Runway Protection Zone

