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Ohio House Aviation and Aerospace Committee  
Adam Holmes, Chair

**RE: H.B. No. 185 / Airspace Protection Act**

Chair Holmes, Vice-Chair Willis, and Ranking Member Baker, thank you for bringing this bill to the committee for a hearing. I am Kyle Lewis, Great Lakes Regional Manager for the Aircraft Owners and Pilots Association (AOPA), the world's largest aviation organization, representing pilots, aircraft owners, and aviation enthusiasts, of which over 9,500 of our members reside in the State of Ohio. **I write on behalf of our members to strongly urge that the language specific to airspace and airport protections, including the language offered to define "navigable airspace" be adopted in House Bill 185.**

The current language found in the Ohio Revised Code is in dire need of clarification and updates to satisfy Federal Aviation Administration (FAA) guidance and regulation. This language is not detrimental to property rights in Ohio, nor does it limit what can potentially be constructed. The language is simply required for ODOT to perform the mandated task of reviewing and issuing tall structure permits, keeping those in the air and on the ground safe – the number one priority. The language will also provide Ohio's public-use airports a level of protection from loss of utility due to uncoordinated tall structure construction. The new and updated language proposed in HB 185 will give local airport sponsors (the governing jurisdiction over airport operations, planning, and funding) the ability to have a voice in the process. This is not making the overall bureaucracy larger, but smarter.

Aviation in Ohio is a 13-billion-dollar economic driver. Since 2005, over 3.7 billion dollars have been invested in Ohio's public airports from local, state, and federal funding sources. Many of these investments have gone toward runway rehabilitation, obstruction removal, navaid and lighting upgrades, and airfield infrastructure enhancements. HB 185 will ensure that these investments are protected and serve the aviation infrastructure in Ohio.

In the last decade, states like Minnesota, Michigan, and others have updated their tall structure permitting processes to maintain alignment with Code of Federal Regulation (CFR) Part 77 and protect the utility of airports within their jurisdiction. Other states and counties have adopted regulations that ban the construction of certain tall structures that interfere with airports and airspace.

The FAA takes necessary actions to protect and maintain the safety and efficiency of the National Airspace System (NAS). Some of these actions are detrimental to airports, like shortening runway landing distances, raising instrument approach minimum altitudes, and requiring obstructions and hazards to be lit or marked with high visibility markings. These actions can ultimately hurt the utility of the airport, impact potential future airport development and deter local airport sustainability. The FAA does NOT approve or deny the construction of tall structures.

The FAA expects state and local jurisdictions to protect airports from incompatible land use as required by federal grant obligations that airport sponsors agree to when accepting Airport Improvement funding. CFR Part 77, which speaks specifically to airspace and obstruction evaluation processes,



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provides current terminology and processes by which airspace is evaluated when a structure of height is proposed. The current ORC is not in line with CFR Part 77, creating problems specific to the Ohio Department of Transportation, Office of Aviation's (ODOT) tall structure permitting process. The ODOT permitting process is key in protecting airports. Without the ability to review all proposed structures in navigable airspace, there may be impacts to airports that will be everlasting. The ODOT permit process and the FAA obstruction evaluation report provide information to local jurisdictions to make sound decisions based on safety and potential impacts to airport utility. The FAA does not consider the local economic impact when determining an obstruction.

How does this impact the day-to-day operations of an airport?

- Instrument approach procedures changed or eliminated.
- Raised instrument approach minimums or VFR (Visual Flight Rules) corridors impacted.
- Approaches not available at night.
- Loss of usable runway or taxiway (or loss of runway altogether).

House Bill 185 is also designed to allow for aviation infrastructure to grow into the future. Ohio is becoming a leader in the Unmanned Aircraft Systems (UAS) frontier, with airports like Springfield-Beckley Municipal taking visionary steps to create an infrastructure to support these new vehicles. UAS operators will need protected airspace, robust airport infrastructures, and a strong partner with the regulating bodies in which they will choose to operate.

House Bill 185 is integral to the growth of all aspects of aviation in Ohio, and AOPA is proud to support this bill. On behalf of our membership in the State of Ohio, AOPA thanks you for your time and consideration on this issue.

Please do not hesitate to contact me at [kyle.lewis@aopa.org](mailto:kyle.lewis@aopa.org) or 301-695-2229.

Kyle Lewis

Great Lakes Regional Manager, AOPA

cc:

*Rep. Bernard Willis, Vice Chair*  
*Rep. Rachel Baker, Ranking Member*  
*Rep. Dick Stein*  
*Rep. Phil Plummer*  
*Rep. Richard Dell'Aquila*  
*Rep. Casey Weinstein*  
*Rep. Sarah Fowler Arthur (Sponsor)*  
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