



Sub. HB 74 Interested Party Testimony
Before the
Senate Transportation Committee
March 3, 2021
By
Stacey Heaton
Executive Director

Chairman Kunze, Vice Chair Reineke, Ranking Member Antonio and members of the Senate Transportation Committee, thank you for the opportunity to provide interested party testimony on the state's transportation budget, **Sub. HB 74**.

The Ohio Aviation Association (OAA) serves as the voice for over 70 airports and nearly 40 support businesses that directly rely upon the safe and efficient operations of airports including the airspace around the State.

In the As Introduced Transportation Budget, the Governor included language for updating the Ohio Revised Code (ORC) for airspace protection (page 299-335). This is necessary for two main reasons. Firstly, the Federal Aviation Administration modified the Code of Federal Regulations (CFR) dealing with this issue (14 CFR Part 77) in 2010 and the State of Ohio has not kept the parallel ORC in line with those changes. Secondly, the ORC contains antiquated laws that are no longer applicable. For both these reasons, the OAA strongly urges the language removed in the substitute version of HB 74 be amended back in the transportation budget before passing out of the House.

Further, we would like to offer additional information to the Committee on the process and importance of airspace protection.

The FAA will keep the airspace safe: The FAA establishes the requirements to provide notice of proposed obstructions, sets standards to determine obstructions to air navigation, and provides the process for aeronautical studies. Through this, the FAA will keep our airspace safe. As such, if an object that affects air navigation is not addressed properly, the FAA will take actions to keep aircraft, and people on the ground, safe. Actions could include the following, all of which, could impact pilots, types of aircraft that and use an airport, and the economy of the local community:

- Increasing airport approach minimums
- Shortening usable runways
- Closing runways all together

The FAA relies on the States: The FAA can only control the navigable airspace. They can not reach to the businesses and citizens of individual States and communities. The State of Ohio needs to have parallel laws in place to ensure proper protections.

The State of Ohio doesn't work in a bubble: The State of Ohio works with airports as well as permit applicants in reviewing potential impacts to navigable airspace and airports. The FAA does NOT take into account any economic impacts during their evaluation. The objective at the State level is to strike a balance between the permit applicant and the protection of aircraft and people on the ground as well as protection of our airport assets. Further, just because the FAA issues a "No Hazard" determination, it DOES NOT mean that a proposal doesn't have impacts to airport operations.

Lastly, General Assembly members may not fully be aware of required obstruction mitigation and management. Airports must manage and mitigate obstructions, including vegetation. This is one of many issues that is directly tied to an airport's ability ***to receive federal grants***. The objective is to be proactive rather than reactive in managing obstructions. This proactive approach requires coordination and working relationships between airports and nonairport stakeholders.

In closing, it is critical that the ORC keep pace with the changed FAA Part 77 language shown in the As Introduced Transportation Budget. Thank you for your time and if you have any questions on our support of protecting the airspace, please do not hesitate to reach out to me at stacey@ohioaviation.org or 614-526-4990.