



March 10th, 2021

Ohio Senate Transportation Committee

Senator Stephanie Kunze, Chair

Senate Building

1 Capitol Square, Columbus OH 43215

RE: H.B. No 74 / FY 2022-2023 Operating Budget – Airspace Protection & Tall Structure Permitting

Chair Kunze, Vice-Chair Reineke, Ranking Member Antonio and Transportation Committee members, thank you for your time. My name is Kyle Lewis, Great Lakes Regional Manager for Government Affairs with the Aircraft Owners and Pilots Association (AOPA). AOPA is the world's largest aviation organization, representing nearly 330,000 pilots, aircraft owners, and aviation enthusiasts, of which over 9,200 reside in the State of Ohio.

AOPA is strongly urging that the language specific to airspace and airport protections, including the language offered defining “navigable airspace” be reinstated in Sub. House Bill 74. The “As Introduced Transportation Budget” from Governor DeWine’s office included this language to satisfy updated language, definitions, and processes in the Ohio revised Code that will maintain a safe and efficient aviation ecosystem in the State of Ohio. The current language found in the Ohio Revised Code is in dire need of clarification and updates to satisfy Federal Aviation Administration (FAA) guidance.

For clarification, the FAA will take necessary actions to protect the National Airspace System (NAS). There are several methods to this, some of those being detrimental to airports, like shortening runway landing distances, raising instrument approach minimum altitudes, and requiring obstructions and hazards be lit or marked with high visibility markings. These actions can ultimately hurt the utility of the airport, impact potential development, and strain the local economy. The FAA does NOT approve or deny construction of tall structures. The FAA expects state and local law to protect airports from incompatible land use, in fact, that is spelled out in the federal grant obligations that airport sponsors must abide by. Code of Federal Regulation Part 77, which speaks specifically to airspace and obstruction evaluation processes, 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 and this creates problems specific to the Ohio Department of Transportation, Office of Aviation’s (ODOT) tall structure permitting process.



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 language will also provide Ohio's public use airports a level of protection from loss of utility due to uncoordinated tall structure construction.

AOPA, along with the Ohio Aviation Association sent out a call to action to our membership, and I hope that many of you heard from your constituents on this issue. While it is a very complex and heavily regulated issue at the FAA level, reinstating the language removed during Ohio House committee deliberations on Sub. House Bill 74 will have a positive impact to the aeronautical users and stakeholders in Ohio.

On behalf of our membership in the State of Ohio, AOPA thanks you for your time and consideration on this issue.

If there any questions or concerns, do not hesitate to contact me at kyle.lewis@aopa.org or 301-695-2229

Kyle Lewis

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AOPA

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