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Ohio House Transportation and Public Safety Committee

Written Testimony of Travis Capper/Akron Fulton Airport
in Support of HB490: Revise laws regarding navigable airspace

Hearing Date: February 8, 2022

Chair Baldrige, Vice-Chair McClain, Ranking Member Sheehy, and all committee members, thank you for the opportunity to provide our written testimony.

In reference to the above subject legislation, we at the Akron Fulton Airport are in support of the As Introduced version with one change. The timeline for a permit response is too short and needs to be a minimum of 60 days after the FAA issues a final determination. In summary, we are supportive of this legislation to ensure that ODOT's jurisdiction parallels that of the FAA.

The FAA has a process for reviewing proposed construction, commonly referred to as the 7460 process or airspace study. After notification of the proposed project, the FAA evaluates the impact and determines measures to ensure safety and appropriate notification to the aviation community. The FAA conducts studies that result in a 'notice of hazard' or 'no hazard to air navigation' finding. Please understand that there *can be* operational impacts to an airport and the FAA may still issue a 'no hazard' finding. The FAA uses various criteria to arrive at these findings. One criterion used by the FAA is the evaluation of the number of operations that may be impacted by the proposal. In our view, that decision should not be left to the FAA but at the local level. Further, the FAA does not consider any economic factors of potential impacts.

As an airport that accepts federal funds, **the FAA requires us to protect our airspace and airport.** They do this via grant assurances. Further, the FAA shows the importance for local and state input by including specific direction to permit applicants. Each FAA letter of determination contains language that advises applicants that the FAA's findings **do not relieve the permit applicant of compliance with any law, ordinance, or other regulation of any federal, state, or local body.** The federal process and grant assurances are set-up as way to ensure a layered approach to airspace protection as the FAA has no direct jurisdictional authority to limit construction or building heights.

In closing, the ODOT permit review process needs to parallel the FAA review authority to help be a partner to our airport. The As Introduced version allows this to happen. It further allows the local community/airport to determine for themselves if they are willing to accept any potential impacts. If an airport chooses to do so, ODOT will issue a permit with a waiver.

Sincerely,

Travis L. Capper, PE
Akron Fulton Airport