

**2150 Office of Aeronautics**

**2152 Delaware Airport Obstruction Regulation**

**1.0 Purpose**

The purpose of this regulation is to implement Part 1, Title 2 of the Delaware Code, Sections 601-603 and related sections of Title 9 of the Delaware Code, specifically Sections 3005, 4407 and 6302, as amended, applicable to the three counties respectively; for the identification, permitting or removal of objects or structures located within statutorily defined boundaries and which may be a hazard to aviation or which constitute an "obstruction to air navigation," as that term is defined herein and is hereinafter generically referred to as "obstruction" (see Appendix A for Federal Aviation Regulations Part 77 Obstruction Standards). This regulation is derived from the legislation and provides the means of enforcement and the penalties imposed for failure to comply with the legislative requirements.

It has long been recognized that airports have unique needs for operational safety that interact with surrounding land uses. In particular, the need for runway approaches that are clear of obstructions has long been the target of the Federal Aviation Administration. Numerous federal projects are undertaken each year to remove dangerous obstructions from land either within an airport's control or adjacent to the airport.

The primary concern in this process is the safety of aircraft flight operations and the welfare of persons and real property on the ground. The Delaware Code authorizes the Department through its Office of Aeronautics to require a review of building permit applications. This review shall result in either an approval or disapproval of building permits for any structure that constitutes an obstruction to air navigation.

The Delaware Code also authorizes the Department to remove potentially hazardous existing obstructions in the approach areas to airport runways after compensating the owners of the obstructions. The process for removing existing obstructions is described in this regulation and entails the identification and preliminary ranking and costing of each eligible obstruction to air navigation, as defined in this regulation. Input shall be solicited from airport owners and operators. An Advisory Committee, appointed by the Department for the review and final ranking of each eligible obstruction, shall meet and consider the preliminary rankings. Based upon the recommendation of the Committee and after a public hearing, funds allocated by the Legislature for obstruction removal shall be directed toward individual projects on a statewide basis.

**2.0 Definitions**

The following definitions shall apply for the Airport Obstruction Regulation:

**"Airport"** means any area of land or water which is designated for the landing and takeoff of aircraft, and all appurtenant areas used or suitable for airport buildings, other airport facilities and all appurtenant rights-of-way. For purpose of this regulation, "Airport" shall include all navigational facilities as defined herein.

**"Airport Approach Area"** the area in and around an airport or heliport, as defined by Federal Aviation Regulations (FAR) Part 77 - Objects Affecting Navigable Airspace. The approach surfaces associated with the airport approach area are longitudinally centered on the extended runway centerline and extend outward and upward. These surfaces can differ by type of airport and runway characteristic and therefore must be determined using specific FAR Part 77 criteria.

**"Displaced Threshold"** The threshold of a runway is the beginning of that portion of the runway available and suitable for the landing of airplanes. A displaced threshold is one that is located at a point on the runway other than at the runway end. It is an artificial threshold for a runway which shortens the landing length of the runway in the direction of the displacement. The portion of runway behind a displaced threshold may be available for takeoffs in either direction and landings from the opposite direction.

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**“Hazard to Air Navigation”** Hazards to Air Navigation are severe obstructions to air navigation, classified as such by an FAA study under FAR Part 77.

**“Heliport”** means any helicopter landing area or any area of land or water which is designated by the FAA for the landing and takeoff of helicopters, and all appurtenant areas used or suitable for heliport buildings other heliport facilities and all appurtenant rights-of-way.

**“Imaginary Surface”** is a two dimensional plane stretching upward and outward from an airport. These surfaces are defined by FAR Part 77 criteria for approach surfaces, transitional surfaces, and other applicable surfaces.

**“Licensing Criteria”** the parameters defined in this regulation that are used to determine whether or not an airport is to be licensed.

**“Notice to Airmen (NOTAM)”** a notice concerning the establishment, condition, or change in any component, facility, service, or procedure of, or hazard in the National Airspace System, the timely knowledge of which is essential to personnel concerned with flight operations.

**“Obstruction to Air Navigation”** any penetration of approach or transitional surfaces by an object or structure at an airport or heliport, as defined by FAR Part 77. Other objects or structures can be obstructions to air navigation outside the immediate vicinity of an airport if they encroach on navigable airspace as defined by FAR Part 77.

**“Office of Aeronautics”** Subdivision of the Department of Transportation that is responsible for aviation matters.

**“Transitional Surface”** the area in and around an airport or heliport, as defined by FAR Part 77. The transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended.

**“Transport Airport”** Airports that accommodate business jets as a regular part of their operational fleet mix. These airports have runways that are at least 5,000' long and **“Turf Airport”**: Airports that have no paved runways.

**“Utility Airport”** Airports with paved runways that are smaller than Transport Airports.

### 3.0 Airports Impacted

The Delaware Code indicates that all public use airports are covered by the obstruction removal program. By definition, a public use airport can be either publicly or privately owned, but it must be open to the public for use and be so designated on aeronautical charts. Existing public-use airports and heliports, subject to this Obstruction Regulation as of the date of adoption of this Regulation are the following:

<b>Airport</b>	<b>Role</b>
Chandelle Estates	Utility
Delaware Airpark	Utility
Dover Air Force Base	Transport
Henderson Airport	Turf
Jenkins Airport	Turf
Laurel Airport	Turf
New Castle County Airport	Transport
Smyrna Airport	Turf
Summit Airport	Utility
Sussex County Airport	Transport
Chorman Airport	Utility
DeIDOT Helipad	Heliport

**4.0 Building Permit Requirements**

In accordance with 2 **Del C.** 602, a Building Permit may be issued by the county or municipality having land use jurisdiction in which the construction or alteration of facilities defined below are located, only after review and approval by the Delaware Office of Aeronautics.

- 4.1 Building Permit Requirement. Such Building Permit is required for the construction, erection, placement or alteration of any smokestack, tree, silo, flagpole, elevated tank, power line, or radio or television tower antenna, building, structure or other improvement to real property which meets any of the following conditions described in section 2.0.
- 4.2 Notification. The Delaware Office of Aeronautics shall be notified by each county or municipality, having land use jurisdiction of any proposed construction that may create an obstruction to air navigation as defined herein. The formal notification process is activated through the existing building permit processes in effect in each such county or municipality; specifically: 9 **Del. C.** 3005 for New Castle County, 9 **Del. C.** 4407 for Kent County, 9 **Del.C.** 6302 for Sussex County and the respective municipal codes. These notices shall provide a basis for evaluating the effects of the construction or alteration of any object that may pose a hazard to air navigation. As defined, these objects can be natural growth, terrain, or permanent or temporary construction or alteration of any structure (including appurtenances) by a change in its height or other dimensions.
- 4.3 Conditions for Notice: In addition to the foregoing listed obstructions, the Delaware Office of Aeronautics shall be notified and shall approve prior to issuance of a Building Permit any facility which meets the following description and/or conditions:
  - 4.3.1 Any construction or alteration of more than 200 feet in height above the ground level at its site;
  - 4.3.2 Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
    - 4.3.2.1 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each public use airport with at least one runway more than 3,200 feet in length,
    - 4.3.2.2 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each public use airport with its longest runway no more than 3,200 feet in length,
    - 4.3.2.3 100 to 1 within a trapezoidal shape beginning at the end of a runway of any public use airport, at an initial width of 50 feet, and extending outward for a distance of 20,000 feet to a width of 3,000 feet at its ending point.
- 4.4 Maps. To assist the Counties in determining when the notice requirement is activated, the Delaware Office of Aeronautics shall distribute maps to each County agency responsible for issuing Building Permits. These maps shall detail the notice areas, including all corresponding imaginary surfaces around public use airports, as defined above.
- 4.5 Notice Period. Required notices shall be submitted to the Office of Aeronautics with the Building Permit applications at least 30 days before the date the proposed construction or alteration is to begin.
- 4.6 Emergencies. In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30 day requirement may be waived by the Office of Aeronautics, and the notice may be sent by telephone, fax, or other expeditious means, with appropriate forms submitted within 5 days.
- 4.7 Information Requirements. Notices shall be filed with the Office of Aeronautics on forms provided by said Office to the Counties (see Appendix B). These forms shall require the following minimum information:
  - 4.7.1 Exact location and dimensions of the proposed structure or object to be constructed or altered.
  - 4.7.2 Planned height above ground level of the structure or object at its highest point, including elevations.
  - 4.7.3 Site plan of the construction or alteration.

**5.0 Temporary Obstructions**

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Should circumstances develop that cause the erection of temporary obstructions to air navigation which do not require a Building Permit, the Delaware Office of Aeronautics shall be informed through the normal notification process (as described in Section 4.0) of the temporary obstruction.

- 5.1 Temporary Obstructions. Temporary obstructions may occur in response to emergency conditions or life-threatening situations. For example, a crane may be brought in to remove wreckage in the approach areas of Delaware airports.
- 5.2 Approvals. Approvals for temporary obstructions (see Section 6) shall be obtained from the Delaware Office of Aeronautics.
- 5.3 Notams. The airport impacted by a temporary obstruction shall be responsible for filing the Notice to Airmen (NOTAM) describing the obstruction and its likely duration. To file a NOTAM, the airport operator must report information essential to personnel concerned with flight operations to the nearest Federal Aviation Administration Flight Service Station. In this case, notice must be given concerning the location and duration of the temporary obstruction.

#### **6.0 Building Permit Process**

- 6.1 As stated in the law, a Building Permit, issued by the County or municipality having land use jurisdiction, shall first be reviewed by the Delaware Office of Aeronautics if it meets the description and/or conditions set forth in Section 4 of this regulation. Such Building Permit for the construction or alteration of each object or structure shall not be issued by the issuing authority until such time as the Office of Aeronautics has approved the application.
- 6.2 The process of review for a Building Permit application as it pertains to any obstruction or potential obstruction impacting aviation shall be as follows:
  - 6.2.1 Initial Review. Appropriate County and local municipalities responsible for zoning shall conduct the initial review of the Building Permit application. Using the maps provided by the Office of Aeronautics, the agencies shall make a determination whether or not the proposed building or structure invokes the notice requirements listed above. If the proposed structure exceeds the height of the imaginary surfaces around a particular airport, the application, with the completed notice form, shall be referred to the Office of Aeronautics for review.
  - 6.2.2 Office of Aeronautics Evaluation. Once the Building Permit and completed notice form reach the Office of Aeronautics, an evaluation of the impact on air safety shall be conducted. If, in the opinion of the Office of Aeronautics, the proposed building or structure poses an obstruction to air navigation, or if, in the opinion of the Office of Aeronautics, the proposed building or structure unduly limits the planned development of an airport in question, that permit shall be denied.
  - 6.2.3 Criteria. Criteria used in the evaluation process shall include FAR, Part 77, and approved airport master plans and the current State Aviation System Plan. FAR Part 77 criteria should focus on the imaginary surfaces for approach areas and transitional or lateral boundaries. The master plans and system planning information should examine future airport plans for development, and incorporate those plans into potential future FAR Part 77 surfaces.
  - 6.2.4 Approval. If the Office of Aeronautics, finds that no obstruction to air navigation results from the proposed structure and that the development does not limit the operation or development of an airport in question, the Building Permit shall be approved. The Office of Aeronautics shall approve or reject the Building Permit application within 30 days of receipt. If the Building Permit is requested under emergency conditions involving essential public services, public health, or public safety, that require immediate construction or alteration, the Office of Aeronautics may expedite the review and approval or disapproval process as soon thereafter as practical.

#### **7.0 Removal of Existing Obstructions**

- 7.1 The Delaware Code at 2 **Del.C.** Chapter 6 provides the legal authority for removal of aviation obstructions. Obstructions to air navigation decrease operational safety margins at airports. For this reason, the Delaware Code provides DelDOT, through the Office of Aeronautics, the authority to identify and remove obstructions located in approach areas to public use airports.

- 7.2 The overview to the obstruction removal process was described briefly in Section 1.0 As stated, the process entails the identification and preliminary ranking and costing of each eligible obstruction to air navigation, as defined in this regulation. Input shall be solicited from airport owners and operators. An Advisory Committee, appointed by the Department for the review and final ranking of each eligible obstruction, shall meet and consider the preliminary rankings. Based upon the recommendation of the Committee, funds allocated by the Legislature for obstruction removal shall be directed toward individual projects on a statewide basis.
- 7.3 To carry out this program the following process shall be observed:
- 7.3.1 **Inventory.** The Office of Aeronautics shall be responsible for the development of a Statewide obstruction inventory at each public use airport. This inventory shall be conducted periodically, but not less than every 24 months, and shall be carried out in conjunction with the airport owner input. The inventory shall document the existence of obstructions to air navigation as defined in FAR Part 77 in the approach areas at each public use airport. This inventory shall be updated, as needed, to properly identify obstructions and shall be maintained at the Office of Aeronautics. As part of the process, the cost to remove each obstruction shall be estimated.
- 7.3.2 **Preliminary Priority Ranking.** A preliminary priority ranking system shall be used to rank the obstructions. This priority system shall consider the following items:
- 7.3.2.1 Severity of the obstruction
  - 7.3.2.2 Accident history at the associated airport
  - 7.3.2.3 Role of the airport in the State system
  - 7.3.2.4 Cost to remove the obstruction
  - 7.3.2.5 Activity levels at the candidate airports
- 7.3.3 **Deed Restriction.** The next step in the process involves the protection of State resources and the elimination of projects that are not considered important by airport owners. In order to protect State resources, any cumulative State funding for obstruction removal, on or off of an airport, that totals more than \$10,000 will require a commitment by the airport owner (in the form of a deed restriction) to maintain the airport a public use facility for not less than 10 years from the date that cumulative State expenditures exceed \$10,000. Failure by the airport owner to agree to incorporate this deed restriction into the airport deed shall be grounds for DeIDOT to disqualify the airport from the obstruction removal program for that obstruction. If the airport owner agrees to the deed restriction and the airport is converted to another use during the 10 year time period, the grant funds shall be reimbursed to the State upon closure, sale, or reclassification (to private use) of the facility, on a graduated scale as follows:

<b>Years Used As Airport Prior to Conversion to Other Use</b>	<b>% Grant Reimbursed to State</b>
1-5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

- The State reserves the right to remove a hazard to air navigation, as determined by an FAA airspace study, even if the airport sponsor does not agree to the deed restriction.
- 7.4 **Advisory Committee.** An Advisory Committee shall be appointed by the Department to review the preliminary ranking of obstruction removal projects. Projects over \$10,000 that an airport owner will not include in a deed restriction shall be removed from consideration by the Advisory Committee. The Office of Aeronautics shall provide the following:

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- 7.4.1 The preliminary ranking from the priority ranking model; and,
- 7.4.2 The comments and rankings of the airport owners and operators.

7.5 The Advisory Committee shall meet and rank each of the obstruction removal projects and present a final list of rankings to the Department. This final list shall be published and a public hearing shall be conducted.

7.6 Implementation Process. Once the ranking has been adopted by the Department, an implementation process will be initiated by DeIDOT using the following criteria:

- 7.5.1 Available Funding
- 7.5.2 Deed Restriction
- 7.5.3 Existing Easements
- 7.5.4 Airport Owner Cost Sharing

## **8.0 Penalties**

In accordance with Delaware law, 2 **Del.C.** 603, whoever constructs, erects, places or alters any obstruction, as that term is used in this Regulation, without first obtaining a Building Permit as required by 2 **Del. C.** Chapter 6, shall upon being found liable in a civil proceeding brought by the Department, be fined an amount not exceeding One Thousand (\$1,000) Dollars. Each day's continuation of a violation of this section shall be deemed a separate and distinct offense, all of which may be brought together in a single action.

## **9.0 Jurisdiction and Appeals**

The Department may enforce the provisions of this regulation by the filing of a complaint in a court of appropriate jurisdiction, including a complaint for injunctive relief.

## **APPENDIX A**

### **FAR Part 77 Obstruction Standards**

#### **Subpart C**

Obstructions shall be identified through assessments of each public use airport. Criteria to identify obstructions are outlined in FAR Part 77, Subpart C - Obstruction Standards, as follows:

#### **Subpart C - Obstruction Standards**

##### **77.21 Scope.**

- (a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off-airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by § 77.13 (a) is filed.
- (b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that, are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as

defined in § 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.

- (c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13 (a), that airport is
  - (1) Available for public use and is listed in the Airport Directory of the current Airman Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or,
  - (2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,
  - (3) An airport that is operated by an armed force of the United States.
- (d) [Deleted]

**77.23 Standards for Determining Obstructions.**

- (a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:
  - (1) A height of 500 feet above ground level at the site of the object.
  - (2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet, for each additional nautical mile of distance from the airport up to a maximum of 500 feet.
  - (3) A height within a terminal obstacle clearance area, including in initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
  - (4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.
  - (5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §§ 77.25, 77.28, or 77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.
- (b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:
  - (1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.
  - (2) Fifteen feet for any other public roadway.
  - (3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
  - (4) Twenty-three feet for railroad.
  - (5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

**77.25 Civil airport imaginary surfaces.**

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the

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approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- (a) Horizontal surface - a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- (1) 5,000 feet for all runways designated as utility or visual;
- (2) 10,000 feet for all other runways.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

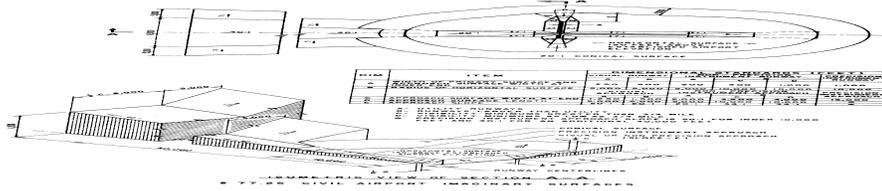
- (b) Conical surface - a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (c) Primary surface - a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

- (1) 250 feet for utility runways having only visual approaches.
- (2) 500 feet for utility runways having nonprecision instrument approaches.
- (3) For other than utility runways the width is:
  - (i) 500 feet for visual runways having only visual approaches.
  - (ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
  - (iii) 1,000 feet for a nonprecision instrument runway having nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

- (d) Approach surface - a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
  - (i) 1,250 feet for that end of a utility runway with only visual approaches;
  - (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
  - (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;
  - (iv) 3,500 feet for that end of it nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
  - (v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and
  - (vi) 16,000 feet for precision instrument runways.
- (2) The approach surface extends for a horizontal distance of:
  - (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
  - (ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,
  - (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

- (3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.



- (e) Transitional surface -these surfaces extend outward and upward at right angles to the runway centerline and the runway center-line extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

Imaginary surfaces in the airport approach areas are defined above and would be used to identify obstructions to air navigation at airports and heliports in Delaware that are eligible for removal under the law. By definition, penetrations of these imaginary surfaces by objects are obstructions to air navigation.

#### APPENDIX B:

##### Proposed Construction/alteration In Airport Zones Notification Form

The Delaware Code, Part 1, Title 2, Sections 601-603 specifies where construction/alterations can be done in and around airports. The Office of Aeronautics has been tasked to insure new construction or changes to existing structures conform to the legislative mandate. As such, the Office of Aeronautics shall be notified of any proposed construction that may create an obstruction to air navigation. The primary concern in this process is the safety of aircraft flight operations and the welfare of persons and real property on the ground.

Notice requirements shall incorporate the following areas and/or conditions:

- Any construction or alteration of more than 200 feet in height above the ground level at its site;
- Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each public use airport with at least one runway more than 3,200 feet in length.

50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each public use airport with its longest runway no more than 3,200 feet in length.

100 to 1 within a trapezoidal shape beginning at the end of a runway of any public use airport, at an initial width of 50 feet, and extending outward for a distance of 20,000 feet to a width of 3,000 feet at its ending point.

Federal Aviation Regulations, Part 77, also apply.

The following information must be submitted to the Office of Aeronautics with the Building Permit application at least 30 days before the date the proposed construction or alteration is to begin if said construction/alteration falls within any of the above stated conditions. Each County has been provided maps showing the areas in question around each airport. The Office of Aeronautics shall approve or reject based on the above criteria.

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**Required Information to be Provided to The Office of Aeronautics:**

Exact Location

\* \_\_\_\_\_

Distance from Runway:

\* \_\_\_\_\_

Height above ground of highest point after construction (attach site plan):

\* \_\_\_\_\_

Height above sea level:

\* \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_ APPROVE \_\_\_\_\_ DISAPPROVE \_\_\_\_\_

SIGNED: \_\_\_\_\_ DATE \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Office of Aeronautics

\* The Delaware Department of Transportation is not responsible for the accuracy of the provided information. It is the responsibility of the provider to supply accurate information for evaluation. In addition, site plans and other material given to DelDOT as a part of this application process will not be returned.