

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 16
AIRPORT HAZARD ZONING

Section

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AUTHORITY: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].

SOURCE: Adopted at 28 Ill. Reg. 2421, effective January 26, 2004.

Section 16.10 Purpose and Scope

- a) The purpose of this Part is to administer and enforce requirements that restrict the height of structures, equipment, and vegetation, and to regulate the use of property, on or in the vicinity of any publicly-owned airport (see Section 16.Appendix A of this Part for a listing of applicable airports) whose owner or operator requests enforcement of airport hazard zoning by the Illinois Department of Transportation (the Department), Division of Aeronautics (the Division) for any airport hazard area. Airport hazards endanger the lives and property of users of publicly-owned airports, and of the occupants of land in an airport's vicinity, and may also destroy or impair the utilization of a publicly-owned airport and the public investment by reducing the size of the area available for the landing, takeoff and maneuvering of aircraft. (See Sections 11 and 17 of the Airport Zoning Act (the Act) [620 ILCS 25/11 and 17].)
- b) The Division is authorized to and will impose penalties in the interest of the public health, safety and welfare, as described in Section 16.200, for any violation of this Part. (See Section 34 of the Act.)
- c) This Part is to be construed as a continuance of existing Division airport hazard zoning regulations.
- d) Accordingly, it is declared that:
 - 1) *the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the publicly-used airport.* (Section 11 of the Act)
 - 2) *in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards shall be prevented.* (Section 11 of the Act)
 - 3) *the prevention of these hazards should be accomplished to the greatest extent legally possible by exercise of the police power without compensation.* (Section 11 of the Act)
 - 4) *the prevention of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the State and its political subdivisions may raise and expend public funds and acquire land or property interests therein.* (Section 11 of the Act)

Section 16.20 Applicability

- a) This Part applies to the airport facilities and surrounding areas that are identified and described in Section 16.Appendix A. For those airports listed in Section 16.Appendix A, any growth, construction, or maintenance of any vegetation or structure to a height 50 feet above natural ground level will be required to meet the standards of this Part.
- b) Airports that are obligated by federal grant conditions may be required to meet stricter standards than airports that only meet Departmental standards (as defined in Section 16.30).

Section 16.30 Definitions

As used in this Part, the words and terms below shall have the meanings given unless the context clearly shows that another interpretation is intended:

"Act" means the Airport Zoning Act [620 ILCS 25].

"Airport" means any area of land or water, or both, designed and set aside for the landing and takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes. An airport is "public-owned" if the portion thereof used for the landing and taking-off of aircraft is owned, operated, controlled, leased to or leased by the United States, any agency or department thereof, this State, or any other state, or any municipality or other political subdivision of this State or any other state, or any other governmental body, public agency or other public corporation. (Section 2 of the Act)

"Airport Elevation" means the established elevation of the highest point on the usable landing area of the airport being addressed. The airport elevation of each applicable airport expressed in feet above mean sea level (MSL) as referenced in the National Geodetic Vertical Datum of 1929 (NGVD29) or subsequent datum and is identified and described in Section 16.Appendix A.

"Airport Hazard" means any structure, vegetation, equipment, or use of land that obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing, takeoff, or maneuvering at or near the airport.

"Airport Layout Plan" or "ALP" means the plan of an airport showing the layout of existing and proposed airport facilities.

"Airport Reference Point" or "ARP" means the point established as the approximate geographic center of the airport being addressed. This point is designated by latitude and longitude coordinates expressed with respect to the North American Datum of 1983 (NAD83), unless otherwise noted.

"Alteration" means any construction that would result in a change in height of any dimensions of an existing structure.

"Construction" means the erection or alteration of any structure either of a permanent or temporary character.

"Departmental Standards" means the Department's rules on Aviation Safety, 92 Ill. Adm. Code 14, that apply to airports that are not bound by federal grant obligations (see Section 16.Illustration B).

"Division" means the Illinois Department of Transportation, Division of Aeronautics.

"FAA" means the United States Department of Transportation, Federal Aviation Administration.

"Federally Obligated Airports" means airports that have accepted federal funds and are bound by federal grant obligations.

"Final Approach and Takeoff" or "FATO" means a defined object-free area over which the final phase of the approach to a hover or a landing is completed and from which the takeoff is initiated.

"Growth" means any object of natural growth, including trees, shrubs and foliage.

"Height" means the overall height of the top of a structure, including any appurtenance installed upon it, for the purpose of determining the height limits in all zones set forth in this Part.

"Heliport/Vertiport" means a generic reference to the area of land, water, or structure used, or intended to be used, for the landing and takeoff of helicopters/VTOL aircraft, together with associated buildings.

"Imaginary Surface" means a geometric surface used to describe the height limitations set forth in this Part (see Section 16.Illustration A).

"Mean Sea Level" or "MSL" means an altitude expressed in feet measured from sea level as referenced by the NGVD29 or subsequent datum.

"Non-Conforming Use" means any structure, vegetation, or use of land that does not meet the requirements of this Part.

"Non-Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal electronic guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document. (14 CFR 77.2, effective October 1, 2002)

"Permit" means permission granted in writing by the Division to construct or alter any structure.

"Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and including any trustee, receiver, sponsor, assignee, or other similar representative thereof, and including this State and the Department. (Section 7 of the Act)

"Political Subdivision" means any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of the above, situated in whole or in part within any of the surfaces established by this Part.

"Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing both horizontal and vertical guidance or a runway for which a precision approach system is planned, or indicated on an FAA planning document or military service, military airport planning document.

"Runway" means an area of the airport for the landing and takeoff of aircraft and consisting of either a specially prepared hard surface or turf or an area designated for such use by seaplanes.

"Slope Ratio" means a numerical expression of a stated relationship of height to horizontal distance (e.g., 100 to 1 means one hundred feet of horizontal distance for each foot of vertical distance).

"Structure" means any form of construction or apparatus of a permanent or temporary character, constructed or installed, including any implements or material used in the erection, alteration or repair of such structure. This includes, but is not limited to, buildings, towers, smokestacks, and overhead transmission lines.

"Touchdown and Lift-Off Area" or "TLOF" means an area commonly referred to as a helipad and normally centered in an FATO.

"Utility Runway" means a runway that is constructed and intended to be used primarily for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" means a grant of relief by the Division from the requirements of this Part in accordance with Section 16.180.

"Vegetation" means plant life in general.

"Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation planned or indicated on an FAA or Departmental planning document.

"VTOL" means aircraft capable of vertical takeoff and landing operations.

Section 16.35 Public Hearings

- a) The Division will conduct public hearings at which parties in interest and citizens will have the opportunity to provide comments or voice opposition to the proposed adoption of this Part for those airports listed in Section 16.Appendix A. (See Section 19 of the Act.) Priority to provide comments or voice opposition to the proposed adoption of this Part will go to those parties in interest whose structures or objects are located under any surface described in Section 16.40 through Section 16.120.
- b) The time and place of the public hearings will be at the discretion of the Division and the applicable airport owner or operator.
- c) *Notice of the public hearing shall be published at least once not more than 30 nor less than 15 calendar days before the hearing in a newspaper of general circulation in the political subdivision or subdivisions in which is located, wholly or partly, the airport hazard area to be zoned or, if no newspaper is generally circulated in any such political subdivision, then in a newspaper of general circulation in the county in which such political subdivision is located.* (Section 19 of the Act)

Section 16.40 Surfaces and Height Limitations

- a) Height limitations are established through the use of airport imaginary surfaces as described in Sections 16.50 - 16.110. The size of an imaginary surface relates to the category of aircraft expected to use the runway and the type of approach available or planned for that runway. The slope and dimension of the approach surface applied to each end of a runway will be determined by the most precise approach, existing or planned, for that runway end.
- b) Airport imaginary surfaces are described in Sections 16.50 - 16.110. Because these surfaces are the same as the approach surfaces in 14 CFR 77, effective October 1, 2002, an airport airspace drawing sheet of the currently approved ALP will serve as the visual representation of the imaginary surfaces for each airport (see Section 16.Appendix A). These drawing sheets can be viewed at the Illinois Department of Transportation, Division of Aeronautics, Capital Airport, 1 Langhorne Bond Drive, Springfield, Illinois 62707.
- c) An area located in more than one of the surfaces described in Sections 16.50 - 16.120 is considered to be only in the surface with the most restrictive height limitation.
- d) Except as otherwise provided in this Part, no structure, equipment, vegetation, or material shall be erected, placed, altered, allowed to grow, or maintained at a height in excess of the limit established by the surfaces described in Sections 16.50 - 16.120. Additionally, no use may be made of any area under a surface described in this Part that would constitute an airport hazard, as that term is defined in Section 16.130.
- e) The surfaces and height limitations established by this Part take into consideration future alterations of an airport, including runway relocation, extension, and new construction, as well as changes in runway approaches. No person may cause or allow a structure or vegetation to penetrate a surface associated with a planned change at an airport covered by this Part or penalties will be imposed. Future changes planned by an airport may be found on the ALP which can be viewed by contacting the airport owner or the Division.

Section 16.50 Horizontal Surface

A horizontal surface is a plane 150 feet above the established airport elevation.

- a) The perimeter of a horizontal surface is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radii of each arc is:
 - 1) 5,000 feet for all runways designated as utility or visual; and
 - 2) 10,000 feet for all other runways.
- b) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest value determined for either end of the runway.
- c) When tangents connecting two adjacent 10,000-foot arcs encompass a 5,000-foot arc, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- d) The horizontal surface does not include the approach surface (see Section 16.80) and transitional surfaces (see Section 16.90).
- e) Under Departmental standards, a horizontal surface is defined as a circle (radius 5,000 feet) with the center being the ARP.

Section 16.60 Conical Surface

- a) A conical is a surface that extends outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally for each foot vertically, for a horizontal distance of 4,000 feet.
- b) The conical surface does not include the precision instrument approach surface (see Section 16.80) and the transitional surfaces (see Section 16.90).
- c) There is no conical surface for Departmental standards.

Section 16.70 Primary Surface

- a) A primary surface is longitudinally centered on a runway of each applicable airport listed in Section 16. Appendix A. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. 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 a primary surface is:
- 1) 200 feet (Departmental standard);
 - 2) 250 feet for utility runways having only visual approaches;
 - 3) 500 feet for utility runways having non-precision instrument approaches;
 - 4) For other than utility runways, the width is:
 - A) 500 feet for visual runways having only visual approaches;
 - B) 500 feet for non-precision instrument approach runways having existing or proposed visibility minimums greater than three-fourths of a statute mile;
 - C) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument approach runways.
- b) The width of the primary surface of a runway will be the width prescribed in subsection (a) of this Section for the most precise approach existing or planned for either end of that runway.

Section 16.80 Approach Surface

An approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from each end of the primary surface. An approach surface is applied to each end and is based upon the type of approach available or planned for that runway end.

- a) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - 1) 800 feet (Departmental standard);
 - 2) 1,250 feet for that end of a utility runway with only visual approaches;
 - 3) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - 4) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - 5) 3,500 feet for that end of a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - 6) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile; and
 - 7) 16,000 feet for precision instrument approach runways.
- b) The approach surface extends for a horizontal distance of:
 - 1) 3,000 feet at a slope of 20 feet horizontally for each foot vertically (Departmental standard);
 - 2) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;
 - 3) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument approach runways other than utility; and

- 4) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument approach runways.
- c) The outer width of an approach surface to an end of a runway will be that width prescribed in this Section 16.80 for the most precise approach, existing or planned, for that runway end.

Section 16.90 Transitional Surfaces

- a) Transitional surfaces extend outward and upward in a direction perpendicular to the runway centerline and to an extension of that line at a slope of seven feet horizontally for each foot vertically (7:1) beginning at the sides (cf., ends) of the primary and approach surfaces extending to the horizontal and the conical surface. When the approach slope extends beyond the lateral limits of the conical surface, the transitional surface extends for 5,000 feet horizontally. The beginning elevation of these surfaces is the same elevation as the primary and approach surfaces.
- b) Airports covered by Departmental standards only have transitional surfaces that begin at the sides (cf., ends) of the primary surface extending to the horizontal surface (i.e., no transition surfaces that extend off the approach surfaces).

Section 16.100 Circling Approach Surface

- a) A circling approach surface is a circular area that is 200 feet above natural ground level or above the established airport elevation (whichever is greater) within three nautical miles of the established ARP of the airports listed in Section 16.Appendix A. It increases in height at a proportion of 100 feet for each additional nautical mile of distance up to six nautical miles from the airport reference point up to a maximum height of 500 feet (see Section 16.Illustration C).
- b) Beyond the six nautical mile criterion in subsection (a) of this Section, an object would be an obstruction to air navigation if at a height greater than 500 feet above ground level at its site (see Section 16.Illustration D).

Section 16.110 Instrument Approach Obstruction Clearance Surface

This surface is at a height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, that 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 for that instrument approach procedure.

Section 16.120 Heliport/Vertiport Surfaces

- a) The Division's minimum standards for the operation of heliports/vertiports for rotorcraft aircraft are contained in 92 Ill. Adm. Code 14, Aviation Safety.
- b) A heliport/vertiport is required to have two defined approach/takeoff paths. The approach path is defined in the heliport/vertiport certificate. The obstruction clearance standards for heliports/vertiports are shown in Section 16.Illustration E.

Section 16.130 Use Restrictions

Within the surfaces detailed in Sections 16.50 - 16.120, the following uses are prohibited:

- a) **Electrical or Electronic Interference.** No use shall be made so as to create electrical or electronic interference with aeronautical navigational signals, radio, or radar communication between the airport or with aircraft using the airport's facilities. Before it is determined that a hazard exists, the Division will observe all relevant factors, including, but not limited to, the type of aircraft using the airport, the traffic patterns at the airport, the time of day, and frequency of the interference. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).
- b) **Illuminated Structures or Light Sources.** No installation and use of flashing or illuminated advertising or business signs, billboards, spotlights, or any other type of illuminated structure or light source that will be hazardous for pilots shall be permitted. Before it is determined that a hazard exists, the Division will observe all relevant factors, including, but not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others or that result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, takeoff or maneuvering of aircraft, the proximity of the illuminated structure or light source to the airport, and the traffic patterns at the airport. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).
- c) **Environmental Discharge**
 - 1) A use that emits or discharges smoke (e.g., exhaust from a smoke stack), that interferes with the health and safety of pilots and the public in the use of the airport, or that is otherwise detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
 - 2) A use that emits thermal discharge (e.g., steam from a power plant), that interferes with the pilot's vision in the use of the airport.
 - 3) A use that significantly causes air turbulence (e.g., exhaust from a peaker plant) where aircraft limit loads may be exceeded.

- 4) Any other kind of emission that may cause a safety of flight issue as determined by the Division.

In determining if an emission or environmental discharge will interfere with the health and safety of pilots and the public, the Division will observe all relevant factors, which include, but are not limited to, the density of discharge, frequency of the emission or discharge, source of the discharge, general weather patterns in the vicinity, time of day, and volume and type of aircraft that use the airport. When a hazard exists, the Division will issue a letter stating mitigation measures that must be complied with within 30 calendar days after issuance of the letter, or within that period of time specified in the letter, to avoid penalties (see Section 16.200).

Section 16.140 Pre-Existing, Non-Conforming Uses (Grandfather Clause)

- a) The surface requirements prescribed by this Part shall not be construed to require the removal, lowering or other changes, or alteration of any structures or vegetation that were in compliance with prior airport hazard zoning rules adopted by the Division but that are not now in compliance with this Part as of its effective date. Likewise, the surface requirements shall not be construed to interfere with the continuance of any non-conforming use. Nothing in this Part shall require any changes in construction, alteration, or intended use of any structure, the construction or alteration of which is being diligently carried out and was begun prior to the applicability of this Part to that specific airport.
- b) This subsection (b) must be read with Section 16.40(e) that restricts the causing or allowing of structures or vegetation to penetrate imaginary surfaces associated with a planned runway or approach change. It is possible, therefore, that some vegetation or structures permissible at a certain location under previously established airport hazard zoning requirements will not be allowed, under this Part, when plans are made to change a runway or approach. Specifically, if construction of a structure begins and is diligently pursued prior to a change in plans for the runway or approach, the structure will be allowed. The structure and/or vegetation will not be allowed to increase to a size that would further penetrate an imaginary surface.
- c) **Marking and Lighting**
 - 1) Notwithstanding the provisions of subsection (a) of this Section, the owner of any existing non-conforming structure must permit the installation, operation and maintenance of markers and lights deemed necessary by the Division. Any installation, operation and maintenance of markers or lights shall be the responsibility and expense of the airport.
 - 2) In determining the necessity for markers and lights, the Division shall consider all relevant conditions, including, but not limited to, the traffic patterns, the volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 16.150 Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed

- a) When the Division determines that a non-conforming structure, use, or vegetation has been abandoned or more than 80 percent demolished, destroyed, physically deteriorated, or decayed:
 - 1) No permit will be granted that will allow a non-conforming structure, use, or vegetation to exceed the applicable height limit or otherwise deviate from this Part except pursuant to a variance granted under Section 16.180; and
 - 2) Whether or not application is made for a permit, the Division will issue an Order, pursuant to subsection (b) of this Section, in cases where the remaining structure, use, or vegetation constitutes a violation of this Part, compelling the owner of the non-conforming structure, use, or vegetation, at his/her own expense, to lower, remove, reconstruct, or equip the structure, use, or vegetation as may be necessary to conform to this Part. If the owner of the non-conforming structure, use, or vegetation neglects or refuses to comply with the Order within 10 days after receipt, the Division may proceed to have the structure, use, or vegetation lowered, removed, reconstructed, or equipped at the owner's expense. The Division will have a lien, on behalf of the State, upon the land where the structure, use, or vegetation is or was located, in the amount of the cost and expense. The lien may be enforced by the Division on behalf of the State by suit for enforcement as in the case of other liens. (See Section 23 of the Act.)
- b) The Division will issue an Order if it is determined that the non-conforming structure, use, or vegetation interferes with traffic patterns at the airport. In making the determination, the Division will consider factors that include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or non-precision instrument approach runways.

Section 16.160 Notice of Construction or Alteration of Any Structure

- a) Construction or Alteration Requiring Notice (14 CFR 77.13, effective October 1, 2002). Each person or sponsor proposing any of the following construction or alterations of any structure on or in the vicinity of the airports listed in Section 16.Appendix A shall notify the Division (see subsection (b) of this Section), for objects on airport property, or the FAA, for objects off airport property.
 - 1) Any construction or alteration of more than 200 feet in height above the natural ground level at its site.
 - 2) Any construction or alteration of a height greater than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100:1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3,200 feet in actual length.
 - B) 50:1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3,200 feet in actual length.
 - C) 25:1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport/vertiport.
 - 3) Any highway, railroad, or other traverse way for mobile objects, of a height that would exceed a standard described in subsection (a)(1) or (a)(2) of this Section, if adjusted upward: 17 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; 15 feet for any other public roadway; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road; 23 feet for a railroad; and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it.
 - 4) Any construction or alteration that exceeds a standard of the Act or of this Part.
- b) Form and Time of Notice

- 1) Each person required to notify the Division under subsection (a) of this Section shall forward one completed FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Illinois Department of Transportation, Division of Aeronautics, Capital Airport, 1 Langhorne Bond Drive, Springfield, Illinois 62707-8415.
 - 2) Notice must be submitted at least 30 calendar days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 calendar day requirement in subsection (b)(2) of this Section does not apply and notice may be communicated to the Division by telephone (217-785-8500), telegraph, facsimile (217-785-4533), or other expeditious means, with a completed FAA Form 7460-1 submitted to the Division within 5 calendar days after the emergency. For example, an emergency could include breaks in sewer lines, gas mains or power lines.
- c) Acknowledgment of Notice
- 1) The Division will acknowledge in writing the receipt of a notice submitted under subsection (a) of this Section within 30 calendar days after receipt of the notice.
 - 2) The acknowledgment will state whether a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) will require lighting or marking;
 - B) will not be in violation of this Part or Departmental standards;
 - C) will require supplemental information (e.g., certified engineering/survey data from a professional engineer, architect or surveyor on the certifier's letterhead regarding the proposed site location and height) (Once the supplemental information has been reviewed by the Division, a second acknowledgment will be sent to the person or sponsor and a determination concerning the proposed construction or alteration will again be made pursuant to subsection (c) of this Section.);
 - D) will require a permit from the Division (see Section 16.170);

- E) will require a variance from the Division (see Section 16.180); or
 - F) will be acceptable, as submitted.
- d) Compliance with Acknowledgment. The person or sponsor that notifies the Division of the construction or alteration of a structure shall have the sole responsibility to comply with the requirements set forth in the Division's acknowledgement as described in subsections (c)(2)(A), (C), (D) and (E) of this Section.

Section 16.170 Permits

- a) A permit from the Division is required before any person makes any use, or a change in use, of any land or water beneath any surface established by this Part or when use may create an airport hazard (see Section 23 of the Act). Use may include, but is not limited to, the following:
- 1) constructing or altering a structure;
 - 2) erecting or altering any device, including mobile items such as vehicles or cranes;
 - 3) causing or allowing an accumulation of earth, debris, or other material;
 - 4) planting vegetation;
 - 5) allowing vegetation to penetrate any surface;
 - 6) causing or allowing the emission of smoke, light or reflection, electromagnetic energy, etc. (environmental emissions);
 - 7) use of kites or balloons, whether tethered or not; and
 - 8) use of fireworks.
- b) A permit from the Division is also required for any penetrations of the notification surface (see Section 16.160) up to the airport imaginary surfaces (see Section 16.40 - 16.120). An exception is made for any tree or structure less than 75' of vertical height above the ground and that does not penetrate any airport imaginary surface.
- c) A permit is not required when the structure, accumulation, or vegetation is beyond the lateral limits of the conical surface and less than 200 feet above the natural ground level, unless the structure or vegetation extends into a limiting surface (see Section 16.80(b)).
- d) A permit will be issued by the Division within 30 calendar days after receipt of the notice (see Section 16.160) or within 30 calendar days after receipt of supplemental information, if applicable (see Section 16.160(c)(2)(C)).

Section 16.180 Variances

- a) General. Any person wishing to erect or increase the height of any structure or permit any vegetation or use of his/her property not in accordance with this Part must obtain a variance from the Division.
- b) Marking and Lighting. Any variance granted by the Division may be so conditioned as to require the owner of the structure or vegetation to permit, at the expense of the owner, the installation, operation and maintenance of markers and lights as may be required to indicate to pilots the presence of the structure or vegetation.
- c) In making a determination to allow a variance, the Division will consider, but is not limited to considering:
 - 1) the proximity of the hazard to the normal flight path or traffic patterns at the airport;
 - 2) the proximity of other non-conforming uses, structures or vegetation that would impair the use of the airport;
 - 3) the height of the object;
 - 4) the volume of air traffic at the airport;
 - 5) the type of aircraft using the airport;
 - 6) the type of navigational aids used at the airport;
 - 7) the length and width of existing runways; and
 - 8) the plans for future expansion of the airport.

Variances would be granted when it is found that a literal application or enforcement of this Part will result in practical difficulty or unnecessary hardship and the relief granted is not contrary to the public interest but would do substantial justice and will be in accordance with the spirit of the Act. (Section 24 of the Act)

- d) A decision to grant or deny a variance will be made by the Division within 30 calendar days after receipt of the notice (see Section 16.160) or within 30 calendar days after receipt of supplemental information (see Section 16.160(c)(2)(C)). The

person or sponsor may appeal any decision made by the Division (see Section 16.190).

Section 16.190 Administrative and Judicial Review

- a) **Administrative Review.** Within 30 calendar days after the issuance of any ruling, order, or decision of the Division under this Part, any affected party or affected person may appeal in writing, regardless of form, to the Chief Engineer of the Division asking that the determination be reversed (wholly or in part), modified, changed, abrogated, or rescinded. A hearing on the appeal will be held at the offices of the Division within 20 calendar days after receipt of the appeal. The hearing shall be held in accordance with the rules of practice made part of the Division's rules on Aviation Safety, 92 Ill. Adm. Code 14, Subpart K. A written Order on the appeal will be issued within 10 business days after the hearing. If the decision is not issued within 10 business days, the appeal shall be considered to be denied and the initial determination of the Division shall remain in full force and effect.

- b) **Judicial Review.** Judicial review of any decision of the Division made pursuant to this Part shall be governed by the Administrative Review Law [735 ILCS 5/Art. III].

Section 16.200 Penalties

Each violation of this Part shall constitute an airport hazard; shall be a petty offense; and shall carry a fine of \$1,000. Each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the circuit court of the county in which the airport is located, or circuit court of any county in which the airport hazard is wholly or partly located, an action to prevent, restrain, correct, or abate any violation of this Part, or of any regulation, order or ruling made in connection with their administration or enforcement. The court shall provide such relief by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of this Part as adopted and orders and rulings made pursuant thereto. (See Section 34 of the Act.)

Section 16.210 Conflicting Regulations

If an apparent conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, the use of land, or any other matter, the more stringent regulation or ordinance will govern and prevail. For example:

- a) Differences between the Division and the Department's Division of Highways concerning outdoor advertising sign placement.

- b) Differences between the Division and the Illinois Commerce Commission over a public utility power line pole location.

Section 16.220 Severability

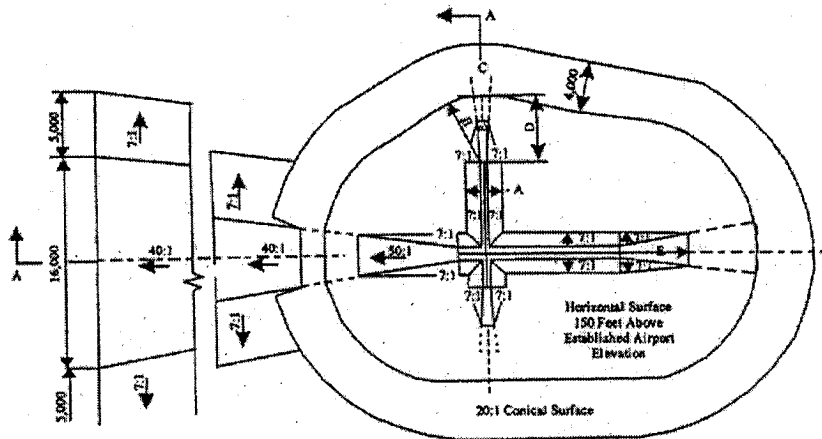
If any of the provisions of this Part or the application of it to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

Section 16.APPENDIX A Applicable Airports

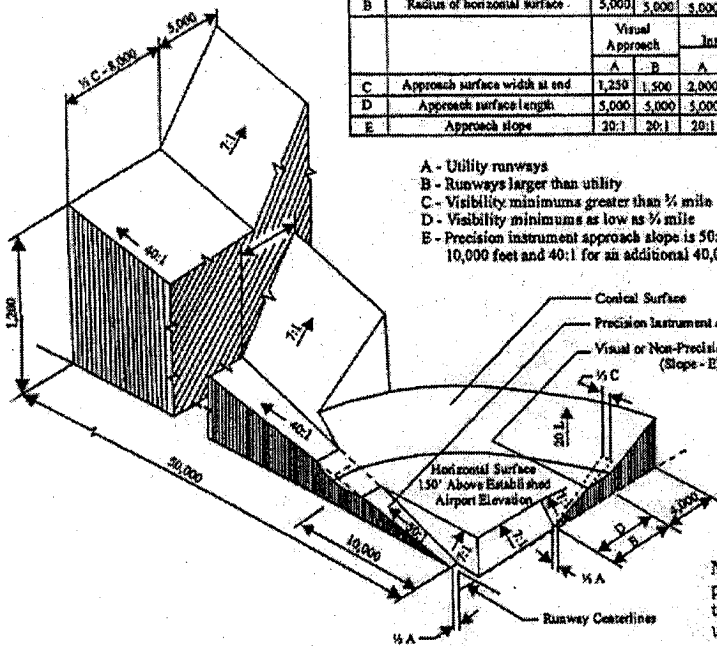
<u>Airport</u>	<u>City</u>	<u>County</u>	<u>ARP Latitude</u>	<u>ARP Longitude</u>	<u>Fed Std.</u>	<u>State Std.</u>
SPI	Springfield	Sangamon	39-50.64	89-40.66	X	

Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION A Airports Imaginary Surfaces



DIM	ITEM	Dimensional Standards (Feet)					
		Visual Runway		Non-Precision Instrument Runway			Precision Instrument Runway
		A	B	A	C	D	
A	Width of primary surface and approach surface width at inner end	250	500	500	500	1,000	1,000
B	Radius of horizontal surface	5,000	5,000	5,000	10,000	10,000	10,000
		Visual Approach		Non-Precision Instrument Approach			Precision Instrument Approach
		A	B	A	C	D	
C	Approach surface width at end	1,250	1,500	2,000	3,300	4,000	16,000
D	Approach surface length	5,000	5,000	5,000	10,000	10,000	*
E	Approach stops	20:1	20:1	20:1	34:1	34:1	*



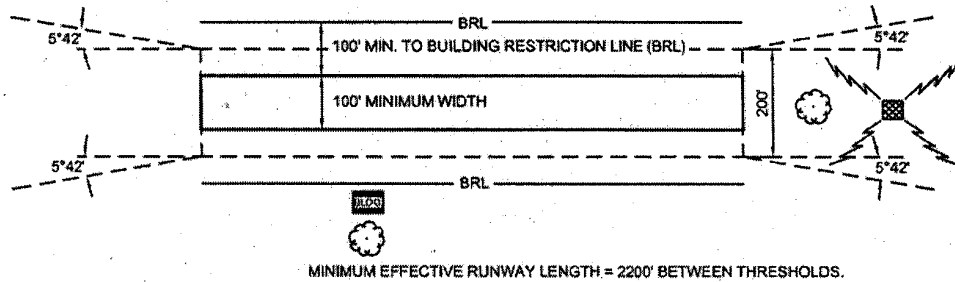
- A - Utility runways
- B - Runways larger than utility
- C - Visibility minimums greater than 1/4 mile
- D - Visibility minimums as low as 1/4 mile
- E - Precision instrument approach slope is 50:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet

Note - Part 77.25 does not make provisions for precision approaches to utility runways. In these situations, use precision standards for other than utility runways to develop the primary approach, and transition surfaces.

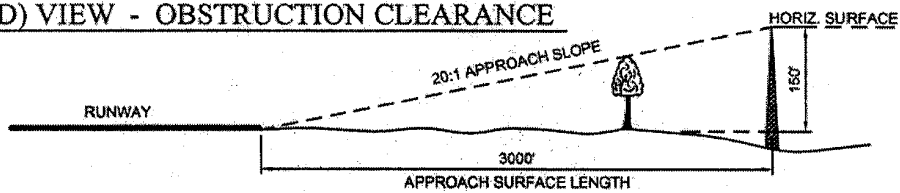
Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION B Airports (Public- or Private-Use) Minimum Dimensional Standards

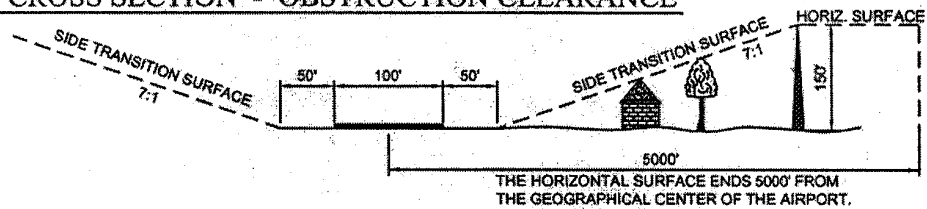
PLAN VIEW



PROFILE (END) VIEW - OBSTRUCTION CLEARANCE



RUNWAY CROSS SECTION - OBSTRUCTION CLEARANCE



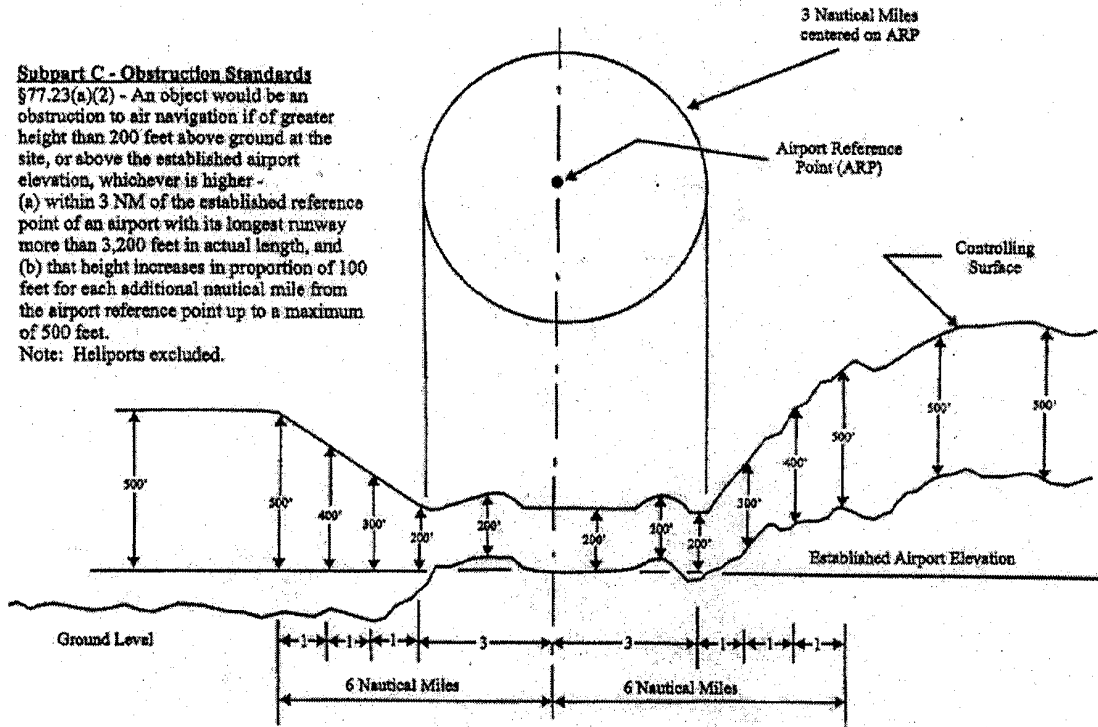
- NOTES:
1. NO PENETRATIONS TO 7:1 SIDE TRANSITION SURFACES.
 2. NO PENETRATIONS TO 20:1 RUNWAY APPROACHES.
 3. NO CROPS WITHIN 100' EITHER SIDE OF RUNWAY CENTER LINE.
 4. CLEARANCES REQUIRED FOR APPROACHES
 - 10' CLEARANCE OVER ALL PRIVATE ROADWAYS.
 - 15' CLEARANCE OVER ALL PUBLIC HIGHWAYS.
 - 17' CLEARANCE OVER ALL INTERSTATE HIGHWAYS.
 - 23' CLEARANCE OVER ALL RAILROADS.

SECONDARY RUNWAYS: UNLESS DESIGNATED AS STOL, SECONDARY RUNWAYS ARE RECOMMENDED TO BE AT LEAST 80% OF THE EFFECTIVE LENGTH OF THE PRIMARY RUNWAY.

Section 16.APPENDIX A Applicable Airports

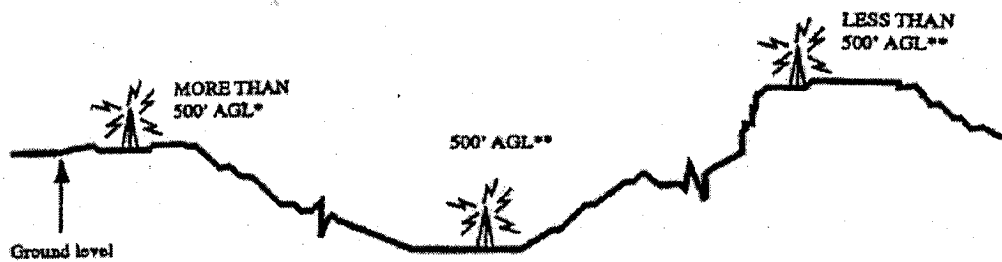
Section 16.ILLUSTRATION C Obstruction Standards (≤ 6 Nautical Miles)

Subpart C - Obstruction Standards
 §77.23(a)(2) - An object would be an obstruction to air navigation if of greater height than 200 feet above ground at the site, or above the established airport elevation, whichever is higher -
 (a) within 3 NM of the established reference point of an airport with its longest runway more than 3,200 feet in actual length, and
 (b) that height increases in proportion of 100 feet for each additional nautical mile from the airport reference point up to a maximum of 500 feet.
 Note: Heliports excluded.



Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION D Obstruction Standards (> 6 Nautical Miles)



- * Obstruction to Air Navigation
- ** Not an Obstruction to Air Navigation

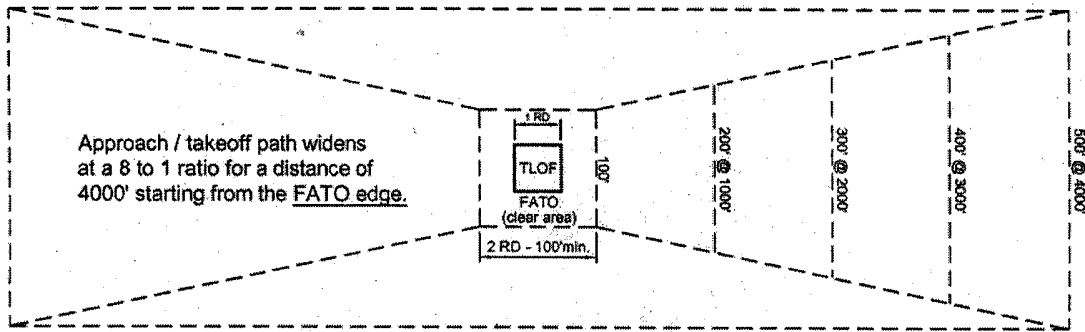
Subpart C - Obstruction Standards

§77.23(a)(1) - An object would be an obstruction to air navigation if of greater height than 500 feet above ground level at its site.

Section 16.APPENDIX A Applicable Airports

Section 16.ILLUSTRATION E Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

PLAN VIEW



NOTE: Paths may curve to avoid obstructions or noise-sensitive areas.

PROFILE VIEW

