

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB477  
Page 1-9 Section 1-3 Lines 17  
Of the printed Bill  
Of the Engrossed Bill

By deleting sections 1, 2, and 3 in their entirety and inserting in lieu thereof new sections 1, 2, and 3 to read as follows:

[INSERT ATTACHED].

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Charles Ortega

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 1. AMENDATORY 3 O.S. 2011, Section 120.1, is  
2 amended to read as follows:

3 Section 120.1 A. This act shall be known and may be cited as  
4 the "Aircraft Pilot and Passenger Protection Act".

5 B. It is the intent of this act to:

6 1. Regulate obstructions to air navigation that have the  
7 potential of endangering the lives and property of aircraft pilots  
8 and passengers and those that live or work in the vicinity of  
9 public-use airports; that may affect existing and future instrument  
10 approaches to a public-use airport; and that may reduce the size of  
11 areas available for the landing, takeoff and maneuvering of aircraft  
12 thus impairing the utility of a public-use airport and the public  
13 investment therein;

14 2. Regulate the use of land in close proximity to a public-use  
15 airport to ensure compatibility with aircraft operations; ~~and~~

16 3. Regulate obstructions to air navigation that have the  
17 potential of endangering the lives and property of military aircraft  
18 pilots and passengers in military training routes, drop areas and  
19 traffic patterns; and that may reduce the size of areas available  
20 for the training of military pilots thus impairing the utility of  
21 Oklahoma's airspace for military aircraft operations; and

22 4. Provide specific powers and duties to the Oklahoma  
23 Aeronautics Commission in the interest of the health, safety and  
24 welfare of the public so that the state may properly fulfill its

duty to ensure that land use around a public-use airport is compatible with normal airport operations including the landing and takeoff of aircraft.

~~C. All heights or surfaces set forth in this act are from the standards set forth in Subpart C of Federal Aviation Regulations (FAR) Part 77.~~

~~D.~~ Depending upon the type of survey used, an adjustment will be made in accordance with Federal Aviation Administration standards to the horizontal and vertical measurements of the proposed structure as follows:

Survey	Horizontal	Survey	Vertical
Type	Adjustment	Type	Adjustment
1	±20 ft (6 m)	A	+3 ft (1 m)
2	±50 ft (15 m)	B	+10 ft (3 m)
3	±100 ft (30 m)	C	+20 ft (6 m)
4	±250 ft (75 m)	D	+50 ft (15 m)
5	±500 ft (150 m)	E	+125 ft (38 m)

If the survey type (horizontal and vertical) is not certified by a licensed engineer or a licensed surveyor, a horizontal adjustment of plus or minus two hundred fifty (250) feet and a vertical adjustment of fifty (50) feet will be applied to the structure measurements.

1     ~~E.~~ D. This act shall neither prevent nor preempt a municipality  
2 from having ordinances or regulations governing land use that may  
3 affect public-use airports.

4     SECTION 2.        AMENDATORY        3 O.S. 2011, Section 120.2, is  
5 amended to read as follows:

6     Section 120.2 As used in the Aircraft Pilot and Passenger  
7 Protection Act:

8     1. "Airport reference point" is the geometrical center of all  
9 usable runways;

10    2. "Airport elevation" is the highest point of an airport's  
11 usable runways measured in feet from mean sea level;

12    3. "Approach surface" is an imaginary surface shaped like a  
13 trapezoid:

14       a. longitudinally centered on the extended runway  
15       centerline at a public-use airport,

16       b. beginning two hundred (200) feet beyond the end of  
17       each runway pavement and at the runway end elevation,

18       c. having an inner-edge width of one thousand (1,000)  
19       feet expanding outward uniformly to a width of sixteen  
20       thousand (16,000) feet at the outer edge, and

21       d. sloping upward for a distance of ten thousand (10,000)  
22       feet at a slope of fifty (50) to one (1), with an  
23       additional forty thousand (40,000) feet at a slope of  
24       forty (40) to one (1);

1        4. "Commission" means the Oklahoma Aeronautics Commission or a  
2 successor agency;

3        5. "Conical surface" is an imaginary surface extending outward  
4 and upward from the periphery of the horizontal surface at a slope  
5 of twenty (20) to one (1) for a horizontal distance of four thousand  
6 (4,000) feet;

7        6. "FAA" means the Federal Aviation Administration or a  
8 successor agency to the Federal Aviation Administration;

9        7. "Horizontal surface" is an imaginary horizontal plane one  
10 hundred fifty (150) feet above the established airport elevation,  
11 the perimeter of which is constructed by swinging arcs of ten  
12 thousand (10,000) feet radii from a point located on the extended  
13 runway centerline two hundred (200) feet beyond each end of runway  
14 pavement and connecting the adjacent arcs by lines tangent to those  
15 arcs;

16        8. "Incompatible purpose" means the use of a building ~~or~~,  
17 structure or area as a residence, educational center (including all  
18 types of primary and secondary schools, preschools, and child-care  
19 facilities), ~~places~~ place of worship, place of public assembly,  
20 hospital, medical inpatient treatment facility, nursing/convalescent  
21 home, retirement home, transportation facility, storage facility,  
22 aboveground utility facility or similar use;

23        9. "Legal representative" means a person who is authorized to  
24 legally bind an entity;

1       10. "Military drop area" means a designated drop area  
2 identified by the military which takes the shape of a rectangle with  
3 dimensions of thirty (30) nautical miles in the longitudinal  
4 direction and six (6) nautical miles wide. The rectangle shall be  
5 positioned in the drop area so that twenty (20) nautical miles is  
6 located prior to the center of the drop area and ten (10) nautical  
7 miles is located beyond the center of the drop area along the  
8 longitudinal axis of the flight path;

9       11. "Military training route" means any training route  
10 designated by the military including visual routes (VR), instrument  
11 routes (IR), and slow-speed routes (SR). The width of the route  
12 will vary with the mission of the aircraft and shall include the  
13 approach and departure points of the route which are measured in a  
14 radius equal to one-half (1/2) the width of the route;

15       12. "Military traffic pattern" means a fifteen-nautical-mile  
16 radius around the airport reference point of a military airport;

17       13. "Permit" means a permit issued by the Commission under this  
18 act;

19       ~~11.~~ 14. "Person" means an individual, firm, partnership,  
20 corporation, association, or body politic and includes a trustee,  
21 receiver, assignee, or other similarly authorized representative of  
22 any of them;

23       ~~12.~~ 15. "Primary surface" is a surface longitudinally centered  
24 on a runway. When the runway has a specially prepared hard surface,

1 the primary surface extends two hundred (200) feet beyond each end  
2 of that runway; but when the runway has no specially prepared hard  
3 surface, or planned hard surface, the primary surface ends at each  
4 end of that runway. The elevation of any point on the primary  
5 surface is the same as the elevation of the nearest point on the  
6 runway centerline. The width of the primary surface is one thousand  
7 (1,000) feet;

8 ~~13.~~ 16. "Public-use airport" means a structure or an area of  
9 land or water that is designed and set aside for the landing and  
10 taking off of aircraft, is utilized or to be utilized by and in the  
11 interest of the public for the landing and taking off of aircraft  
12 and is identified by the FAA as a public-use airport. Public-use  
13 airport shall include any military airport operated by a branch of  
14 the armed services of the United States government. Public-use  
15 airport shall not include any privately owned airport for private  
16 use as identified by the FAA, or any airport owned by a municipality  
17 with a population exceeding five hundred thousand (500,000)  
18 according to the most recent Federal Decennial Census;

19 ~~14.~~ 17. "Runway" means the portion of an airport designated as  
20 the area used for the landing or takeoff of aircraft;

21 ~~15.~~ 18. "Runway protection zone" is a trapezoidal zone centered  
22 along the extended runway centerline, beyond each end of the primary  
23 surface, two thousand five hundred (2,500) feet long, with an inner  
24 width of one thousand (1,000) feet and an outer width of one

1 thousand seven hundred fifty (1,750) feet. The function of the  
2 runway protection zone is to enhance the protection of people and  
3 property on the ground;

4 ~~16.~~ 19. "Structure" means any constructed or installed object,  
5 or area including, but not limited to, buildings, towers, wind  
6 turbines, smokestacks, electronic transmission or receiving towers,  
7 and antennae and overhead transmission lines. The term does not  
8 include:

9 a. any aviation navigational aids that are fixed by  
10 function, or

11 b. any construction or installed object on property owned  
12 by the federal government; and

13 ~~17.~~ 20. "Total structure height" means the elevation of the  
14 ground above mean sea level at the structure's location, plus the  
15 height of the structure above ground level in feet, plus the  
16 applicable survey type adjustment provided the survey adjustment is  
17 in accordance with Federal Aviation Administration standards.

18 SECTION 3. AMENDATORY 3 O.S. 2011, Section 120.3, is  
19 amended to read as follows:

20 Section 120.3 A. A person shall obtain a permit from the  
21 Commission prior to the construction ~~or~~, installation or use of any  
22 of the following near a public-use airport:

23 1. Any proposed structure or area for an incompatible purpose  
24 in the primary surface or the runway protection zone;



1        2. Any structure, alteration or addition to a structure within  
2 three (3) statute miles from the airport reference point of a  
3 public-use airport, that would result in a total structure height in  
4 excess of one hundred fifty (150) feet above the established airport  
5 elevation; and

6        3. Any structure, alteration or addition to a structure that  
7 would result in a total structure height greater than the  
8 horizontal, conical or approach surfaces, as defined in Section 2  
9 120.2 of the Aircraft Pilot and Passenger Protection Act this title.

10        B. A person shall obtain a permit from the Commission prior to  
11 the construction or installation of any of the following near a  
12 military training route, drop area or traffic pattern:

13            1. Any structure, alteration or addition to a structure that  
14 would exceed two hundred (200) feet above ground level underneath a  
15 military training route;

16            2. Any structure, alteration or addition to a structure that  
17 would exceed fifty (50) feet above ground level within a military  
18 drop area; and

19            3. Any structure, alteration or addition to a structure that  
20 would exceed one hundred fifty (150) feet above the established  
21 airport elevation underneath a military traffic pattern.

22        C. No permit shall be required:

23            1. For mobile or temporary equipment used to construct or  
24 install a new structure or to perform routine maintenance, repairs,

1 or replace parts of an existing structure or for temporary  
2 structures that will be in place for less than twenty-four (24)  
3 months; or

4 2. To repair, replace, or alter an existing structure that  
5 would not result in a total structure height greater than the  
6 horizontal, conical or approach surfaces as defined in Section 2  
7 120.2 of this act, or change the location of an existing structure  
8 title; or

9 3. To repair, replace or alter an existing structure that would  
10 not result in a total structure height greater than two hundred  
11 (200) feet above ground level underneath a military training route,  
12 fifty (50) feet above ground level within a military drop area, or  
13 one hundred fifty (150) feet above the established airport elevation  
14 within a military traffic pattern.

15 ~~C.~~ D. Any person required to notify the FAA of any proposed  
16 construction or alteration pursuant to Subpart B of Section 77.13 of  
17 the Federal Aviation Regulations Part 77, that in response receives  
18 an acknowledgement from the FAA that further aeronautical study is  
19 required to determine whether the proposed construction or  
20 alteration would be a hazard to air navigation, shall, upon  
21 requesting further aeronautical study by the FAA, concurrently  
22 notify the Commission of the request and shall provide the  
23 Commission with true and correct copies of all relevant filings made  
24 with the FAA.

1       Upon receipt of such notification of the filing of a request for  
2 further aeronautical study, the Commission shall give timely notice  
3 thereof to the Oklahoma Strategic Military Planning Commission, or  
4 any successor agency, and to any military airport within Oklahoma  
5 potentially affected by the proposed construction or alteration.

6       The Commission further shall use its best efforts to establish  
7 regular and consistent communication with the ~~FAA~~ Oklahoma military  
8 installations to encourage sharing of information regarding  
9 construction or alteration ~~in~~ of a structure underneath a military  
10 training route ~~or slow-speed low-altitude training route~~ within a  
11 military drop area or underneath a military traffic pattern in the  
12 State of Oklahoma ~~with appropriate state agencies and military~~  
13 ~~installations."~~

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