

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the prohibited area.

EDITORIAL NOTE: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas. For FEDERAL REGISTER citations affecting these prohibited areas, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

PART 75 [RESERVED]**PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE**

SPECIAL FEDERAL AVIATION REGULATION NO. 98

Subpart A—General

Sec.

- 77.1 Scope.
- 77.2 Definition of terms.
- 77.3 Standards.
- 77.5 Kinds of objects affected.

Subpart B—Notice of Construction or Alteration

- 77.11 Scope.
- 77.13 Construction or alteration requiring notice.
- 77.15 Construction or alteration not requiring notice.
- 77.17 Form and time of notice.
- 77.19 Acknowledgment of notice.

Subpart C—Obstruction Standards

- 77.21 Scope.
- 77.23 Standards for determining obstructions.
- 77.25 Civil airport imaginary surfaces.
- 77.27 [Reserved]
- 77.28 Military airport imaginary surfaces.
- 77.29 Airport imaginary surfaces for heliports.

Subpart D—Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace

- 77.31 Scope.
- 77.33 Initiation of studies.
- 77.35 Aeronautical studies.
- 77.37 Discretionary review.
- 77.39 Effective period of determination of no hazard.

Subpart E—Rules of Practice for Hearings Under Subpart D

- 77.41 Scope.
- 77.43 Nature of hearing.
- 77.45 Presiding officer.
- 77.47 Legal officer.
- 77.49 Notice of hearing.
- 77.51 Parties to the hearing.
- 77.53 Prehearing conference.
- 77.55 Examination of witnesses.
- 77.57 Evidence.
- 77.59 Subpoenas of witnesses and exhibits.
- 77.61 Revision of construction or alteration proposal.
- 77.63 Record of hearing.
- 77.65 Recommendations by parties.
- 77.67 Final decision of the Administrator.
- 77.69 Limitations on appearance and representation.

Subpart F—Establishment of Antenna Farm Areas

- 77.71 Scope.
- 77.73 General provisions.
- 77.75 Establishment of antenna farm areas.

AUTHORITY: 49 U.S.C. 106(g), 40103, 40113–40114, 44502, 44701, 44718, 46101–46102, 46104.

SOURCE: Docket No. 1882, 30 FR 1839, Feb. 10, 1965, unless otherwise noted.

SPECIAL FEDERAL AVIATION REGULATION NO. 98—CONSTRUCTION OR ALTERATION IN THE VICINITY OF THE PRIVATE RESIDENCE OF THE PRESIDENT OF THE UNITED STATES

Section 1. *Construction or alteration near the private residence of the President.* This section applies to:

- (a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including appurtenances and equipment or materials used therein.
- (b) Any apparatus of a permanent or temporary character.

Section 2. *Notice of Construction/Alteration.* Proponents proposing construction or alteration of any object described in Section 1 that would exceed 50 feet AGL and is within 3 NM radius of lat. 31°34'45 N, long. 97°32'00 W shall notify the Administrator in the form and manner prescribed in 14 CFR 77.17.

Section 3. *Obstruction Standard.*

(a) Any object described in Section 1 that would exceed 50 feet AGL and is within 3 NM radius of lat. 31°34'45N, long. 97°32'00W is an obstruction and is presumed to adversely affect aviation safety and therefore is a hazard to air navigation.

(b) A Determination of No Hazard will be issued only when the FAA determines, based upon submitted information and in consultation with the USMC and the SSPPD, that

§ 77.1

14 CFR Ch. I (1–1–10 Edition)

the construction or alteration will not adversely affect safety and would not result in a hazard to air navigation.

Section 4. *Termination.* This rule will terminate at the end of President George W. Bush's term in office.

[Doc. No. FAA-2003-14972, 68 FR 19732, Apr. 22, 2003; 68 FR 23584, May 5, 2003]

Subpart A—General

§ 77.1 Scope.

This part:

(a) Establishes standards for determining obstructions in navigable airspace;

(b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;

(c) Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace;

(d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and

(e) Provides for establishing antenna farm areas.

§ 77.2 Definition of terms.

For the purpose of this part:

Airport available for public use means an airport that is open to the general public with or without a prior request to use the airport.

Seaplane base is considered to be an airport only if its sea lanes are outlined by visual markers.

Nonprecision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision 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.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so

indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

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

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 indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

[Doc. No. 8276, 33 FR 5256, Apr. 2, 1968, as amended by Amdt. 77-9, 36 FR 5969, Apr. 1, 1971]

§ 77.3 Standards.

(a) The standards established in this part for determining obstructions to air navigation are used by the Administrator in:

(1) Administering the Federal-aid Airport Program and the Surplus Airport Program;

(2) Transferring property of the United States under section 16 of the Federal Airport Act;

(3) Developing technical standards and guidance in the design and construction of airports; and

(4) Imposing requirements for public notice of the construction or alteration of any structure where notice will promote air safety.

(b) The standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations are not set forth in this part but are contained in other publications of the Administrator.

[Doc. No. 1882, 30 FR 1839, Feb. 10, 1965, as amended by Amdt. 77-9, 36 FR 5970, Apr. 1, 1971]

§ 77.5 Kinds of objects affected.

This part applies to:

(a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including