



INDIANA DEPARTMENT OF TRANSPORTATION

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Eric Holcomb, Governor
Michael Smith, Commissioner

DATE: July 18, 2022

RE: I.C. 8-21-10, Regulation of Tall Structures and Noise Sensitive Permits

This letter is to advise of changes in the tall structure permitting process administered by the INDOT – Office of Aviation beginning July 18, 2022. The noise sensitive permit process will remain the same and is also included in this memo.

Tall Structure Permits

Changes reflected in this document are to provide clarity to the administrative process and to ensure early notification to Indiana airports. To obtain an Indiana tall structures permit, the following processes must be completed:

1. File a Federal Aviation Administration Form 7460-1, *Notice of Proposed Construction or Alteration*, with the FAA online at <https://oeaaa.faa.gov>. This website is the Federal Aviation Administration's Obstruction Evaluation / Airport Airspace Analysis page.
2. All applicants for a tall structure permit must have proof of notification (by certified mail, registered mail with return receipt requested or e-mail confirmation the recipient has received the notification) to any public-use airport located within a five (5) nautical mile radius of their proposed structure. The applicant must provide a copy of the notification of airport to INDOT's Office of Aviation. This notification to the airport must include the following:
 - Name, telephone number, and contact person of the applicant
 - Name, telephone number, and contact person of INDOT's Office of Aviation in charge of tall structures
 - Name, telephone number, and contact person of the plan commission with jurisdiction over the site
 - The location and legal description of the site (coordinates)
 - The proposed height of the structure
 - The aeronautical study number that the Federal Aviation Administration (FAA) has assigned to the proposed construction
3. An aeronautical study number will be assigned by the FAA when they receive an FAA Form 7460-1, *Notice of Proposed Construction or Alteration*. Once the FAA has studied the structure, they will either issue a *Determination of No Hazard* or, conversely, a *Notice of Presumed Hazard*. INDOT will not issue a permit unless the FAA has issued a *Determination of No Hazard*.
4. INDOT's Office of Aviation will then start a 60 day study period for consideration of a proposed structure upon receipt of a hard copy of Federal Aviation Administration's Form 7460-1 (or notification of assigned aeronautical study number) as well as evidence that all public-use airports within five (5) nautical miles of the proposed structure have been notified properly. This notification shall be sent by the applicant. INDOT will study the structure for a period of 60 days regardless of FAA determination.

5. Once INDOT's Office of Aviation has studied the structure for a period of 60 days and has determined that no hazards exist, the finalized FAA Determination of No Hazard will become a valid Indiana tall structure permit.
6. Although INDOT's Office of Aviation will not issue separate tall structure permits from the FAA, it still retains the right to revoke a permit if it determines that it will present a hazard to aerial navigation.

Noise Sensitive Permits

Changes are required to the noise sensitive permitting process due to the amendments to IC 8-21-10. Most of these changes simply codify the policy that INDOT had already been working under. These changes became effective July 1, 2002. The permitting process will be as follows:

1. File an INDOT Form 101 with the INDOT – Office of Aviation. This form can be found on: <https://www.in.gov/indot/multimodal/aviation/>.
2. A noise sensitive permit is required for construction of a building or structure used as a residence, school, church, child care facility, medical facility, retirement home, or nursing home when the construction takes place within the noise sensitive area of a public-use airport as outlined in I.C. 8-21-10.
3. A proponent for a noise sensitive permit must notify (by certified mail or registered mail with return receipt requested) any public-use airport located within a one (1) nautical mile radius of their proposed noise sensitive use structure. This notification must include the following:
 - Name, telephone number, and contact person of the applicant
 - Name, telephone number, and contact person from INDOT
 - Name, telephone number, and contact person of the plan commission with jurisdiction over the site
 - The location and legal description of the site
 - The proposed height of the structure, and
 - If the FAA was notified, the aeronautical study number that the FAA has assigned to the structure
4. To be considered valid, all noise sensitive permits issued by the INDOT – Office of aviation must be recorded in the county in which it is located within five business days of receiving the permit from the INDOT – Office of Aviation.
5. If the structure is located in more than one county, the county that contains the majority of the structure is the county in which the permit must be filed.
6. The permit will not be considered valid until the INDOT – Office of Aviation has received a copy of the recorded permit with the recording data from the county recorder of the county in which the structure is located.
7. Application for a noise sensitive permit is to be made in INDOT Form 101, available on our website at <https://www.in.gov/indot/multimodal/aviation/>.