



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76137

Aeronautical Study No.
2012-ANE-1091-OE

Issued Date: 09/07/2012

Pavel Vancura
AvalonBay Communities
51 Sleeper Street
Suite 750
Boston, MA 02210

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building (Avalon Bay Exeter Street Point #005)
Location:	Boston, MA
Latitude:	42-20-55.71N NAD 83
Longitude:	71-04-45.65W
Heights:	14 feet site elevation (SE) 320 feet above ground level (AGL) 334 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part I)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part II)

See attachment for additional condition(s) or information.

Any height exceeding 320 feet above ground level (334 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 03/07/2014 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 07, 2012. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, Airspace Regulations & ATC Procedures Group, Federal Aviation Administration, Airspace Regulations & ATC Procedures Group, 800 Independence Ave, SW, Room 423, Washington, DC 20591.

This determination becomes final on October 17, 2012 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Airspace Regulations & ATC Procedures Group via telephone -- 202-267-8783 - or facsimile 202-267-9328.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Cindy Whitten, at (816) 329-2528. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2012-ANE-1091-OE.

Signature Control No: 168934534-172778488

(DNH)

Sheri Edgett-Baron

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

The proposed new structure is a building at 320 feet to 336 feet Above Ground Height (AGL). This study (Point 5 at 320 feet AGL) is for one of five building corners. The proposed structure will be located approximately 15,420 feet west-southwest from the approach end of Runway 14 at the General Edward Lawrence Logan International Airport (BOS), Boston, MA. The proposed structure is identified as exceeding 14 CFR, part 77, obstruction standards as follows as applied to the BOS Airport:

Section 77.17(a)(2): A height AGL or airport elevation, whichever is higher, exceeding 200 feet within 3 miles; would exceed by 85 feet.

The proposal was not circularized for public comment because current FAA obstruction evaluation policy exempts from circularization those proposals which exceed the above cited obstruction standard. This is provided the proposal does not lie within an airport traffic pattern. In this case the structure was not located within the airport traffic pattern airspace. Therefore, it would not conflict with airspace required to conduct normal VFR traffic pattern operations at BOS or any other known public use or military airports. At 320 feet AGL, the proposed structure would not have a substantial adverse effect on VFR en route flight operations.

**THIS POLICY DOES NOT AFFECT THE PUBLIC'S RIGHT TO PETITION FOR REVIEW
DETERMINATIONS REGARDING STRUCTURES, WHICH EXCEED THE SUBJECT OBSTRUCTION
STANDARDS.**

The proposed structure would have no effect on any existing or proposed IFR enroute routes, or arrival/ departure routes, operations, or procedures.

The proposed structure would have no effect on any existing or proposed IFR minimum flight altitudes or minimum vectoring altitudes.

The proposed structure would not penetrate those altitudes normally considered available to airmen for VFR en route flight.

The proposed structure will be appropriately obstruction marked and/or lighted to make it more conspicuous to airmen flying in VFR weather conditions at night.

The cumulative impact of the proposed structure, when combined with other existing structures is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the proposal affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposed construction would not have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on any air navigation facility and would not be a hazard to air navigation.

