



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2017-AEA-9529-OE

Issued Date: 01/16/2018

Jenny Bernell
One Journal Square Partners Urban Renewal Company
666 Fifth Avenue, 15th floor
New York, NY 10103

**** 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 1 Journal - North Tower - Northeast Corner
Location:	Jersey City, NJ
Latitude:	40-43-54.07N NAD 83
Longitude:	74-03-48.54W
Heights:	91 feet site elevation (SE) 758 feet above ground level (AGL) 849 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 to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 1, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

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.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☒ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

Any height exceeding 758 feet above ground level (849 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 07/16/2019 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 February 15, 2018. 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 to the Manager of the Airspace Policy Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Room 423, Washington, DC 20591, via email at OEPetitions@faa.gov, or via facsimile (202) 267-9328.

This determination becomes final on February 25, 2018 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 Policy Group via telephone – 202-267-8783.

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, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, 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 includes all previously filed frequencies and power for this structure.

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.

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 Darin Clipper, at (404) 305-6531, or darin.clipper@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2017-AEA-9529-OE.

Signature Control No: 343715767-353107820

(DNH)

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Case Description

Map(s)

Additional information for ASN 2017-AEA-9529-OE

The proposed tower(s) consist of eight (8) study points, not exceeding a height of 758 feet (ft.) above ground level (AGL), 849 ft. above means sea level (AMSL), (lowered from 849 ft. AGL / 940 ft. AMSL) and would be located approximately 5.32 - 5.34 nautical miles (NM) northeast of Newark Liberty International Airport's (EWR) airport reference point (ARP), Jersey City, NJ.

Each building corner/point was studied separately under the following Aeronautical Study numbers at the location and heights shown below:

NORTH TOWER

1. 2017-AEA-9529-OE: 40-43-54.07N/ 74-03-48.54W / 758 ft. AGL / 849 ft. AMSL (NE Corner)
2. 2017-AEA-9530-OE: 40-43-54.06N/ 74-03-49.52W / 758 ft. AGL / 849 ft. AMSL (NW Corner)
3. 2017-AEA-9531-OE: 40-43-52.49N/ 74-03-48.52W / 758 ft. AGL / 849 ft. AMSL (SE Corner)
4. 2017-AEA-9533-OE: 40-43-52.48N/ 74-03-49.50W / 758 ft. AGL / 849 ft. AMSL (SW Corner)

SOUTH TOWER

5. 2017-AEA-9535-OE: 40-43-51.87N/ 74-03-47.18W / 758 ft. AGL / 849 ft. AMSL (NE Corner)
6. 2017-AEA-9536-OE: 40-43-51.86N/ 74-03-49.25W / 758 ft. AGL / 849 ft. AMSL (NW Corner)
7. 2017-AEA-9537-OE: 40-43-51.12N/ 74-03-47.17W / 758 ft. AGL / 849 ft. AMSL (SE Corner)
8. 2017-AEA-9538-OE: 40-43-51.11N/ 74-03-49.25W / 758 ft. AGL / 849 ft. AMSL (SW Corner)

In response to Notices' of Presumed Hazard letters issued on November 20, 2017, a request was received from the sponsor on November 22, 2017 for circularization to the public. For the sake of efficiency, the adverse effects were circularized under case study 2017-AEA-9538-OE on November 27, 2017. After circularization to all known aviation interests and non-aeronautical interests that may be affected by the proposal, no letters of objection were received as a result of public circularization or from any other FAA or DOD offices / air traffic control facilities.

The proposal has been identified as an obstruction under the standards of Title 14, Code of Federal Regulations (CFR), Part 77, as applied to EWR:

Section 77.17 (a) (1): A height more than 499 ft. AGL. The proposal exceeds by up to the following:

1. 2017-AEA-9529-OE: Exceeds by up to 259 ft.
2. 2017-AEA-9530-OE: Exceeds by up to 259 ft.
3. 2017-AEA-9531-OE: Exceeds by up to 259 ft.
4. 2017-AEA-9533-OE: Exceeds by up to 259 ft.
5. 2017-AEA-9535-OE: Exceeds by up to 259 ft.
6. 2017-AEA-9536-OE: Exceeds by up to 259 ft.
7. 2017-AEA-9537-OE: Exceeds by up to 259 ft.
8. 2017-AEA-9538-OE: Exceeds by up to 259 ft.

Section 77.17 (a) (2): A height that is 200 ft. AGL, or above the established airport elevation, whichever is higher, within 3 NM of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 ft. in actual length, and that height increases in the proportion of 100 ft. for each additional NM from the airport up to a maximum of 499 ft.

1. 2017-AEA-9529-OE: Exceeds by up to 324 ft.

2. 2017-AEA-9530-OE: Exceeds by up to 325 ft.
3. 2017-AEA-9531-OE: Exceeds by up to 325 ft.
4. 2017-AEA-9533-OE: Exceeds by up to 326 ft.
5. 2017-AEA-9535-OE: Exceeds by up to 324 ft.
6. 2017-AEA-9536-OE: Exceeds by up to 326 ft.
7. 2017-AEA-9537-OE: Exceeds by up to 325 ft.
8. 2017-AEA-9538-OE: Exceeds by up to 327 ft.

Section 77.17 (a) (3). A height that increases a minimum instrument flight altitude within a terminal area (TERPS criteria). Impacts are as follows:

Newark Liberty Intl (EWR) NJ. Obstacle penetrates RWY 4L/R and RWY 11, 40:1 departure surface, however, required climb gradient is less than currently published, therefore NO ADDITIONAL IFR EFFECT.

The proposal would have no other effects on any existing or proposed arrival, departure, or en route IFR operations, minimum flight altitudes, minimum vectoring altitudes (MVA), aeronautical procedures, or on any aeronautical facilities as it relates to either current or future runway extensions or proposals at EWR or at any other known public use or military airport. Information on the proposal shall be forwarded for appropriate aeronautical charting.

Study for possible visual flight rule (VFR) effect disclosed the proposal would exceed both 77.17 (a) 1 and 77.17 (a) 2, but would have no effect on any existing or proposed arrival or departure VFR operations or procedures at EWR. The proposal would not conflict with airspace required to conduct normal VFR traffic pattern and/or visual approach operations at EWR, nor would the proposal affect any other known public use or military airports. The proposal would not require a VFR aircraft to change its regular flight course or altitude, restrict VFR operations in any way, or create a dangerous situation during a critical phase of flight while operating under VFR conditions. Therefore, at a height of up to 758 ft. AGL, the proposal would not have any substantial adverse effects on any existing or proposed VFR arrival, VFR departure, en route, minimum flight altitudes, or VFR helicopter routes in the vicinity of this location.

Lighting the proposal is recommended as noted in each individual FAA determination to make it more conspicuous to airmen should circumnavigation become necessary.

The cumulative impact of the proposal, when combined with other proposed and existing structures, is not considered to be significant. Study did not disclose any adverse effects on existing or proposed public-use or military airports or navigational facilities, nor does the proposal affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposal 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 as long as all conditions written within this determination are met.

Additional Conditions: Any construction that requires the use of a crane or cranes for this proposal should be e-filed with the FAA at least 90-120 days prior to crane operations exceeding the structures AMSL height. When a crane is e-filed with the FAA, it is recommended that a lift plan, jump schedule, crane specifications documents, and marking and lighting plan be attached with the e-filed proposal to ensure the FAA evaluation is completed as expeditiously as possible. Additionally, based upon IFR impacts, either a 1A or 2C survey may be requested prior to crane determinations being issued based upon those impacts.

Note: 2C survey on file with the FAA for the proposal.

Case Description for ASN 2017-AEA-9529-OE

Construction of two towers on a mixed-use podium structure.

-Application was previously submitted under Aeronautical Study Numbers: 2016-AEA-(11164, 11165, 11166, and 11167)-OE, 2017-AEA-(1599, 1600, 1601, and 1602)-OE

-Crane height to construct building will be submitted separately by Contractor



