



Federal Aviation Administration
New England Regional Office
12 New England Executive Park-ANE-520
Burlington, MA 01803

Aeronautical Study No.
2005-ANE-605-OE
Prior Study No.
2002-ANE-503-OE

Issued Date: 09/16/2005

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

The Federal Aviation Administration has completed 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: | Bldg. A - Fan Pier |
| Location: | Boston, MA |
| Latitude: | 42-21-13.75 NAD 83 |
| Longitude: | 71-2-46.34 |
| Heights: | 261 feet above ground level (AGL) 274 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 should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

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

X__ At least 10 days prior to start of construction
(7460-2, Part I)

X__ Within 5 days after the construction reaches its greatest height
(7460-2, Part II)

As a result of this structure being critical to flight safety, it is required that the FAA be kept apprised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

See attachment for additional condition(s) or information.

This determination expires on 03/16/2007 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) 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 POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is subject to review if an interested party files a petition that is received by the FAA on or before October 16, 2005. 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 and Rules Division - Room 423, Federal Aviation Administration, 800 Independence Ave, Washington, D.C. 20591.

This determination becomes final on October 26, 2005 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 Office of Airspace and Rules 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.

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).

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (781)238-7520. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2005-ANE-605-OE.

Signature Control No: 430460-405378

(DNH)

Kevin P. Haggerty
Manager, Obstruction Evaluation Branch

Attachment(s)
Additional Information

7460-2 Attached

Additional Information for ASN 2005-ANE-605-OE

The aeronautical study indicates that the structure exceeds the Obstruction Standards of Federal Aviation Regulations (FAR) Part 77 as follows:

Section 77.23(a)(2) by 55 feet, structures that exceed a specified height of 200 feet within three (3) nautical miles of an airport reference point, as applied to Logan International Airport (BOS), Boston, MA..

Section 77.25(a) by 105 feet, structures that exceed the horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of the runway, as applied to BOS. The arcs are then connected by tangents.

This proposal was not circularized to the public for aeronautical comment. An original proposal under aeronautical study number (ASN) 2000-ANE-0787-OE was studied and circularized for public comment. The proposal was re-studied in 2002 (ASN 2002-ANE-503-OE). At that time a modification to the project disposed of the aeronautical concerns brought forth in the original study. The study in 2002 resulted in a Determination of No Hazard.

This 2005 study (identical submission of the 2002 proposal) revealed that due to the Airports Obstruction Standards Committee (AOSC) Decision Document 02B (a recent FAA clarification of the application of the 40:1 departure slope criteria), this proposal will exceed the 40:1 departure surface by less than 35 feet and will not result in any departure restrictions. The visibility minimums, associated with IFR take-offs on Runway 27, will increase from 1 to 1 ½ statute miles due to the AOSC Decision Document 02B, and not from this proposal.

This Determination of No Hazard To Air Navigation is granted provided the following conditions are met:

The latitude and longitude of the building as described is the northeast corner and the tallest point of the building. It is understood that the roof of the building is flat and that there will be no higher point on the building other than the height given for this study at this specific location. This height is inclusive of all appurtenances and may not be exceeded.

FAA Form 7460-2, Notice of Actual Construction or Alteration, must be completed and submitted for proper aeronautical charting.

Please refer to Aeronautical Study Number 2005-ANE-605 -OE in any correspondence.