



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

Aeronautical Study No.  
2021-AEA-9250-OE  
Prior Study No.  
2015-AEA-5895-OE

Issued Date: 12/23/2021

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**\*\* 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:	Journal Squared Phase 3 - Lightning Rod
Location:	Jersey City, NJ
Latitude:	40-43-56.75N NAD 83
Longitude:	74-03-36.31W
Heights:	90 feet site elevation (SE) 662 feet above ground level (AGL) 752 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 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

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

See attachment for additional condition(s) or information.

This determination expires on 06/23/2023 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 January 22, 2022. 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 Rules and Regulations Group. Petitions can be submitted via mail to Federal Aviation Administration, 800 Independence Ave, SW, Washington, DC 20591, via email at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), or via facsimile (202) 267-9328.

This determination becomes final on February 01, 2022 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 Rules and Regulations 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.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

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 Stephanie Kimmel, at (404) 305-6582, or Stephanie.Kimmel@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-AEA-9250-OE.

**Signature Control No: 488881300-505737295**

( DNH )

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## **Additional information for ASN 2021-AEA-9250-OE**

The proposed building project, consisting of five building points (2021-AEA-9250 through 9254-OE), at heights up to 662 feet (ft.) above ground level (AGL) / 752 ft. above mean sea level (AMSL) would be located approximately 5.50 nautical miles (nm) northeast of Newark Liberty International (EWR) Airport Reference Point, Newark, NJ.

Each proposed point was studied separately under the following Aeronautical Study Numbers at the heights shown below:

2021-AEA-9250-OE: 662 ft. AGL / 752 ft. AMSL  
2021-AEA-9251-OE: 640 ft. AGL / 730 ft. AMSL  
2021-AEA-9252-OE: 640 ft. AGL / 730 ft. AMSL  
2021-AEA-9253-OE: 640 ft. AGL / 730 ft. AMSL  
2021-AEA-9254-OE: 640 ft. AGL / 730 ft. AMSL

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

Section 77.17 (a)(1): The building points exceed by the following:

2021-AEA-9250-OE: 163 ft.  
2021-AEA-9251 through 9254-OE: 141 ft.

Section 77.17 (a)(2): The building points exceed by the following:

2021-AEA-9250-OE: 212 ft.  
2021-AEA-9251-OE: 191 ft.  
2021-AEA-9252-OE: 189 ft.  
2021-AEA-9253-OE: 190 ft.  
2021-AEA-9254-OE: 191 ft.

Section 77.17 (a)(3):

Obstacle penetrates RWY 11 40:1 departure surface 20 feet, however, required climb gradient is less than currently published, No IFR Effect.

The proposals were not circularized for public comment because current FAA policy exempts structures that would be located on a site in proximity to another previously studied structure, would have no greater effect on aeronautical operations and procedures, and the basis for the determination issued under the previous study could be appropriately applied, or no plan is on file with the FAA to alter or remove the existing structure. The proposal is in proximity to a previously studied structure of greater height that was studied under aeronautical study numbers 2017-AEA-1509 through 1513-OE.

Aeronautical study disclosed that the proposal would exceed the Runway 11 departure surface at EWR but the required climb gradient is less than currently published, resulting in no Instrument Flight Rules (IFR) effect. The structure would have no effects on existing or proposed arrival, departure, or en route instrument flight rule (IFR) operations, minimum flight altitudes, minimum vectoring altitudes (MVA), aeronautical procedures,

aeronautical facilities 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 VFR effect disclosed the proposal would have no effect on any existing or proposed arrival or departure VFR operations or procedures. The proposal would not conflict with any airspace required to conduct normal VFR traffic pattern. 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 662 ft. AGL, the proposal would have no 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.

The structure should be appropriately marked/lighted to make it more conspicuous to airmen should circumnavigation be necessary.

The cumulative impact of the proposals, 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 proposals 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.

