



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

Aeronautical Study No.
2023-AEA-15502-OE

Issued Date: 01/05/2024

Nick Pullen
Rise Up Towers
244 W. Skippack Pike
Ambler, PA 19002

**** 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:	Tower Rise Up Tower - Dover AFB
Location:	Dover, DE
Latitude:	39-08-42.02N NAD 83
Longitude:	75-29-43.82W
Heights:	25 feet site elevation (SE) 129 feet above ground level (AGL) 154 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, paint/red lights-Chapters 3(Marked),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 Air Missions (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.

This determination expires on 07/05/2025 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 04, 2024. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager, Rules and Regulations Group via email at OEPetitions@faa.gov, or via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW., Washington, DC 20591. FAA encourages the use of email to ensure timely processing.

This determination becomes final on February 14, 2024 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. Any questions regarding your petition, 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, 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).

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

If we can be of further assistance, please contact Ken Patterson, at (817) 222-5935, or kenneth.patterson@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AEA-15502-OE.

Signature Control No: 605589360-608785589

(DNH)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Frequency Data

Map(s)

cc: FCC

Abbreviations:

CFR, Code of Federal Regulations
DoD, Department of Defense
FAA, Federal Aviation Administration
JO, Joint Order
TPA, Traffic Pattern Airspace
VFR, Visual Flight Rules

Part 77 - Title 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

LOCATION OF OBSTRUCTION

Our study has disclosed that this proposed building, located approximately 3,377 feet northwest of Runway End 14 at Dover Air Force Base (DOV), Dover, NY.

OBSTRUCTION STANDARDS EXCEEDED

1. 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 DOV as follows:

Section 77.17 (a) (5): The surface of a takeoff and landing area of an airport or any imaginary surface established under 77.19, 77.21, or 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.

77.19 (d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

The proposal would exceed by 62 feet.

2. As defined in FAA JO 7400.2P, 6-3-8, Evaluating Effect on VFR Operations, the proposal would lie within the TPA area for all category aircraft for all runways. It would exceed, as applied to a visual approach runway, the approach surface by 62 feet.

Records indicate that DOV has 124,000 aircraft operations per year and an average of at least one VFR operation would be affected per day.

****Part 77 obstruction standards are used to screen the many proposals submitted in order to identify those which warrant further aeronautical study. This study is conducted in order to determine if the proposal would have a significant adverse effect on aeronautical operations and airspace. While part 77 obstruction standards may trigger formal aeronautical study, including public circularization, these obstruction standards do not constitute absolute or arbitrary criteria for identification of hazards to air navigation. Accordingly, the fact that a proposed structure exceeds certain obstruction standards of part 77 is in itself not sufficient grounds for issuance of a determination of hazard to air navigation.**

EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under IFR:

None.

AERONAUTICAL STUDY FOR POSSIBLE INSTRUMENT FLIGHT RULES (IFR) EFFECT DISCLOSED THE FOLLOWING:

- > The proposed structure would have no effect on any existing or proposed IFR arrival/departure routes, operations, or procedures.
- > The proposed structure would have no effect on any existing or proposed IFR en route routes, operations, or procedures.
- > The proposed structure would have no effect on any existing or proposed IFR minimum flight altitudes.

b. The impact on arrival, departure, and en route procedures for aircraft operating under VFR:

None.

AERONAUTICAL STUDY FOR POSSIBLE VISUAL FLIGHT RULES (VFR) EFFECT DISCLOSED THE FOLLOWING:

- > The proposed structure would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.
- > The proposed structure would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports.
- > The proposed structure would not penetrate those altitudes normally considered available to airmen for VFR en route flight.

c. The impact on all planned public-use airports and aeronautical facilities:

None.

The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures: Cumulative impact was not a deciding factor for this determination.

CIRCULARIZATION AND NEGOTIATIONS

The proposals were not circularized to the public for comments, as current FAA policy exempts from circularization those proposals which only exceed military Part 77 standards and/or only impact DoD facilities where the appropriate military representative has indicated No Objection. The Air Force had no objection to this proposal.

BASIS FOR DECISION

Although the structure exceeds Part 77, 77.17 (a)(5), as noted above, there would be no effects on any existing or proposed en route VFR operations. There are no physical or electromagnetic effects on the operation of air navigation and communications facilities. The study did not disclose any effects on any airspace and routes used by the military. It would impact DOV airport, but no other existing or planned public use or military airport would be impacted.

On 12/14/2023, The Air Force stated they had no objection to this proposal.

CONDITIONS

The incorporation of marking and lighting on this proposed structure would provide additional conspicuity for VFR and IFR pilots flying in this vicinity.

DETERMINATION - NO HAZARD TO AIR NAVIGATION