

CHANGE

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

**JO 7400.2J
CHG 3**

Air Traffic Organization Policy

Effective Date:
August 22, 2013

SUBJ: Procedures for Handling Airspace Matters

- 1. Purpose of This Change.** This change transmits revised pages to Federal Aviation Administration Order JO 7400.2J, Procedures for Handling Airspace Matters.
- 2. Audience.** This change applies to all Air Traffic Organization (ATO) personnel and anyone using ATO directives. This order also applies to all regional, service area, and field organizational elements involved in rulemaking and nonrulemaking actions associated with airspace allocation and utilization, obstruction evaluation, obstruction marking and lighting, airport airspace analysis, and the management of air navigation aids.
- 3. Where Can I Find This Change?** This change is available on the FAA Web site at http://faa.gov/air_traffic/publications and https://employees.faa.gov/tools_resources/orders_notices/.
- 4. Explanation of Policy Change.** See the Explanation of Changes attachment which has editorial corrections and changes submitted through normal procedures.
- 5. Distribution.** This change is distributed to select offices in Washington headquarters; the Office of Commercial Space Transportation; regional Flight Standards; Airports Divisions; service area offices; the William J. Hughes Technical Center; the Mike Monroney Aeronautical Center; Technical Operations Aviation System Standards; all field facilities; international aviation field offices; and interested aviation public.
- 6. Disposition of Transmittal.** Retain this transmittal until superseded by a new basic order.
- 7. Page Control Chart.** See the page control chart attachment.



Elizabeth L. Ray
Vice President, Mission Support Services
Air Traffic Organization

Date: July 1, 2013

Explanation of Changes

Change 3

**Direct questions through appropriate facility/service center office staff
to the Office of Primary Interest (OPI).**

a. 6-1-6. FEASIBILITY STUDIES

This change reflects current policy for feasibility studies concerning wind turbine proposals. This change cancels and incorporates N JO 7400.30, Obstruction Evaluations, effective November 16, 2012.

b. 6-1-8. INFORMAL AIRSPACE MEETINGS

This paragraph is deleted as it is an outdated provision that does not reflect current policies or practice, and is in direct conflict with ex parte communications provisions. This change cancels and incorporates N JO 7400.30.

c. 6-3-17. CIRCULARIZATION 7-1-2. RESPONSIBILITY

This change is updated to reflect the intent of Title 14 Code of Federal Regulations, Part 77 and current policy. This change cancels and incorporates N JO 7400.30.

d. 7-3-1. REVISIONS AND TERMINATIONS BASED ON NEW FACTS

This change is made to reflect current policy concerning revisions and terminations of previous determinations. This change cancels and incorporates N JO 7400.30.

e. Entire publication.

Additional editorial/format changes were made where necessary. Revision bars were not used because of the insignificant nature of these changes.

FAAO JO 7400.2J
Change 3
Page Control Chart
August 22, 2013

REMOVE PAGES	DATED	INSERT PAGES	DATED
Table of Contents iii	2/9/12	Table of Contents iii	2/9/12
Table of Contents iv	2/9/12	Table of Contents iv	8/22/13
6-1-3	2/9/12	6-1-3	8/22/13
6-3-29 and 6-3-30	2/9/12	6-3-29 and 6-3-30	8/22/13
7-1-1	2/9/12	7-1-1	8/22/13
7-1-2	2/9/12	7-1-2	2/9/12
7-3-1	2/9/12	7-3-1	8/22/13

Paragraph	Page
3-3-4. NAMING OF WAYPOINTS, INTERSECTIONS, AND DME FIXES	3-3-1

Chapter 4. NAVAIDs

Section 1. General

4-1-1. PURPOSE	4-1-1
4-1-2. POLICY	4-1-1
4-1-3. RESPONSIBILITY FOR FREQUENCY SELECTION	4-1-1
4-1-4. GOVERNING CRITERIA	4-1-1
4-1-5. LONG-RANGE PLANNING	4-1-1
4-1-6. PROPOSED CHANGES	4-1-1

Section 2. FAA NAVAIDs

4-2-1. POLICY	4-2-1
4-2-2. COORDINATION	4-2-1
4-2-3. INFORMAL AIRSPACE MEETINGS	4-2-1
4-2-4. APPROVAL AUTHORITY	4-2-1
4-2-5. DISTRIBUTION	4-2-1
4-2-6. COMMISSIONING DATE	4-2-1
4-2-7. PROCESSING REGULATORY ACTIONS	4-2-2

Section 3. Military NAVAIDs

4-3-1. POLICY	4-3-1
4-3-2. COORDINATION WITH MILITARY	4-3-1
4-3-3. EVALUATION BY TECHNICAL OPERATIONS SERVICES OFFICE	4-3-1
4-3-4. CIRCULARIZATION	4-3-1
4-3-5. DETERMINATION RESPONSIBILITY	4-3-1
4-3-6. NOTIFICATION AND DISTRIBUTION	4-3-1

Section 4. Non-Federal NAVAIDs

4-4-1. POLICY	4-4-1
4-4-2. REQUEST FOR ESTABLISHMENT	4-4-1
4-4-3. RESPONSIBILITY	4-4-1
4-4-4. EXTERNAL COORDINATION	4-4-2
4-4-5. INFORMAL AIRSPACE MEETING	4-4-2
4-4-6. APPROVAL AND NOTIFICATION PROCESS	4-4-2
4-4-7. DISTRIBUTION	4-4-2

Section 5. Discontinuance of FAA NAVAIDs

4-5-1. POLICY	4-5-1
4-5-2. RESPONSIBILITIES	4-5-1
4-5-3. COORDINATION OF PROPOSALS	4-5-1
4-5-4. OBTAINING APPROVAL	4-5-1
4-5-5. DISCONTINUANCE ACTION	4-5-1
4-5-6. CANCELLATION OF CONTROLLED AIRSPACE AND INSTRUMENT PROCEDURES	4-5-1
4-5-7. DECOMMISSIONING DATE	4-5-1
4-5-8. DISCONTINUANCE OF NAVAIDs INCLUDED IN ICAO PLANS	4-5-2

Paragraph	Page
4-5-9. INTERNATIONAL STAFF NOTIFICATION	4-5-2
 Section 6. Discontinuance of Military and Non-Federal NAVAIDs	
4-6-1. POLICY	4-6-1
4-6-2. RESPONSIBILITY	4-6-1
4-6-3. ACTION PRIOR TO DISCONTINUANCE	4-6-1
4-6-4. DISCONTINUANCE OF NAVAIDs INCLUDED IN ICAO PLANS	4-6-1

Part 2. Objects Affecting Navigable Airspace

Chapter 5. Basic

Section 1. General

5-1-1. PURPOSE	5-1-1
5-1-2. AUTHORITY	5-1-1
5-1-3. POLICY	5-1-1
5-1-4. SCOPE	5-1-1
5-1-5. RESPONSIBILITY	5-1-1
5-1-6. SENSITIVE CASES REFERRED TO WASHINGTON	5-1-1
5-1-7. AUTOMATION	5-1-2
5-1-8. OE/AAA AUTOMATED SYSTEM AIRPORT/RUNWAY DATABASE	5-1-2
5-1-9. TRAINING	5-1-2
5-1-10. RELEASE OF INFORMATION	5-1-2

Section 2. Notices

5-2-1. REQUIREMENTS	5-2-1
5-2-2. PROCESSING	5-2-1
5-2-3. FAA FORMS	5-2-1

Chapter 6. Aeronautical Studies

Section 1. General

6-1-1. POLICY	6-1-1
6-1-2. AERONAUTICAL STUDY NUMBERS	6-1-1
6-1-3. STUDY OF EXISTING STRUCTURES	6-1-1
6-1-4. PROPOSALS UNDER CONSTRUCTION	6-1-2
6-1-5. STRUCTURES EXCEEDING 2,000 FEET	6-1-2
6-1-6. FEASIBILITY STUDIES	6-1-2
6-1-7. TOWER OWNERSHIP	6-1-3

Section 2. Initial Processing/Verification

6-2-1. VERIFICATION/E-FILING	6-2-1
6-2-2. VERIFICATION/PAPER-FILING	6-2-1
6-2-3. DIVISION COORDINATION	6-2-2
6-2-4. ADDITIONAL COORDINATION	6-2-2

Section 3. Identifying/Evaluating Aeronautical Effect

6-3-1. POLICY	6-3-1
---------------------	-------

d. Feasibility studies will not be accommodated for wind turbine proposals.

6-1-7. TOWER OWNERSHIP

While the FAA must maintain a means of contacting parties responsible for filing FAA Form 7460-2, it is not responsible for tracking changes in tower ownership. The FCC antenna structure registration

program is specifically intended to register and maintain current files with regards to ownership of antenna structures. Therefore, if the FAA receives ownership changes it must not make those corrections to issued determinations. However, the ownership change should be noted in the automated and/or manual case file. Additionally, request that the sponsor notify the FCC, and, for assurance, forward a copy of the change to the FCC.

installation and maintenance as considered appropriate.

6-3-16. NEGOTIATIONS

Negotiations must be attempted with the sponsor to reduce the structure's height so that it does not exceed obstruction standards, mitigate any adverse effects on aeronautical operations, air navigation and/or communication facilities, or eliminate substantial adverse effect. If feasible, recommend collocation of the structure with other structures of equal or greater heights. Include in the aeronautical study file and determination a record of all the negotiations attempted and the results. If negotiations result in the withdrawal of the OE notice, the obstruction evaluation study may be terminated. Otherwise, the obstruction evaluation must be continued to its conclusion.

6-3-17. CIRCULARIZATION

a. Circularizing a public notice allows the FAA to solicit information that may assist in determining what effect, if any, the proposed structure would have to the navigable airspace. The OEG determines when it is necessary to distribute a public notice.

1. If a structure first exceeds obstruction standards, then a public notice should be circularized if:

- (a) An airport is affected;
- (b) There is possible VFR effect; or
- (c) There is a change in aeronautical operations or procedures.

2. Circularization is not necessary for the following types of studies:

(a) A reduction in the height of an existing structure.

(b) A structure 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.

(c) A proposed structure replacing an existing or destroyed structure, that would be located on the same site and at the same or lower height as the original structure, and marked and/or lighted under

the same provisions as the original structure (this does not preclude a recommendation for additional marking/lighting to ensure conspicuity).

(d) A proposed structure that would be in proximity to, and have no greater effect than, a previously studied existing structure, and no plan is on file with the FAA to alter or remove the existing structure.

(e) A structure that would be temporary and appropriate temporary actions could be taken to accommodate the structure without an undue hardship on aviation.

(f) A structure found to have substantial adverse effect based on an internal FAA study.

(g) A structure that would exceed part 77.23(a)(2) and would be outside the traffic pattern.

(h) A structure that would affect IFR operations but would only need FAA comment. For instance a structure that:

- (1) Would raise a MOCA, but not a MEA.
- (2) Would raise a MVA.
- (3) Would raise a MIA.

3. Circularization for existing structures will be determined on a case-by-case basis.

b. Each public notice (automated letter CIR) must contain:

1. A complete, detailed description of the structure including, as appropriate, illustrations or graphics depicting the location of the structure:

(a) On-airport studies. Use airport layout plans or best available graphic.

(b) Off-airport studies. Use the appropriate aeronautical chart. Additional illustrations may be included, as necessary.

2. A complete description of the obstruction standards that are exceeded, the number of feet by which the structure exceeds the standards.

3. An explanation of the potential effects of the structure in sufficient detail to assist interested persons in formulating comments on how the structure would affect aeronautical operations.

4. A date by which comments are to be received. The date established should normally allow interested persons 30 days in which to submit

comments, but a shorter comment period may be established depending upon circumstances.

c. Public notices should be distributed to those who can provide information needed to assist in evaluating the aeronautical effect of the structure. As a minimum, the following governmental agencies, organizations, and individuals should be included on distribution lists due to their inherent aeronautical interests:

- 1.** The sponsor and/or his representative.
- 2.** All known aviation interested persons and groups such as state, city, and local aviation authorities; airport authorities; various military organizations within the DOD; flying clubs; national, state, and local aviation organizations; flight schools; fixed base operators; air taxi, charter flight offices; and other organizations or individuals that demonstrate a specific aeronautical interest such as county judges and city mayors.
- 3.** Airport owners as follows:
 - (a)** All public-use airports within 13 NM of the structure.
 - (b)** All private-use airports within 5 NM of the structure.
- 4.** The specific FAA approach facility, en route facility (ARTCC), and Flight Service Station (FSS) in whose airspace the structure is located.
- 5.** Flight Standards.
- 6.** An adjacent regional/service area office if the structure is within 13 NM of the regional state boundary.
- 7.** As appropriate, state and local authorities; civic groups; organizations; and individuals who do not have an aeronautical interest, but may become involved in specific aeronautical cases, must be included in the notice distribution, and given supplemental notice of actions and proceedings on a

case-by-case basis. Those involved should clearly understand that the public notice is to solicit aeronautical comments concerning the physical effect of the structure on the safe and efficient use of airspace by aircraft.

8. A proposed structure that penetrates the 40:1 by 35 feet or more, departure slope must be circularized to the following:

- (a)** Aircraft Owners and Pilots Association;
- (b)** National Business Aviation Association;
- (c)** Regional Air Line Association;
- (d)** Department of Defense;
- (e)** Air Transport Association;
- (f)** Air Line Pilots Association; and
- (g)** Other appropriate persons and organizations listed in this section.

d. Document and place in the obstruction evaluation file the names of each person and/or organizations to which public notice was sent. Reference to a distribution code, mailing list, or other evidence of circularization is sufficient provided a printout or list of each coded distribution is maintained for future reference. Also record the time period during which each printout or list is used. The retention schedule is listed in Order 1350.15, Records Organization, Transfer, and Destruction Standards.

e. Consider only valid aeronautical objections or comments in determining the extent of adverse effect of the structure. Comments of a non-aeronautical nature are not considered in obstruction evaluation as described in part 77.

f. If the sponsor agrees to revise the project so that it does not exceed obstruction standards and would have no adverse effect, cancel the public notice, advise interested parties, as necessary, revise the obstruction evaluation study, and proceed as appropriate.

Chapter 7. Determinations

Section 1. Issuing Determinations

7-1-1. POLICY

All known aeronautical facts revealed during the obstruction evaluation must be considered when issuing an official FAA determination. The determination must be a composite of all comments and findings received from interested FAA offices. Should there be a disagreement in the findings, the disagreement must be resolved before issuance of a determination. The basis for all determinations must be on the aeronautical study findings as to the extent of adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities. Evidence of adverse effect alone, either physical or electromagnetic, is not sufficient justification for a determination of hazard. However, a finding of a substantial physical or electromagnetic adverse effect normally requires issuance of a determination of hazard.

7-1-2. RESPONSIBILITY

a. Air traffic is responsible for issuing determinations.

b. If any division objects to a structure that does not exceed Part 77, and/or is not found to have a physical or electromagnetic radiation effect on the operation of air navigation facilities, an advisory statement may be submitted to OEG for inclusion in the determination. Examples would be:

1. Objections identifying potential airport hazards based on airport design criteria such as a structure within the runway protection zone (RPZ).

2. Objections identifying potential airport hazards such as structures which may not be above ground level (e.g., landfills, retention ponds, and waste recycling areas) but may create an environment that attracts birds and other wildlife.

7-1-3. DETERMINATIONS

Determinations issued by the FAA receive widespread public distribution and review. Therefore, it is essential that each determination issued is consistent

in form and content to the extent practicable. To facilitate this and to achieve economy in clerical handling, automated correspondence is available through the OE/AAA automation program and must be used in lieu of previously approved FAA forms. Determinations must be issued as follows:

- a. Issue a “Does Not Exceed” (automated DNE letter) determination if the structure does not exceed obstruction standards, does not have substantial adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities, and would not be a hazard to air navigation.

NOTE-

A determination indicating that No Notice is Required (NNR) is no longer authorized.

- b. Issue an “Exceeds But Okay” (automated EBO letter) determination if the structure exceeds obstruction standards but does not result in a substantial adverse effect, circularization was not necessary, and meets one of the following conditions:

1. The structure is temporary;

2. The structure is existing; or

3. The structure involves an alteration with no physical increase in height or change of location such as a proposed decrease in height or proposed side mount.

NOTE-

The significant difference between an EBO determination and a “Determination of No Hazard to Air Navigation” (DNH) is that the EBO determination does not allow for petition rights.

- c. Issue a “Notice of Presumed Hazard” (automated NPH letter) if the structure exceeds obstruction standards and/or has an adverse effect upon navigable airspace or air navigation facilities and resolution or further study is necessary to fully determine the extent of the adverse effect. The NPH facilitates negotiation and is useful in preserving navigable airspace. Normally, the FAA should not automatically initiate further study (including circularization) without a request to do so by the sponsor. The intent of the NPH is to inform the sponsor of the initial

findings and to attempt resolution. If the sponsor fails to contact the FAA after receiving the notice, terminate the case. No further action by the FAA is required unless the sponsor re-files. If negotiation is successful, and resolution is achieved, or further study is completed, an appropriate subsequent determination should be issued.

d. Issue a “Determination of No Hazard” (DNH) if the structure exceeds obstruction standards but does not result in a substantial adverse effect.

e. Issue a “Determination of Hazard” (DOH) if the structure would have or has a substantial adverse effect; negotiations with the sponsor have been unsuccessful in eliminating the substantial adverse effect; and the affected aeronautical operations and/or procedures cannot be adjusted to accommodate the structure without resulting in a substantial adverse effect. The obstruction evaluation may or may not have been circularized.

7-1-4. DETERMINATION CONTENT AND OPTIONS

Use the following items, as appropriate, to ensure that the necessary information is included in each determination:

a. All no hazard determinations must address or include:

1. FULL DESCRIPTION. A full description of the structure, project, etc., including all submitted frequencies and ERP must be included. Use exact information to clearly identify the nature of the project (e.g., microwave antenna tower; FM, AM, or TV antenna tower; suspension bridge; four-stack power plant; etc.).

2. LATITUDE, LONGITUDE, AND HEIGHT. Specify the latitude, longitude, and height(s) of each structure. When an obstruction evaluation study concerns an array of antennas or other multiple-type structures, specific information on each structure should be included.

3. MARKING AND/OR LIGHTING. A marking and/or lighting recommendation must be a condition of the determination when aeronautical study discloses that the marking and/or lighting are necessary for aviation safety.

(a) If the OE notice was for an existing structure with no physical alteration to height or

location (e.g., a side mount or an editorial correction to coordinates and/or elevations due to more accurate data), and the structure was previously studied, the recommended marking and/or lighting may be in accordance with the prior study.

(b) If the notice is for a new structure, a physical alteration (height/location) to an existing structure, or an existing structure that did not involve a physical alteration but was not previously studied, the recommended marking and/or lighting must be in accordance with appropriate chapters of the current AC 70/7460-1, Obstruction Marking and Lighting.

(c) If the OE notice was for a change in marking and/or lighting of a prior study whether the structure exists or not yet built, the recommended marking and/or lighting must be in accordance with appropriate chapters of the current AC 70/7460-1.

(1) If it is an existing FCC-licensed structure, and the requested marking and/or lighting change is recommended, notify the sponsor to apply to the FCC for permission to make the change. Use the following specific language: “If the structure is subject to the authority of the Federal Communications Commission, a copy of this letter must be forwarded to them and application should be made to the FCC for permission to change the marking and/or lighting as requested.” This language is available in the automated letters.

(2) If the marking and/or lighting change involves high intensity white obstruction lights on an FCC-licensed structure, the sponsor must be notified that the FCC requires an environmental assessment. Use the following specific language: “FCC licensees are required to file an environmental assessment with the Commission when seeking authorization for the use of the high intensity flashing white lighting system on structures located in residential neighborhoods, as defined by the applicable zoning law.”

(3) If it is an existing structure and the requested marking and/or lighting change is recommended, the sponsor must be required to notify Aeronautical Navigation Products (AeroNav) directly when the change has been accomplished. Use the following specific language: “So that aeronautical charts and records can be updated, please notify Aeronautical Navigation Products (AeroNav) in writing (with a courtesy copy to the FAA’s National Flight Data Center) when the new system is installed and operational. AeroNav notification should be

Section 3. Revision, Correction, and Termination of Determination

7-3-1. REVISIONS AND TERMINATIONS BASED ON NEW FACTS

The FAA official responsible for issuing a no hazard determination has the delegated authority (Section 77.39) to revise or terminate the determination provided. The decision is based upon new facts that change the basis on which the original determination was made.

a. Revised determinations based on new aeronautical facts must be issued under a new aeronautical study number that would cancel and supersede the original determination.

b. A decision to terminate a no-hazard determination must be based on new facts that change the basis on which the determination was made. Normally in such a case, a subsequent "Determination of Hazard" would be issued under a new aeronautical study number.

c. If a proposed structure is relocated or there is a height change after a determination of no hazard is issued, a new filing must be submitted. When new filings are received, terminate any previous determinations before moving forward with the aeronautical studies. Multiple filings at the same location result in an administrative hardship and create a cumulative impact issue that could result in erroneous data analysis. Determinations must not be used as a basis for financial arrangements.

7-3-2. CORRECTION

The FAA official issuing a determination may also correct that determination as required. Editorial changes that do not involve a coordinate change (of one second or more in latitude or longitude) or elevation change (of one foot or more) may be issued

as corrections. In this case, no change to dates would be necessary. Adjustments or corrections to a proposal that involve one or both of the above coordinate or elevation changes must be addressed as a new and separate obstruction evaluation study.

7-3-3. STANDARD FORMAT

a. A revised determination based on new aeronautical facts must follow the standard format of the appropriate determination. An explanation should be included addressing the reason for the revision. A statement indicating that the revised determination cancels and supersedes the determination originally issued, should also be included.

b. A determination addressing editorial changes that do not involve structure coordinates or elevations may be issued by duplicating the original determination, making the corrections, adding a statement explaining the correction, and adding "Corrected" at the end of the title.

c. A determination addressing corrections to coordinates or elevations must follow the standard format of the appropriate determination. An explanation should be included addressing the correction. This may be done in the description section of the determination. A statement should also be included which indicates that the corrected determination cancels and supersedes the original determination.

7-3-4. DISTRIBUTION

Copies of revised or corrected determinations must be given the same distribution as the original determination and, if appropriate, be distributed to other known interested persons or parties.

