ATM CIRCULAR NO. 26

TO: Chief, Air Traffic Management Field Division, Nos. 1-4
Regional Managers, Regions 5 and 6

FROM: Director, Bureau of Air Traffic Management

SUBJECT: Interim Procedures for Aeronautical Studies of the Construction or Alteration of Structures for Determination of Their Effect Upon the Use of the Navigable Airspace by Air Commerce

1. The following interim procedures are established for conducting special aeronautical studies of proposals for the construction or alteration of structures, exclusive of landing areas, to determine their effect upon the safe and efficient utilization of the navigable airspace by air commerce.

2. The effect upon air navigation of any proposed construction or alteration of structures, to be determined pursuant to this circular, will be evaluated by the application of the basic criteria and policies contained in the following:
   
a. Parts 609, 610 and 625 of the Regulations of the Administrator.
   
   
   
d. United States Naval Aeronautical Facilities Technical Planning Manual (NAVAER 00-100-503).
   
e. United States Naval Aeronautical Facilities Planning Standards (NAVAER 00-100-505).
   

3. All Notices of Construction or Alteration, Forms ACA-117, received by the Agency pursuant to § 625.5 of the Regulations of the Administrator with respect to the proposed construction or alteration of any structure, other than a landing area, and other such notices, including antenna structure applications formerly referred by the FCC to the appropriate ACC Airspace Subcommittee, pursuant to § 17.4 of the Commission's Rules and Regulations, shall be forwarded for aeronautical study to the Chief of the ATM Field Division of the FAA Region in which the structure would be located.
4. Construction proposals for which notice is received by an ATM Field Division will be evaluated by that office by application of the orders, regulations, criteria, standards and guides cited in paragraph 2, above.

a. Structure proposals not exceeding criteria will not be circularized for aeronautical comment. However, notices received as to such structures will be acknowledged by the ATM Field Division including a statement to the construction sponsor that the Agency interposes no objection to the proposed construction.

b. Proposals for structures not to exceed 1000 feet above ground in height but which would exceed criteria will be circularized by the ATM Field Division to all known interested persons, soliciting aeronautical comment.

1. If no substantial objection to the proposal arises in the aeronautical comment responding to the circularization or in the ATM Field Division's own analysis and evaluation of the proposal, the ATM Field Division will forward a summary of the case together with its recommendation to the Airspace Utilization Division.

2. The Airspace Utilization Division will consolidate the recommendation received from the Regional ATM Field Divisions into appropriate findings for signature by the Administrator. Such findings of the Administrator will be published in the Federal Register and copies will be returned to the appropriate Regions for notification to the construction sponsor and other interested persons.

5. Proposals for structures which would exceed 1000 feet above ground in height, or as to which substantial aeronautical objection has been stated in response to the circularization or was developed in the ATM Field Division evaluation, will be placed on the agenda for special aeronautical study at an informal airspace meeting to be held at the FAA Regional Office. The ATM Field Division Chief will designate an Agency representative as the presiding officer; notification of the meeting and copies of the agenda will be furnished to all known interested persons, including the construction sponsor.

a. All interested persons, including representatives of the construction sponsors, shall be afforded the opportunity to participate fully in the discussion at such informal meetings. Procedures for special aeronautical study of construction proposals will be the same as were formerly used by the Regional Airspace Subcommittees, except that no "vote" shall be taken, but each person so desiring shall be permitted to state his position or that of the group he represents. Pertinent exhibits and written statements will be received by the presiding officer
from interested persons. A summary of these informal discussions at the regional level will be included as a part of the agenda for a subsequent Washington Informal Airspace Meeting.

b. The ATM Field Division will summarize the results of the study of each proposal and forward the summary, any related material, and their substantiated recommended determination as to whether the proposed structure would be an aeronautical hazard, to the Airspace Utilization Division for further action. Any subsequent inquiry as to a proposal will be forwarded to the Airspace Utilization Division for reply.

6. Construction proposals considered at Regional Informal Airspace Meetings and forwarded to the Airspace Utilization Division will be placed on the agenda of a Washington Informal Airspace Meeting for review of the Regional special aeronautical study. An Agency representative will be designated presiding officer by the Chief of the Airspace Utilization Division; notification of the meeting and copies of the agenda will be furnished to all interested persons.

a. The procedures applicable in the consideration of a construction proposal at a Washington Informal Airspace Meeting will be the same as those formerly used by the Airspace Panel of the Air Coordinating Committee, except that no "vote" shall be taken, but each person so desiring shall be permitted to state his position or that of the group he represents. The presiding officer will receive from interested persons any additional relevant material, exhibits or written statements not previously introduced into the aeronautical study at the Regional Informal Airspace Meeting. All interested persons, including representatives of the construction sponsors, shall be afforded the opportunity to participate fully in the discussion. A summary of these discussions will be incorporated into the form of the resulting finding to be issued in accordance with paragraphs b and c below.

b. Upon conclusion of consideration of a construction proposal at a Washington Informal Airspace Meeting, and based upon a summary, review and analysis of the entire matter, the Airspace Utilization Division will prepare a finding, incorporating its recommended determination of fact as to whether the proposed structure would constitute an aeronautical hazard, for signature by the Administrator. Upon issuance of such a finding, it will be published and copies will be furnished to interested persons.
7. As of October 10, 1960, all special aeronautical studies then pending before the ACC shall be processed in accordance with this circular. However, no step previously completed need be repeated.

8. Transition from these interim procedures for aeronautical studies of proposed construction to the criteria, procedures and rules of the Regulations of the Administrator to be implemented as a result of the Notice of Proposed Rule Making, Airspace Docket No. 60-WA-159, shall be accomplished as of the date upon which such regulation shall become effective. Aeronautical studies of construction or alteration of structures then pending before the Agency pursuant to this circular will be continued in process by the Agency pursuant to such Regulation of the Administrator as may be then adopted under Airspace Docket No. 60-WA-159.

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