



Issued Date: 05/07/2009

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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:	Power Line Hollister Pole Loc. 184 (22/01)
Location:	Hollister, CA
Latitude:	36-51-48.00N NAD 83
Longitude:	121-24-35.00W
Heights:	82 feet above ground level (AGL) 383 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 marked and/or lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights - Chapters 4,5(Red),&12.

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

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

See attachment for additional condition(s) or information.

Any height exceeding 82 feet above ground level (383 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 11/07/2010 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 June 06, 2009. 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 June 16, 2009 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 Karen McDonald, at (310)725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2009-AWP-1447-OE.

Signature Control No: 626360-109350250

(DNH)

Kevin P. Haggerty

Manager, Obstruction Evaluation Service

Attachment(s)

Additional Information

Case Description

Map(s)

Additional information for ASN 2009-AWP-1447-OE

The proposal is one pole of a linear replacement-pole project of 45 existing 50-foot above ground level (agl) wooden poles, with approximately 82-foot agl steel poles, near Hollister, California. 43 of the replacement poles do not penetrate an obstruction standard; 2 poles do penetrate an obstruction standard, as applied to Hollister Municipal Airport (CVH). The 2 poles that do penetrate an obstruction standard are located approximately 1.80 nautical miles (NM) southwest of the CVH airport reference point, the closest civilian public-use landing area. The CVH Field Elevation (FE) is 230 feet above mean sea level (amsl).

The structure height exceeds the obstruction standards of Title 14 of the Code of Federal Regulations, Part 77 as follows:

Section 77.25(a) by 3 feet - a height exceeding the CVH horizontal surface.

The proposal was not circularized for public aeronautical comment. FAA evaluation finds that the height would not create substantial adverse effect on aeronautical operations overflying or lessen the utility of the navigable airspace overlying the site. There is no greater adverse effect upon the navigable airspace than the other similarly situated replacement poles in this linear project. This does not affect the public's right to petition for review determinations regarding structures which exceed the subject obstruction standard.

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

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

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

- The proposal would have no effect on any existing or proposed VFR arrival or departure routes, operations or procedures.
- The proposal would not conflict with airspace required to conduct normal VFR traffic pattern operations at any known public use or military airports.
- The proposal would not penetrate those altitudes normally considered available to airmen for VFR en route flight.
- The structure shall be appropriately red obstruction lighted to make it more conspicuous to airmen flying in VFR weather conditions at night.

The cumulative impact of the proposed structure, when combined with other existing structures is not considered significant. Study did not disclose any adverse effect on existing or proposed public-use or military airports or navigational facilities. Nor would the proposal affect the capacity of any known existing or planned public-use or military airport.

Therefore, it is determined that the proposed construction 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.

This determination, issued in accordance with Part 77, concerns the effect of the proposal on the safe and efficient use of the navigable airspace by aircraft and does not relieve the sponsor of any compliance responsibilities relating to laws, ordinances, or regulations of any Federal, state, or local governmental bodies.

Determinations, which are issued in accordance with Part 77, do not supersede or override any state, county, or local laws, aviation easements, or ordinances.

Case Description for ASN 2009-AWP-1447-OE

Replace existing approximate 50 foot tall wood pole with an approximate 82 foot tall steel pole

