

Notice to "other" commenters: It took me four L/D phone calls to DC to finally learn that the FEDERAL COMMUNICATIONS COMMISSION does not accept FAX as a method of transmitting "comments"- only the US SNAIL/Mail !

97-182

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~~FAX MESSAGE~~  
OCT 24 1997  
TO: FCC MAIL ROOM

From: Don Herman, V P Public Relations

ELLIOTT AVIATION INC.

( Formerly: Elliott Flying Service, Inc.)

( A..K.A. Elliott Beechcraft )

QUAD CITY AIRPORT

P O BOX 100

MOLINE IL 61266-0100

Voice (309) 799-3183

FAX 309 799-98 93



Attn: FCC Dockets Branch  
Room 239 ~ Docket No. 97-296

FAX #1- [REDACTED] October 21, 1997 prox 11:10aCDT Sent 1/6

Re: FCC Proposal to allow preemption of state and local zoning ordinances ( . . . bearing on Aviation Safety, ) with regard to location and construction of certain broadcast facilities/tall structures/antennas in vicinity of an airport.

While it is understandable that the developers and implementers of digital television (DTV) would desire to locate such facilities at their whim and economic convenience . . . for them to be permitted to do so in hazardous proximity to any airport without consideration to the safety of air travelers is unconscionable . . . and for the FCC to be empowered to usurp local authority for permitting or authorizing the location of such intrusions into navigable airspace . . . to foster such a scheme is patently absurd.

It must be recognized that folks who will be subjected to this potential hazard will be the users of Scheduled Airlines as well as General Aviation users, commercial, corporate and personal. Scheduled airlines, making use of only a minimum number of airports in the USA, ( some 500 + or - ,) by comparison, the utilization by General Aviation of these 500 and all other registered airports, ( . . . all together, 12,000 + or - ,) the proposal would unwisely subject "lots of folks" to unwarranted hazard. Potentially greater numbers of passengers at risk in each scheduled airliner with the probability of subjecting at least as many additional people to the same hazard, spread amongst the many aircraft of lesser passenger capacity in the General Aviation fleet, operating in and out of the multitude of airports serving the air travelers of the nation.

Certainly, FCC Commissioners, legislators and executives of the DTV companies, as prominent users of the many segments of the air travel industry, will be at no less risk than the rest of us. . . should this wild proposal be enacted.

Let us go back to square one and apply serious consideration to the public risk/hazard concomitant with acceptance of this proposal !

( fccfxtoe.ers ) C & EA '97+

Most cordially . . . .

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List ABCDE



RAINTREE CORPORATION

P.O. BOX 222  
ELKTON, MD  
21922

410-398-8594  
410-398-0234 FAX

DOCKET FILE COPY ORIGINAL

21 October 1997

To: Federal Communications Commission  
FCC Docket Branch  
Rm. 239  
Docket #97-296 97-182  
1919 M Street NW  
Washington, D.C. 20554

Re: FCC proposal to allow the preemption of state and local zoning ordinances, if the Agency determines they would interfere with certain broadcast facilities.

The owners and management of Raintree Airpark oppose the FCC proposal to preempt state and local zoning ordinances because it does not address the serious safety conflict associated with the placement of tall towers near airports.

The proposed rule must take into consideration that certain state and local ordinances are designed to protect the airspace around airports. If this hazard is not taken into consideration, there will be a definite reduction of safety for the flying, as well as non-flying, public. The people who wrote this proposal may understand that the placement of tall towers near airports is very undesirable. But, it must be recognized that if the issue of aviation safety is not specifically written into the proposal, someone will succeed in placing a tower in a location that will produce a serious safety hazard near an airport.

It is extremely important that this proposal not be allowed to preempt all zoning laws enacted to prevent these structures from being erected near airports. This proposal should only allow zoning preemption under the most stringent scrutiny, and with the approval of the FAA or local airport authority or owner. Groups of tall towers should be of the highest priority, and the tall towers should not be allowed to be built any higher than absolutely necessary.

Aviation safety must not be sacrificed just for better television reception.

Sincerely,

Robert D. Powell, President  
Raintree Corporation

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**North Chesapeake Aviation Association  
P.O. Box 102 Elkton, MD 21922  
410-398-0234**

21 October 1997

To: Federal Communications Commission  
FCC Docket Branch  
Room 239  
Docket # 97-296  
1919 M Street NW  
Washington, D.C. 20554

97-182 ✓

From: North Chesapeake Aviation Association  
P.O. Box 102  
Elkton, MD 21922-0102

Re: FCC proposal to allow the preemption of state and local zoning ordinances, if the Agency determines they would interfere with certain broadcast facilities.

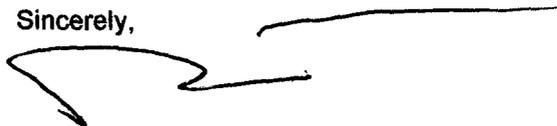
The North Chesapeake Aviation Association, of approximately 140 members, and representing the interests of some 1300 pilots and aviation supporters in the tri-state area, oppose the FCC proposal, as it does not address the serious safety conflict with the placement of tall towers near airports.

This proposed rule must take into consideration that certain state and local zoning ordinances are designed to protect the airspace around airports. If this hazard is not taken into consideration, there will be a definite reduction of safety for the flying, as well as non-flying, public. The people who wrote this proposal may understand that the placement of tall towers near airports is very undesirable. But, it must be recognized that if the issue of aviation safety is not written into the proposal, someone will succeed in placing a tower in a location that will produce a serious safety hazard near an airport.

It is extremely important that this proposal not be allowed to preempt all zoning laws enacted to prevent these structures from being erected near airports. This proposal should only allow zoning preemption under the most stringent scrutiny, and with the approval of the FAA or local airport authority or owner. Groups of tall towers should be the highest priority. And, the tall towers should not be allowed to be built any higher than absolutely necessary.

Aviation safety should NOT be sacrificed just for better television reception.

Sincerely,



Robert D. Powell, Chairman  
NCAA Board of Directors

No. of Copies rec'd  
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**Board of Supervisors of Northampton County**  
Fastville, Virginia 23347

Thomas E. Harris  
County Administrator

PHONE: 757-678-0440  
FAX: 757-678-0483

BOARD OF SUPERVISORS  
John W. White, Sr., Chairman  
Oliver H. Bennett, Vice Chairman  
Arthur T. Carter  
M. E. "Betsy" Mapp  
Anthony L. Ruffin  
Suzanne S. Wescoat

**MEMORANDUM**

DOCKET FILE COPY ORIGINAL

TO: Office of the Secretary of the FCC

FROM: Thomas E. Harris, County Administrator *THarris*

DATE: October 20, 1997

SUBJECT: FCC pre-emption of local zoning

I am writing this letter on behalf of the Northampton County Board of Supervisors who unanimously endorsed a letter of concern regarding the FCC Ruling (Docket #97-182) which would pre-empt local zoning authority over television and radio broadcast towers. Although a small county, Northampton prides itself on its ability to issue permits in a timely manner; however, the stated FCC time frames requiring local governments to act on all zoning and building permit requests for broadcast towers within 21-45 days is unrealistic and in our opinion would show prejudicial treatment to a single client, both of which is unacceptable to Northampton County.

Additionally, Northampton County, as a community that has received enormous national and international attention for its sustainable development strategies including designation by the President's Council on Sustainable Development as one of four national demonstration models for eco-industrial park development, has committed its resources and efforts to evaluate all projects in a manner that reflects the long range vision of our people and our community. Consequently, development concerns are evaluated and predicated on our commitment to environmental protection, social equity, and economic viability. To impose arbitrary requirements that may not meet the high standards identified by our people through our Strategic Plan is not acceptable to the local government and citizens of Northampton County. It is our belief that local governments should fairly and equally evaluate the varied projects that are placed before the governing body and should have the latitude and authority to address them in a manner that reflects the goals, objectives and aesthetics of our community.

In closing, I, on behalf of the Northampton County Board of Supervisors, ask that the FCC ruling on Docket #97-182 be reconsidered so that the autonomy and authority of local governments across the United States will remain fully protected.

cc: Jim Campbell  
Bob Fogle, NACo

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October 20, 1997

Office of the Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington DC 20554

MAIL ROOM  
OCT - 24 1997  
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Attention: Docket No.FCC 97-182

To whom it may concern:

Being a private citizen who has been a fan of aviation since childhood and one who has sought out and obtained membership in the National EAA and local chapter, I am opposed to the push to implement DTV at the expense of local interests (as outlined in the letter to you by the AOPA).

My interest in aviation may well lead me to obtain a private pilot's license and ownership of an airplane and I feel that my safety will be jeopardized should the interests of the broadcast media be placed paramount. Of further concern on my part is that if civil aviation is to be thwarted by making it unsafe, there will be fewer young people entering aviation with the result of fewer trained pilots to come to the service of our country in time of her need. The EAA membership spends much of it's efforts nowadays trying to interest young people in aviation because they foresee this eventuality.

Please act responsibly in our behalf and do not allow this offense to our citizenry take place.

I thank you for your attention.

Sincerely,



James L. Kennedy  
3110 Hermina St.  
Madison, Wisconsin 53714-1824

**FLORIDA**

LAWTON CHILES  
GOVERNOR



**DEPARTMENT OF TRANSPORTATION**

605 Suwannee Street, Tallahassee, Florida 32399-0450

THOMAS F. BARRY, Jr.  
SECRETARY

**Mail Station 46  
(850)414-4500**

**DOCKET FILE COPY ORIGINAL**

**October 21, 1997**

Mr. William F. Caton  
Acting Secretary  
Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: Notice of Proposed Rule Making; MM Docket No. 97-182  
In the Matter of:  
Preemption of State and Local Zoning and Land Use Restrictions on the Siting,  
Placement and Construction of Broadcast Station Transmission Facilities

Dear Secretary Caton:

The Florida Department of Transportation strongly objects to the preemption of this state's authority to regulate the siting, placement or construction of any structure including broadcast station transmission facilities, that penetrate the navigable airspace necessary for safe and efficient use of the state's public aviation transportation system.

The Florida legislature has long recognized that a viable system of public aviation facilities and the airspace necessary to efficiently operate them is of vital importance to our state's economy. Consequently, our legislature enacted state laws allowing funding of aviation system capacity improvements. In the past five years alone, the State of Florida has invested nearly \$430 million as its share to preserve and expand the state aviation system.

In order to protect our investment, Florida also enacted comprehensive land use planning and aviation compatible land use legislation that specifically requires controls for structure heights and land uses that are incompatible with normal aviation operations or that jeopardize the public's health, safety or welfare. Enforcement responsibility is shared by the Florida Department of Transportation and local governments under adopted airport zoning ordinances and comprehensive land use plans. The purpose of these statutory controls is to preserve the safe, efficient use of the state's aviation transportation system and to protect our substantial investment of federal, state and local public funds.

Further, the Federal Aviation Administration (FAA) requires protection of the federal government's invested public funds. The sponsors of airports developed by or improved with federal funds are obligated to prevent obstructions in the aerial

Lawton Chiles  
GOVERNOR

Mr. William F. Caton  
October 21, 1997  
Page Two

approaches to the airport. Obstructions are as defined in Federal Aviation Regulations(FAR), Part 77, Objects Affecting Navigable Airspace. For grants to airports acquired under P.L. 80-289, amending The Surplus Property Act of 1944, assurances are required that actions including zoning will be taken to restrict land uses in the vicinity of airports to uses compatible with normal airport operation. Under provisions of the Airport and Airway Safety and Capacity Expansion Act of 1987(P.L. 100-223) and earlier federal airport improvement funding programs, airports must make the obligation to prevention obstructions in writing as a condition of fund grants. The majority of Florida's 103 publicly owned airports fall in these categories.

FAR, Part 77, requires construction notification for proposed structures and establishes height standards above which objects would be obstructions to air navigation. It provides the FAA authority to determine the impact of proposed structures, including broadcast station transmission facilities, on aeronautical operations. The Part does not grant the FAA authority to permit or deny construction of any object nor does it provide the FAA any regulatory control of structure height, location or use. While the FAA controls and regulates aeronautical operations, it has no regulatory authority to protect airports, airspace or flight operations from structures that penetrate navigable airspace, would impact flight operations or would interfere with the safe or efficient use of aviation facilities. This is a specifically defined responsibility of state and local government. In Florida, this responsibility is actively exercised through the statutory controls protecting the state public aviation transportation system enacted by the legislature.

Preemption of Florida's authority to regulate the siting, placement or construction of broadcast station transmission facilities that penetrate navigable airspace would adversely impact the state's public aviation transportation system in two ways. First, an object that exceeds obstruction standards can affect the safety of flight operations as well as persons in, on or near the object should an aircraft collide with it. Second, an object that penetrates navigable airspace, particularly airport terminal area airspace, will decrease the area aircraft have available for taking off, maneuvering or landing. In turn, this requires flight restrictions and operations or procedures to be modified to accommodate the object safely. These type accommodations limit and degrade aviation operating capabilities resulting in decreased airport and system capacities.

Thus, an object that penetrates en route or airport terminal area airspace jeopardizes the investment of public funds in our aviation transportation system. Where these public funds include federal grants, preemption of the local government zoning control by the Federal Communications Commission(FCC) could place the local government in default of its grant assurance required by the FAA.

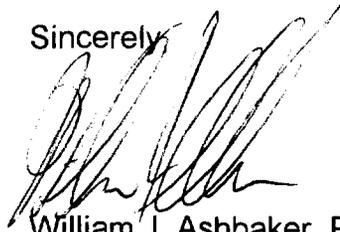
Mr. William F. Caton  
October 21, 1997  
Page Three

We wish to respectfully point out that the mandated role of the FCC is management of a national system of communications in its wide variety of applications. This role does not equip the Commission or its staff with the aeronautical expertise to evaluate the impact a proposed structure will have on existing or planned aeronautical activity. Florida's airspace protection and compatible land use statutes require the Department of Transportation to be proficient in this area of expertise, use it in executing its permit authority and assist local governments on request.

We recognize the importance of a viable radio and television broadcast system and the public interest these media services serve on a national as well as international basis. We also recognize that these services are, in the main, provided by private, venture capital organizations in a highly competitive and profitable market arena. The most lucrative broadcast markets are those with the greatest population densities that also require the more extensive aviation transportation system capabilities and thus create conflicts between the two systems needs. When these type conflicts occur, we do not believe it was the intent of the Congress that they be resolved at the expense of public investment in its transportation infrastructure or the safety of the system.

The safety of the state's public transportation system is the paramount concern of the Florida Department of Transportation.

Sincerely,



William J. Ashbaker, P.E.  
State Aviation Manager

WJA/ajr

cc: Aircraft Owners and Pilots Association  
Florida Airport Managers Association  
Florida League of Cities  
Florida Association of Counties  
National Association of State Aviation Officials



Buzz Westfall, County Executive  
Richard E. Hrabko, A.A.E., Director of Aviation

October 20, 1997

OCT 24 1997

Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Federal Communications Commission  
Proposed Rulemaking MM Docket No. 97-182  
Preemption of State and Local Zoning and Land Use Restrictions on the Siting  
Placement and Construction of Broadcast Station Transmission Facilities

Gentlemen and Ladies,

I am writing on behalf of the Aviation Advisory Committee, of the Missouri Highway and Transportation Commission, to object to the above proposed rulemaking regarding the preemption of State and Local Government from the process of approving tall tower structures.

The petition proposed by the National Association of Broadcasters and the Association for Maximum Service Television to preempt state and local zoning regulations is a serious threat to air safety. Additionally, this proposed action could have a very serious effect on the efficiency of our Nation's airports by limiting their availability during bad weather.

Our main concern is with the location and height of new towers near airports and the proposed review time periods for State and local government action before preemption would take place. Local zoning authorities, made up of residents of their respective communities, meet monthly and are required to provide a period of public comment and hold public hearing before issuing a conditional use or building permit. Public input is essential to give citizens and in this case, the flying public an opportunity to comment on proposals that may have a detrimental effect on their airport or to the safety of flight. The review time periods are unreasonably short and do not allow for an adequate public comment period or public hearing.

The proposed rule appears to apply to all communication facilities, not just to Digital Television (DTV) proponents. While the stated reason is to facilitate the establishment of digital TV, it would also give all antenna proponents leverage over state and local planning and zoning organizations. These units of government were established to provide orderly growth with considerations for public safety, environmental effects, utility allotment, aesthetic concerns etc., and this proposed action would seriously limit their power to perform this important function. We have learned first hand the apparent disregard that some antenna proponents have towards protecting airspace near airports. Preemption of State and local jurisdictions is not an area that a unit of the federal government should be involved in.

Number of Copies 0  
Date 10/20/97

18270 Edison Avenue, Suite 100  
Chesterfield, MO 63005  
Voice/TDD 314-532-2222  
Fax 314-532-4886

We encourage the FCC to work more closely with state and local government to implement the new DTV system in such a way that does not compromise aviation safety. Thank you for your consideration concerning this matter.

Respectfully submitted,



Richard E. Hrabko, AAE  
Chairman, MHTC Aviation Advisory Committee

cc: Brian Weiler, State Aviation Administrator  
American Association of Airport Executives  
Honorable Kit Bond, U.S. Senator  
Honorable Richard Gephardt  
Honorable James Talent  
Glen Powers, Director of Planning St. Louis County  
Teresa Price, Director of Planning City of Chesterfield

Missouri  
Department  
of Transportation



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105 West Capitol Avenue  
P.O. Box 270  
Jefferson City, MO 65102  
(573) 751-2551  
Fax (573) 526-4709  
www.modot.state.mo.us

Joe Mickes, Chief Engineer

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October 21, 1997

OCT 24 1997

Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: Federal Communications Commission  
Proposed Rulemaking MM Docket No. 97-182  
Preemption of State and Local Zoning and Land Use Restrictions on the Siting,  
Placement and Construction of Broadcast Station Transmission Facilities

To whom it may concern:

**The Missouri Department of Transportation strongly objects to the establishment of the subject proposed rule.**

The petition proposed by the National Association of Broadcasters and the Association for Maximum Service Television to preempt state and local zoning regulations is a serious threat to aviation safety. The Federal Aviation Administration (FAA) is limited to identification of obstructions and hazards to air navigation. The duty of controlling towers that interfere with airport approach and departure flight paths is solely in the hands of the States and local municipalities. Preempting that authority removes aviation safety as a vital factor in siting transmission facilities.

Our main concern is with the location and height of new towers near an airport and the proposed review time periods for State or local government action before preemption would take place. Many local zoning boards, especially in rural areas, meet only once a month and are required to provide a period of public comment and hold public hearings before issuing a conditional use or building permit. This public input is important to the aviation community as it allows airport owners, managers, businesses, pilots, etc., to comment on proposals that might have a detrimental effect on their airport or flying activities. **The review time periods are unreasonably short and do not allow for an adequate public comment period or public hearing.**

We are also very concerned that the proposed rule appears to apply to all communication facilities, not just the Digital Television (DTV) proponents. The stated reason for the subject proposed rule is to establish the DTV system in a timely manner, yet it would give all antenna

"Our mission is to preserve, enhance and support Missouri's transportation systems."

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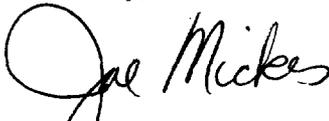
OCT 24 1997

Page 2  
Federal Communications Commission  
October 17, 1997

proponents leverage over state and local planning and zoning organizations. These units of government were established to provide orderly growth with considerations for public safety, environmental effects, utility allotment, aesthetic concerns, etc., and this proposed action would seriously limit their power to perform this important function. We have learned first hand the apparent disregard that some antenna proponents have towards protecting airspace near airports. Preemption of State and local jurisdictions is not an area that a unit of the federal government should be involved in.

We encourage the FCC and DTV proponents to work more closely with state and local governments to implement the new DTV system in such a way that does not compromise aviation safety. Thank you for your serious consideration of the matter and please call Brian Weiler, Administrator of Aviation, at (573) 526-7912 if you have any questions or require additional clarification.

Sincerely,



Joe Mickes, P.E.  
Chief Engineer

jm/bw-mo

cc: National Association of State Aviation Officials  
American Association of Airport Executives  
Congresswoman Pat Danner  
Congresswoman Karen McCarthy  
Congresswoman Jo Ann Emerson  
Congressman Roy Blunt  
Congressman Richard Gephardt  
Senator Christopher Bond  
Anita Randolph, MoDOT Governmental Affairs  
Joe Peraino, Linton, Miels, Reisler & Cottone



DOCKET FILE COPY ORIGINAL

David P. Bowerman  
Rio  
Charlotte Y. Humphris  
Jack Jouett  
Forrest R. Marshall, Jr.  
Scottsville

COUNTY OF ALBEMARLE  
Office of Board of Supervisors  
401 McIntire Road  
Charlottesville, Virginia 22902-4596  
(804) 296-5843 FAX (804) 296-5800

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OCT 24 1997  
COUNTY CLERK

Charles S. Martin  
Rivanna  
Walter F. Perkins  
White Hall  
Sally H. Thomas  
Samuel Miller

FAX: (804) 296-5800

October 20, 1997

Office of the Secretary  
Federal Communications Commission  
Washington, D. C. 20554

Dear Sir or Madam:

On behalf of the Albemarle County, Virginia Board of Supervisors, I would like to take this opportunity to provide comment on the FCC's notice of proposed rule making on preemption of state and local zoning and land use restrictions on the siting, placement and construction of broadcast station transmission facilities, (Docket #97-182, FCC 97-296). Let me begin by pointing out that the very introduction of the NPRM states that "The Commission is undertaking this proceeding to consider whether and in what circumstances to preempt certain state and local zoning and land use ordinances which present an obstacle to the rapid implementation of digital television (DTV) service. To consider circumventing the basic rights guaranteed in our representative political process by allowing the FCC and private industry to dictate to the citizens of this country where DTV towers should be placed is unthinkable. To consider removing local government from the decision-making process on tower location surely flies in the face of the principles upon which a democracy is based.

As I understand the proposed rule, it will require local governments to act on all zoning and building permit requests for broadcast tower construction in the unreasonable time limit of 21 to 45 days, which completely ignores current local procedures, legal public notice requirements, and other public policy interests on zoning requests. To suggest the failure to act on the zoning and building permit requests within this limited time constraint would cause the request to be automatically granted is again most unreasonable. Other issues that have become a part of our review procedure for the location of towers in Albemarle County cannot be dealt with at the local level if we are preempted in any fashion simply in the interest of rapid implementation of digital TV. The NPRM goes on to allow any broadcaster unhappy with a local decision to appeal directly to the FCC rather than going to our court system which is the current practice. This would require county government to defend itself at the FCC in Washington rather than in the local, state or federal courts having jurisdiction at the present.



Office of the Secretary  
Federal Communications Commission  
October 20, 1997  
Page 2

Albemarle County has, with citizen input, instituted a most reasonable review procedure at the local level for all towers within our community in light of other telecommunication rule making. To remove this siting decision from citizens at the local level who must live in the shadows of these towers would be an unfortunate reversal of the stated policy of this Congress to return power back to the states and local government. By taking this power away from localities, the federal government is, in effect, enforcing yet another federal mandate.

The Albemarle County Board of Supervisors is firmly on record against the preemption of local land use decisions by any governmental entity other than the local representatives charged with the health, safety and welfare of the communities in which they live. We strongly oppose this proposed rule making and urge the FCC to reconsider any proposed rule that, in the interest of rapid implementation of digital television service, would preempt local governments' ability to review and act upon the location of such towers in the interest of the health, safety and welfare of our citizens.

Sincerely,



Charlotte Y. Humphris  
Chairman

CYH/dbm  
97.026

cc: The Honorable Charles S. Robb  
The Honorable John W. Warner, Jr.  
The Honorable Thomas J. Bliley, Jr.  
The Honorable Virgil H. Goode, Jr.  
Virginia Association of Counties  
National Association of Counties

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97-182

Stacy Howard  
41695 N Coyote Rd  
Queen Creek AZ 85242  
602-987-9165 Fax 987-0352

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OCT 24 1997

October 10, 1997

Federal Communications Commission  
FCC Dockets Branch Room 239  
1919 M Street, NW  
Washington DC 20037

RE: <sup>FCC</sup> Docket 97-296

Gentlemen:

I am writing concerning the above captioned Notice of Proposed Rule Making from the Federal Communications Commission, on Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Transmission Facilities. I strongly oppose this NPRM on the grounds that preemption of state and local zoning laws, ordinance and regulations will result in hazards to aircraft operations and passengers in the United States.

Airports are endangered by constant encroachment of the approach and departures slopes by towers or other vertical obstructions. Penetrations to navigable airspace may cause unsafe conditions at an airport. In many cases, these airspace penetrations can only be removed, lowered or reconstructed through local and state authority.

The FAA utilizes Federal Aviation Regulation (FAR) Part 77, CFR 14 "Objects Affecting Navigable Airspace" in an effort to establish standards for determining obstructions to air navigation. In addition, the FAA has published supplemental documentation to Part 77 in the form of advisory circulars. Although these documents are designed to educate airport sponsors about safety standards, the FAA has no power to enforce obstruction standards. States and local governments have direct responsibility for enacting and enforcing airport-compatible land use.

Given the relative ineffectiveness of the current Federal Aviation Regulations, and the advisory nature of other FAA documentation, it is essential that state and local authorities maintain their ability to adequately regulate tall structures. The FCC NPRM discourages state and local governments from filling in the federal voids to protect their airports and citizens. I believe that another federal agency should not attempt to circumvent local authorities who are in the best position to protect the navigable airspace around their airports and have the legal right to do so.

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Industry petitions for this FCC NPRM should not override well established state and local zoning protection for airports, aircraft, passengers and people on the ground. Instead, the arbitrary and aggressive implementation schedule for Digital Television (DTV) should be modified to allow state and local zoning requirements to be considered in the implementation process.

Sincerely,



Stacy Howard