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January 22, 2007

The state reads the riot act to the city over Sunroad project

Last week, after the U-T carried an [editorial](#) decrying the Sanders administration's decision to allow limited work to proceed on the Sunroad tower near Montgomery Field, I received a phone call from a PR person for Sunroad. She said that the editorial was uninformed and inaccurate, and that regulators weren't nearly as upset about allowing a 180-foot tower to be built near an airfield as we wrote -- no matter what the FAA's official spokesman said.

This was mystifying, as odd a call as I've had from a responsible party in years. Sunroad seems to contend it knows the FAA rules better than the FAA and implies that it has allies within the FAA who aren't being heard, and that in due time this will lead the FAA to drop its oft-stated objections to the tower. Apparently this view holds that when the FAA sees the light, the state's objections will go away, since they are related to the FAA's objections. Or maybe it holds that Sunroad understands state Department of Transportation rules better than the state Department of Transportation. Do they use Ouija boards at Sunroad in concocting their corporate strategy?

Anyways, the state Department of Transportation is now as miffed with the city of San Diego as it is with Sunroad:

As called for by our mission to protect aviation safety, people and property, we are notifying you of this fact, and request that you revise and reissue the Notice so that no work is accomplished in the top 26 feet of the Sunroad Centrum 1 building.

The City's attempts to pass liability for the illegal construction on to Sunroad entirely miss the point. This issue is not about who has liability for the hazard, but taking action to remove the hazard so that liability is not an issue. When the facts of the situation show a developer failed to comply with a federal notification regulation (Federal Aviation Regulation Part 77.17), used that violation of federal regulation to obtain local planning and building approval, knowingly began construction of a building determined by a federal agency to be a hazard, constructed parts of the building in violation of State law (PUC Section 21659), and continue to defy State and local attempts to resolve the situation, the reluctance of the City to take the necessary steps to protect its citizenry is a mystery.

That's from DOT aviation safety officer Jeff Brown.

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I expect a phone call any minute telling me I didn't read it correctly -- that it really means, "Full speed ahead, Sunroad -- get that tower built pronto!"

I will post any written response from Sunroad.

Posted by **Chris Reed** at January 22, 2007 05:19 PM | [Send a comment](#)

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