U.S. Department
of Transportation

**Federal Aviation
Administration**

Report to Congress

Airport Noise Compatibility Planning
Program: Study and Determination on
Expedited and Simplified Procedures

Part 150
Airport Noise Compatibility Planning

November 1989
Washington, D.C. 20590

Report of the Secretary of Transportation to the United States
Congress pursuant to Section 301 (d) of Public Law 100-223

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 1, 1990

The Honorable Dan Quayle
President of the Senate
Washington, DC 20510

Dear Mr. President:

I am pleased to transmit to you the Airport Noise Compatibility Planning Program report required by Section 301(d) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100-223). This report is based on a study conducted by the Federal Aviation Administration (FAA) to determine whether expedited and simplified procedures which meet the objectives of the Aviation Safety and Noise Abatement Act of 1979 can be developed to include special circumstances at certain airports. In conducting the study, the FAA consulted with airports, airport users, representatives of persons residing in areas surrounding airports, concerned Federal, State, and local officials, and other interested persons.

This report provides an affirmative answer to the question posed by the Congress. The recommendations presented here are based upon extensive consultation with affected individuals and groups, review of FAA's experience with Part 150, and the results of parallel efforts such as that of the Industry Task Force on Airport Capacity Improvement and Delay Reduction, Airport Noise/Airport Capacity Working Group.

The cornerstone of simplifying Part 150 is a revised process for developing Noise Compatibility Plans. Under this process, the noise abatement and mitigation actions considered in the Plan's development would depend on the characteristics of the particular airport and its surrounding communities. The current mandatory set of alternatives would be eliminated and the airport operator, in consultation with affected parties, would select noise control alternatives. The new process would be supported by appropriate guidance, training, review, standardization, and consultation requirements.

A copy of this report is being provided to the Speaker of the House of Representatives.

Sincerely,

Samuel K. Skinner

Enclosure

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

May 1, 1990

The Honorable Thomas S. Foley
Speaker of the House of Representatives
Washington, DC 20515

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DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

REPORT TO CONGRESS

EXECUTIVE SUMMARY

In response to the direction of Section 301(d) of Public Law 100-223, a study of the procedures established under the Aviation Safety and Noise Abatement Act of 1979 (ASNA Act) for the preparation and submission of noise compatibility programs has been conducted. These procedures have been codified under Part 150 of the Federal Aviation Regulations. As a result of this study and the wide consultations that supported it, several recommendations are made to simplify the Part 150 process to improve its usefulness and timeliness. Key among these changes is a provision allowing localities to adapt the process to their special circumstances. Other proposed changes relate to expediting both the preparation and review of noise exposure maps and programs and to improving the quality and utility of the product studies.

Development and implementation of effective land use planning around the Nation's airports is vital to the continued health and development of the national air transportation system. Part 150 is the major Federal program available for guiding and standardizing that effort. This program is voluntary and more than 170 airports are now participating. In the 9 years since Part 150's inception, the value of effective land use planning has become clear to the Federal Aviation Administration (FAA), the public, and the aviation community. It is equally clear that Part 150 serves a valuable and important purpose. However, this experience has also shown that the program can be improved to further enhance its effectiveness while minimizing analytical and reporting loads.

Part 150 could be simplified, not just for airports with demonstrable "special circumstances," but for all applicants. A key part of this change would be removal of the requirement to analyze a mandatory list of alternative actions. The selection of noise abatement and mitigation actions for analysis would be the responsibility of the airport operator, after consultation with the FAA and potentially affected parties. A second change would be to combine the Noise Exposure Map and Noise Compatibility Program (NCP) into a single document for submission, review, and approval. Participants would be able to perform the study and undertake consultation more effectively and efficiently. In addition, they would be subject to only one FAA review. Airport operators that still wish to submit only the maps would be allowed to do so, with notification to FAA that no NCP is being undertaken.

The new process would be accompanied by appropriate revision of the guidance, training, review, standardization, and consultation requirements.

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DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

REPORT TO CONGRESS

I. INTRODUCTION

This report is submitted in response to the requirement in Section 301(d) of Public Law 100-223, which directed the Secretary of Transportation to conduct a study of PROCEDURES FOR PREPARATION AND SUBMISSION OF NOISE COMPATIBILITY PROGRAMS. The Congressional request noted the following:

> *(1) STUDY.-The Secretary shall conduct a study of the procedures established under the Aviation Safety and Noise Abatement Act of 1979 for the preparation and submission of noise compatibility programs. The objectives of such study shall be to determine whether or not such procedures could be revised to provide a more simplified process which meets the objectives of such Act and to determine whether or not expedited and simplified procedures which meet the objectives of such Act could be developed to take into account special circumstances at certain airports.*
>
> *(2) CONSULTATION REQUIREMENTS.-In undertaking the study under this subsection, the Secretary shall consult airports, airport users (including air carriers), representatives of persons residing in areas surrounding airports, concerned Federal, State, and local officials, and other interested persons.*
>
> *(3) REPORT.-Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1) together with recommendations.*

The Joint Explanatory Statement of the Committee of Conference on Public Law 100-223 provided additional insight into the Congressional intent by noting the following:

> *The special circumstances which should be considered in the study include airports surrounded by densely populated, long-established residential neighborhoods, where land acquisition would be a prohibitively expensive and socially undesirable solution to the airport noise problem.*
>
> *The study required by this provision is to be developed in consultation with affected individuals or groups. Without intending to limit this consultation requirement, the Conferees note that the procedures established by FAA for the development of noise compatibility programs are now being evaluated by an Industry Task Force in the context of a review of a wide range of issues of noise and airport capacity. We expect the DOT study on procedures for noise compatibility programs to give full consideration to the conclusions of the Industry Task Force.*

In response to this request, the Federal Aviation Administration (FAA) published Federal Register Notice No. 88-12 requesting public comment on the issues raised in section 301(d) of Public Law 100-223. Federal Register Notice No. 88-12 is reproduced in this report as appendix 1. Public Docket No. 25660 was opened and 153 comments were received from both individuals and groups, including an Aviation Industry Task Force. Every attempt has been made to review and include all comments for presentation in this report and the comments, grouped by major issues, are presented in appendix 2.

A. The Airport Noise Compatibility Planning Process

The objective of airport noise compatibility planning, and of the subsequent implementation of such plans, is to reduce existing noncompatible uses and to prevent the introduction of additional noncompatible uses around an airport. Airport noise compatibility planning is a process which evaluates the noise from aircraft operations at an airport and the noise-sensitivity of land uses which surround the airport. Compatibility is achieved when the noise level at a location does not exceed an acceptable value for the land use in that area. Hence, the primary actions which lead to noise compatibility are the reduction of the noise from aircraft operations and the promotion of uses for noise-impacted lands that are compatible with the noise levels. Noise compatibility planning can be difficult because the primary actions leading to compatibility are rarely under the control of a single decision maker.

Airport compatibility problems can cause serious confrontation between two important elements of a community's economic health--the need for airports to meet both current and future transportation needs and the continuing urbanization of land areas surrounding airports. Airport proprietors are finding that expansion is difficult, expensive, or even impossible at any cost. New noise-sensitive development, particularly residential areas, continually advances upon existing airports and stifles the development of new ones. On the other hand, citizens living or working near an airport may view that airport as a threat to their health, safety, and welfare.

Airports and their environs have an economic relationship. An airport's economic importance to the community depends on many factors including its size and the type of service it provides. Airports can be major employment centers, and commercial development around an airport can amplify its job-creation capability. Airport-induced commercial growth can influence the subsequent emergence of residential areas and their associated infrastructure. However, airports may also be dependent on the economic posture of the surrounding community. Airports are often publicly-owned facilities and may be dependent on local tax support, revenue and/or general obligation bonds, and even Federal or State funding. The public's investment in the airport goes far beyond the obvious direct costs of owning and operating it and includes opportunity costs, social and environmental costs, and public investments in the infrastructure needed by the airport.

Aviation noise affects several million people in the United States. Current estimates are that approximately 3.2 million people live within noise-impacted areas. In an effort to resolve noise problems, a minimum of 10 percent of the annually available airport improvement program funding is dedicated to noise planning and program implementation. Federal Aviation Regulations (FAR), Part 150, Airport Noise Compatibility Planning, is the primary Federal regulation available to guide planning for aviation noise compatibility on and around airports. (Part 150 is reproduced in this report as appendix 3, and a summary of the activity under Part 150 is reproduced as appendix 4.)

Part 150 was created in response to the need for a planning process which could be applied to the noise impacts of aviation operations. Part 150 was issued as an interim regulation (46 FR 8316; January 19, 1981) under the authority of the Aviation Safety and Noise Abatement Act of 1979 [49 U.S.C. App. 2104(c)] (ASNA Act). The ASNA Act is reproduced in this report as appendix 5. Part 150 established the procedures, standards, and methodologies to be used by airport operators to prepare an Airport Noise Exposure Map (NEM) and Airport Noise Compatibility Program (NCP) to submit to the FAA. The final rule was issued on January 18, 1985 (49 FR 49260) and was amended on March 16, 1988, to include free-standing heliports (53 FR 8722). Program activity has continued to accelerate, and 56 NCP's have been approved as of the date of this report.

The Part 150 program is a balanced and comprehensive approach to reducing the incompatibility between airports and surrounding communities due to noise impacts, while maintaining the efficiency of the national aviation system and avoiding undue burdens on interstate and foreign commerce. Part 150 provides for the following:

Establishes standard noise methodologies and units.

Establishes the Integrated Noise Model (INM) as the standard noise-modeling methodology.

Identifies the land uses which normally are compatible or noncompatible with various levels of airport noise.

Provides for voluntary development of NEM's and NCP's by airport operators.

Provides for review of NEM's to ensure compliance with the Part 150 regulations.

Provides for review and approval or disapproval of Part 150 NCP's submitted to the FAA by airport operators.

Although the regulations contained in Part 150 are voluntary and airport operators are not required to participate, an approved Part 150 NCP is the primary vehicle for gaining approval of applications for Federal grants for noise abatement projects, and is the preferred vehicle for providing the analyses required by FAA to evaluate the impacts of proposed constraints upon an airport's operation for noise reasons. The Part 150 program responds to the principles set forth in the Aviation Noise Abatement Policy statement of 1976, as well as to the requirements of the ASNA Act.

1. Noise Methodologies and Metrics

The ASNA Act required the FAA to designate two noise metrics: A single system for measuring aviation noise in the community; and a single system for determining the exposure of individuals to noise resulting from the operation of an airport:

> The system for measuring aviation noise in the community required a demonstrated relationship between projected noise exposure and the surveyed reactions of people to noise. For these purposes, the A-weighted sound level and its derivatives were selected.
>
> The system for determining the exposure of individuals to airport noise, i.e., for evaluating the cumulative impacts of multiple noise events, required consolidation of the effects of intensity, duration, frequency, and time of occurrence. The metric selected is the yearly day-night average sound level (DNL), which is based on the A-weighted sound level.

2. The Integrated Noise Model (INM)

A standard noise forecasting methodology is required to ensure uniformity and comparability of the NEM's submitted under the program. The FAA's INM has been adopted as the program's standard noise modeling methodology. The FAA believes that this is a well-proven model. The INM is available for use on microcomputers, as well as on mainframe computers, thus reducing the costs of running noise contours and permitting more alternatives to be explored in developing NCP's. For free-standing heliports, the Heliport Noise Model is used.

3. Land Use and Noise Compatibility

Table 1 of Part 150, entitled "Land Use Compatibility With Yearly Day-Night Average Sound Levels," provides a standard reference for land uses compatible with various levels of airport noise. Table 1 is the only noise and land use compatibility guidance currently in the Code of Federal Regulations (14 CFR Part 150).

4. Noise Exposure Map

A Part 150 NEM clearly identifies an airport's present and future noise levels and the surrounding land use areas which are not compatible with those noise levels. An NEM consists of two maps of the airport with noise contours plotted over land uses, plus supporting documentation. The noise contours for the 65, 70, and 75 dB DNL noise levels are shown on these maps. The first map shows the current conditions and identifies the airport's noise compatibility problems. The second map presents the noise contours predicted for 5 years in the future, based on reasonable future assumptions of airport operations and changes in land use, and may take into account any compatibility improvements

due to noise compatibility actions which are planned for the 5-year period. The NEM is prepared by the airport proprietor in consultation with airport users, the public, local governments, land use control agencies, and the FAA.

5. Noise Compatibility Program

The purpose of an NCP is to show what measures the airport proprietor has taken, or proposes to take, to reduce noncompatible land uses and to prevent the introduction of additional noncompatible uses within the DNL 65 noise contour. The NCP is the primary vehicle for guiding and coordinating all the agencies and individuals whose combined efforts are essential to achieve the maximum degree of noise compatibility between the airport and its neighbors while taking into account the requirements of the national aviation system. The NCP is also the primary analytical tool for evaluating the impacts of proposed operational constraints or restrictions on interstate or foreign commerce.

Developing a Part 150 NCP is a multi-step process which is carried out in close consultation with the affected local governments, airport users, people impacted by either the noise or the solutions, and the FAA. The NEM is a basic element of the NCP since it provides a clear indication of the extent of the airport's noise problem. By law, the FAA cannot accept an airport's NCP for review until its NEM is found to be in compliance with all applicable laws and regulations.

The two primary techniques to increase compatibility between an airport and its environs are noise abatement and noise mitigation. Noise abatement refers to actions that reduce the amount of noise over noise-sensitive land uses such as residences, schools, hospitals, churches, and libraries. These reductions are usually achieved through changes in aircraft operational procedures, types of aircraft using the facility, or airfield layout. Although noise abatement measures may reduce the amount of noise-sensitive land and the number of people exposed to high levels of aircraft noise, they usually will not entirely eliminate the problem. Therefore, noise mitigation measures such as land use controls, acquisition, soundproofing, easements, and building code requirements, are often applied around the airport. Mitigation measures help alleviate the noise problems of current residents and minimize the development of future noise-sensitive land uses around the airport.

A series of alternative measures, or combinations of measures, to mitigate noise impact is developed by the airport proprietor in cooperation with surrounding jurisdictions and affected parties. These measures must be reasonably consistent with achieving the goals of mitigating the impact on existing noncompatible land uses around the airport and of preventing the introduction of additional noncompatible land uses. A minimum range of alternative measures is now specified in Part 150, and others may also be considered. Selected alternatives must not unduly burden interstate commerce, unjustly discriminate, reduce the level of aviation safety, adversely affect efficient use of the navigable airspace, or adversely affect any other powers or responsibilities of the Administrator of the FAA.

Each NCP must include an agreed-upon schedule for implementation of the program, including: the period covered by the program, identification of the entity responsible for implementing each proposed noise compatibility action, and identification of the sources of the necessary funds. The NCP must also include specific provision for its own revision.

6. Federal Funding

The effectiveness of an NCP may depend on the implementation of local noise compatibility actions, including land use controls, and provision of the funds needed for planning, acquisition, relocation, and construction. Federal funding totaling approximately $575.2 million in matching grants was provided to airport operators and adjacent communities under the Airport and Airway Improvement Act of 1982 for fiscal years 1983 through 1988 for compatibility planning and for the implementation of FAA-approved NCP's.

The Airport and Airway Safety and Capacity Expansion Act of 1987 provides for continued funding of noise compatibility planning and implementation through a 10 percent set aside of the amounts made available for grants each fiscal year through fiscal year 1992. Funding is in the form of matching grants from the Aviation Trust Fund, providing for an 80 percent Federal share or the Federal share applicable to airport development projects at an airport, whichever is higher. The Aviation Trust Fund is sustained by an 8 percent tax on tickets, by other taxes on air cargo, and by taxes on fuel used by general aviation. Thus, the monetary cost of the program is largely paid for by those who benefit from aviation services.

B. Relationship of the Congressional Request to the Airport Noise Compatibility Planning Process

Section 301(d) of Public Law 100-223 posed two narrowly defined questions to the Secretary of Transportation:

> *(1) Can the procedures which the FAA had developed for the preparation and submission of noise compatibility programs be revised to provide a more simplified process which meets the objectives of the Aviation Safety and Noise Abatement Act of 1979?*
>
> *(2) Can the expedited and simplified procedures be developed to take into account special circumstances at certain airports?*

Thus, this study did not seek to determine if noise compatibility programs should be prepared and submitted to the FAA. The request for comment on these narrowly defined questions evoked a broad ranging response from the public. While the FAA announced that Docket No. 25660 would be closed on January 9, 1989, comments were actually received and accepted until February 16, 1989, and 153 individual submissions were received. The breadth and depth of the public comments pointed out two important considerations for the development of this report:

(1) The public is very interested in and has a substantial understanding of the airport noise compatibility planning process in general and Part 150 in particular.

(2) The public has a very broad view of the meaning of procedures. In addition to the seven procedural issues which the FAA suggested in the Federal Register notice, input was received on every major element of Part 150.

The broad range and interdependence of the public comments made it impractical to single out comments which were only responsive to the Congressional request. The lack of clear distinctions between issues relevant to the Congressional request and the other issues submitted to the docket led the FAA to include all of the public's comment in this report. This decision was supported by the value of many of the comments which provided a context for the more specific issues.

C. Methodology Followed in the Development of This Report

The FAA followed an orderly series of steps in the development of this report, starting with a review of its present statutory authority, administrative practices, and technical procedures, as they apply to or impact on Part 150. Particular attention was given to the objectives of the ASNA Act since Congress specified that any new Part 150 procedures should meet the objectives of that Act.

A qualitative review of the Part 150 program was made to establish a base set of procedures which might be simplified and still meet the objectives of the ASNA Act. The Part 150 program was also reviewed to determine if other types of special circumstances might exist in addition to the one mentioned in the Conference Report. These reviews provided background material for a Federal Register notice which announced the opening of a docket to receive comments on Part 150.

The FAA held two national meetings of its staff who are experienced in both the review of Part 150 maps and programs and in working with and advising airport proprietors and communities. The meetings took place at the FAA's Aeronautical Center in Oklahoma City in May 1988 and 1989. The consensus views of the involved FAA staff on procedural modifications to Part 150 have been incorporated throughout this report. This report also reflects the experience which is being accumulated in the daily operation of the Part 150 program and from the daily inflow of comments from airport proprietors and users, aviation consultants, representatives of various elements of the aviation industry, citizens, and all levels of government.

The majority of the information contained in this report, in response to the consultation requirement in the Congressional request, was obtained from an analysis of comments in FAA Docket No. 25660. There were 153 individual submissions made to the docket and most had multiple parts. Comments submitted in handwritten form were typed so that they could be read by an optical scanner

to place them in a word processing system along with those comments which were received in scannable form. All comments were sorted and recombined into categories and then into issues using an electronic word processing system.

After each submission was analyzed to separate it into its component parts, there were in excess of 650 individual comments in 150 categories. All categories were read to determine if they were related to the Congressional request or were outside of its scope. Comments calling for a change to Part 150 were also looked at in terms of what would be needed to implement the change, e.g., new legislation, rulemaking, administrative actions. Implementation actions were also looked at in terms of what would be needed to support them, e.g., additional research, special equipment, and funding.

The analysis described above resulted in a set of nine major issues which are strongly related to the Congressional request on program simplification and application to airports with special circumstances. There are 10 other issues which have some degree of relationship to the Congressional request and are included here because of FAA's decision to present all of the public comment which was obtained through the consultation process.

The nine issues which are strongly related to the Congressional request are further described in terms of implementation actions.

II. THE ISSUES

This section presents the 19 issues which were developed primarily from public comments to the docket, secondarily from FAA's experience in operating the Part 150 program, and finally from the conclusions of the Industry Task Force Working Group on Airport Noise/Airport Capacity.

A. Issues Related to the Congressional Request

The nine issues related to a simplified process, and whether expedited and simplified procedures could meet the objectives of the ASNA Act to meet special circumstances at certain airports, are summarized here and assigned short titles for ease of reference in the remainder of this report. Following this summary, each of the nine issues is presented in greater detail.

ALTERNATIVE NCP Any NCP should clearly identify the magnitude of the noise problem and address realistic alternatives for solving that problem. The issue of the alternative NCP is the extent to which the FAA should require analyses of a set of fixed alternatives, some of which may be unrealistic in specific situations. For example, should an extensive land use plan be required of an airport where no land use options are readily available? Also included in this issue are questions related to who shall decide which options are available or are properly applicable at each airport.

STANDARDIZATION This issue addresses the need for standardization of many elements of the Part 150 maps and programs. For example, should all NEM and NCP documents follow FAA-approved formats? The types and extent of data that would be needed to support specific types of recommended actions might be specified as well as the format. One or more standard Part 150 study designs could be developed, showing each step and the required coordination.

GUIDANCE Comments and suggestions for improving both technical and procedural guidance for work conducted under Part 150 are discussed under this heading.

EVALUATION This issue addresses the basis for, and the completeness of, FAA guidance on the evaluation of noise abatement alternatives. Specific needs exist in the areas of analyzing possible burdens on interstate and foreign commerce, unjust discrimination, and the legal standing of noise compatibility programs.

REVIEW This is a narrow issue relating only to FAA review of a Part 150 study after it has been submitted by the airport operator.

EFFECTIVENESS This issue addresses the need for the FAA to follow up on approved Part 150 programs both to verify that selected alternatives were implemented and to gauge the practical effects of the program.

CONSULTATION Questions and comments on the required consultations with airport users and other affected parties are discussed under this heading.

EMPHASIS Public comments were received on the need to prioritize certain alternatives. Since much of the Part 150 process is based on local consultation and compromise, it is important to establish realistic goals at the start.

TIMEFRAME That the current ASNA Act and Part 150 requirement to examine airport noise impacts only 5 years into the future drew many comments. Also, suggestions for better coordinating Part 150 timetables with other Federal requirements were received.

1. Alternative NCP

Should the FAA develop an alternative Part 150 NCP process in which the noise abatement and mitigation actions which must be analyzed as a part of the NCP's development are dependent upon the circumstances of the particular airport? For example, the NCP analysis requirements for an airport set in a mature and fully developed urban area would differ from those for an airport set in an undeveloped rural area.

Background:

Congress requested that the FAA study and consider the feasibility of revised procedures for the preparation and submission of noise compatibility programs under Part 150 to provide a more simplified process which meets the objectives of the ASNA Act, and also to determine if those procedures which meet the objectives of the Act could take into account special circumstances at certain airports. The example given for special circumstances at certain airports was an airport surrounded by densely populated, long established residential neighborhoods, where land acquisition would be a prohibitively expensive and socially undesirable solution to the airport noise problem.

Seeking broad comment not related to a specific example, the Federal Register notice indicated that among the suggestions which had come to the FAA to improve the Part 150 program was: "Have two kinds of Part 150 NCP's, the present comprehensive study for airports with complex noise problems, and a new 'Short Form' Part 150 NCP for airports where a few noncontroversial actions will prevent or solve the noise problem."

This issue was also raised by the Industry Task Force and by FAA staff working in the Part 150 program. A common concern of these groups was that some airports find that only a few of Part 150's mandatory alternatives provide a realistic solution to their specific noise problems. Therefore, the resources expended on the study of mandatory alternatives is largely wasted. At the same time, it was believed by some that an expansive study of alternatives might mislead the public into believing that all alternatives are equally workable at every airport.

Those involved in the FAA internal staff review believed that both cost and time could be saved by deleting the requirement to analyze a long list of alternative actions since few apply at every airport. There was support for restructuring Part 150 to allow the airport operator to decide, after consultation, the alternatives to be addressed in the NCP. However, it was acknowledged that the airport operator's selections could be controversial if the public believed that the "right" alternatives had not been examined. The FAA staff also recommended making the maps an integral part of the NCP, instead of a separate submission for review by the FAA. Combining the NEM and NCP results in a one-step study, one round of consultation, and only one FAA review. This process would then parallel that for documentation prepared under the National Environmental Policy Act. For those airport operators who wish only to prepare a NEM and not an NCP, there could be provision for an NEM-only submission to the FAA accompanied by notification from the airport operator that there will be no NCP.

The FAA's experience also shows that the NEM documentation is considerably clearer when it separately identifies:

(1) the current situation,

(2) the future situation without a noise compatibility program, and

(3) how the future situation would change as a result of the noise compatibility program.

Clarifying Part 150 to require two future maps would impose very little additional effort, since many submissions are already in this format. Further, the additional work is more than offset by the simplification of the narrative needed to explain the program benefits.

Summary of the public comments:

Twenty-two commenters expressed their views concerning this issue. Sixteen comments were in favor of having two kinds of NCP's and were especially in favor of a "Short Form" Part 150 NCP. One commenter suggested that there should be one NCP for major commercial airports and one oriented to smaller general aviation and commercial airports with less complicated activities. Another commenter said that a separate, expedited method of dealing with those residences within the 75 DNL contour is desperately needed, and this expedited process should be based on NEM's prepared using FAA-approved methods without having to complete a full Part 150 study. One person suggested changing Part 150 regulations to allow noise impact assessment studies of a more limited scope, before doing a full Part 150 study, to identify noise related problems before they impact residential areas and to identify effective measures to mitigate noise problems. One suggestion was to introduce a shorter format because of funding limitations at all airports. Also, one commenter suggested reducing the alternative requirements for airports with long standing noise efforts, and have FAA provide guidance to the airport operator as to which noise measures are the most applicable ones to consider.

One concern of the commenters who disagreed with the alternative NCP concept was that, although a short form Part 150 would be useful, the requirements for eligibility to use it would need to be made stringent enough to prevent misuse by airport operators seeking to evade the more thorough requirements of the regular Part 150. It was also stated that the short form Part 150 could be used as an expedient to obtain Federal funds. Another concern was that the short form "could well lack the necessary and required balance between airside and groundside efforts to reduce the impact of airport noise."

Several commenters addressed the concept of a combined NEM/NCP and all agreed that the FAA should approve both elements at the same time. While these comments were not specifically directed at a one-step process, simultaneous approval of the maps and plan could be made on a single submission.

Discussion:

Airport locations range from undeveloped or rapidly developing areas, at the one extreme, to mature and fully developed urban areas, at the other extreme. The compatibility actions applicable to the extremes differ considerably. Feasible compatibility actions for undeveloped or developing land are normally preventative in nature, while the realistic compatibility actions for fully developed areas are remedial or mitigative and may be of a limited scope. Most compatibility programs are usually a mix of remedial and preventative actions. Difficulties arise in selecting the mix when some of the affected parties believe that the mix does not favor them.

The FAA agrees with many of the suggestions to simplify the study of alternative actions. The problem is to develop a system that continues to provide the benefits of the current Part 150, including an equitable balance of the interests of the many affected parties. Ideally, what is needed is a system under which each airport considers all alternatives which could realistically contribute to achieving and maintaining compatibility in its unique situation while avoiding alternatives which have no real chance of resolving the noise problem.

One suggestion was for the FAA to develop a system of classifying airports based on the severity and type of noise compatibility problems that each experiences and the practical availability of certain classes of remedies. Each class would only have a short list of required analyses. The airport proprietor, the FAA, and affected parties would need to agree on the appropriate classification before work could begin on a study. Considering the diversity of community development patterns, the unique place in time of each community in its own development cycle, the unique characteristics of individual airports, and the desirability of an NCP process which is responsive to specific airport/community needs, the FAA does not believe that such a scheme is likely to provide sufficient benefits. The classification of airports and their surrounding communities into a workable number of NCP categories, each with its own NCP analysis requirements, would be unrealistic, time consuming, and not appropriate to the development of simplified procedures.

Among the problems with classification is that the boundaries between classes are not clear cut. In order to classify airports, it would be necessary to perform some analysis of the airport's noise impact and noncompatible use patterns, and group it with other airports which have similar characteristics. This analysis and classification would be neither simple nor timely, and the FAA believes that the effort could be better spent in seeking unique solutions to each airport's unique problems.

Instead of placing complex situations in simple categories, the FAA prefers one NCP process that either starts all airports with a common analytic requirement, and allows unrealistic options to be deleted, or allows an airport operator to build an analysis appropriate to the individual airport. The noise abatement and mitigation actions which should be analyzed during the NCP's development depend upon the nature of that particular airport and community situation. Thus, analyses for an NCP of a large air carrier airport set in a fully developed urban area may be very different from those for a similar airport set in a developing suburban area.

Another suggestion for matching the analytical requirements of the NCP to the airport/community situation is "filtering." This is a process wherein airports could be removed from the requirements for further analyses of alternatives when they reach a point beyond which there are no more options applicable to their particular situation. The filtering criteria would be based upon the degree of urbanization surrounding the airport and the airport's existing and future noise contours. Parallel filtering criteria might be needed for land use and aeronautical options. All airports would start with the same mandatory analytic requirement but only go as far in the NCP process as is appropriate. Theoretically, no extraneous studies would be performed, yet the airport neighbors would be assured that a broad range of alternatives had been examined.

An alternative to the filtering approach would be to delete the requirements of sections 150.23(e)(2) and B150.7(b), which contain the list of mandatory alternatives and which require the airport operator to describe and analyze them and to explain why each rejected alternative was not included in the NCP. The mandatory requirement sometimes adds to the NCP development effort without any additional impact reduction and may lead to a false expectation in the community that each of the mandatory measures will be successfully applied at every airport. On the other hand, while mandatory requirements received major criticism from elements of the aviation industry, including the Industry Task Force, some non-aviation interests consider them valuable to ensure that all potentially useful alternatives are considered.

If the mandatory analysis requirements were deleted, the FAA would also delete section B150.7(a) which requires that alternatives be categorized by implementation responsibility. In addition, the FAA would develop an advisory circular to offer guidance on the selection of program alternatives and make it available to all involved parties.

Proposed resolution of the issue:

Develop a new NCP process in which the alternative noise abatement and noise mitigation actions selected for analysis will reflect the characteristics of the particular airport/community situation. Thus, an airport operator can tailor the NCP to a specific situation without addressing the current mandatory analytic requirements. The revised Part 150 would clarify the need for early consultation with affected parties (including the FAA) to ensure that all potentially useful alternatives are considered. The FAA will develop an advisory circular on the preparation of Part 150 studies to provide detailed guidance on the applicability, selection, and analysis of individual noise abatement and mitigation measures.

Make the NEM an integral part of the NCP, instead of a separate submission for review by the FAA. Combining the NEM and NCP results in a one-step process, one round of consultation, and only one FAA review. This change would enable airport operators to perform the study more effectively and efficiently while improving early public review and consultation. As a part of this change, the FAA also plans to clarify the requirement for the maps to separately identify the current situation, the predicted future situation without an implemented NCP, and how the future situation would change as a result of the NCP. Airport operators that wish to submit only the NEM's will be allowed to do so, with a notification to FAA that no NCP is being undertaken.

These revisions to Part 150 may require new supplemental guidance and amendment of the ASNA Act.

2. Standardization

Should the FAA establish uniform formats for Part 150 NEM's, NCP's, and their supporting documentation and data? Should this also include development of one or more standard formats to aid participants in conducting the studies?

Background:

Part 150 was issued without a requirement for a standard format. The new program allowed airport operators the flexibility to upgrade and update previously developed noise studies, which were of widely differing formats, to meet Part 150 requirements. However, 18 commenters to the docket clearly indicated that this flexibility burdens the airport operators and their consultants in the preparation of the studies. The lack of standardization resulted in significant confusion and study startup delays. A few consulting firms who have prepared studies for more than one airport have adopted uniform formats for their work with positive results. The large variation in the formats of the maps and programs submitted in the early years of Part 150 also resulted in additional burdens and delays in FAA's reviews, thus unnecessarily delaying FAA's findings. Many current Part 150 studies utilize a relatively common format which mirrors the checklists used to evaluate the document.

Summary of the public comments:

Thirty comments were received concerning this issue. Of these 30, 26 commenters agreed that establishing uniform formats for NCP's and NEM's would simplify the preparation of Part 150 studies and would also expedite FAA review. One commenter suggested that the uniform format should have a set timetable for each step, be well publicized and announced, and be binding upon completion. Another commenter said that uniform formats would expedite the process by providing required information where it can easily be retrieved for review by the FAA. It was also pointed out that uniform formats would not only reduce FAA review time but would also permit the community and consultants to understand better the process and lead to more positive problem resolution. A suggestion from one commenter was to develop a set of guidelines or an FAA order which would speed preparation and review time. Also, as one commenter discussed, establishing a uniform format would also have the added benefit of allowing national comparison of different airports. It was also pointed out by another commenter that it would help both to compare data between documents and help lay people to understand pertinent information.

Three commenters did not think that a uniform format would improve the Part 150 program. One commenter said that providing uniform formats and other review procedures misses the point of the program, which is to solve local noise problems by whatever means is acceptable locally. Another commenter said that there should be no simplification of procedures.

Discussion:

Most airport operators will develop only one Part 150 program, plus its future updates. Therefore, the establishment of uniform formats and a study design would simplify the Part 150 process for them and simplify the FAA's review. Many Part 150 submissions include much more data than the FAA needs to evaluate those submissions. However, since Part 150 documents also serve as valuable records of local planning decisions, it is important that the standard formats should only organize information and not hamper its free flow.

Recommendations received at the FAA's 1988 national staff meeting on Part 150 also supported the concept of standard formats to simplify and expedite preparation and review of the NEM's and NCP's. FAA's preliminary review for completeness of a submission prior to accepting it for formal review would also be greatly simplified.

Some airport operators and noise compatibility planning consultants may see the establishment of uniform formats as constraining or contrary to their planning approach. However, the advantages of adopting uniform formats appear to be significantly greater than remaining with the present system. Where an airport operator's situation is so unique, FAA could accept some deviation from the uniform formats without unduly burdening the review process. The FAA's goals in standardization are to make data requirements constructive and to structure the presentation of data so as to make it meaningful and logical.

Proposed resolution of the issue:

Establish uniform formats for Part 150 NEM's, NCP's, and their supporting data and documentation. Develop a study design to assist airport operators in developing their Part 150 study.

The uniform formats would be phased in so as to not unduly burden studies in progress. Uniform formats could be established administratively by the FAA under the present statute via the issuance of appropriate guidance materials. Draft formats could be developed and distributed for comment, and final formats would incorporate those comments. The FAA would take a look at how best to structure uniform formats in view of other changes proposed with respect to Part 150. FAA would also review formats which have been used in Part 150 studies and confer with the airport operators and consultants who have used them.

3. Part 150 Guidance

Should the FAA improve Part 150 guidance for both airport operators and their technical consultants?

Background:

Part 150 guidance consists primarily of the regulation itself, Advisory Circular, AC 150/5020-1, Noise Control and Compatibility Planning for Airports, detailed checklists, and a narrative explanation of data required for the analysis of alternatives. The advisory circular is intended for use by airport operators, State and local planners, other officials, and interested citizens who desire to participate in the noise compatibility planning process. The advisory circular provides an overview of the regulation's procedures and criteria for developing NEM's and NCP's. There are also user guides for the INM and the Heliport Noise Model to be used by individuals engaged in the actual production of noise contours. The FAA periodically provides training in the use of both models for airport consultants and others who develop noise contours and airport NEM's.

Summary of the comments:

Six commenters agree that Part 150 guidance for airport operators should be improved. One commenter stated that "specific criteria and guidelines should be developed which outline a process and any requirements for updating Part 150 studies." Another commenter believed that a guide or outline describing how to conduct an NCP would be useful. Also, guidance on using FAA models and procedures was sought.

Discussion:

Analysis of the public's comments indicates a clear need for improved guidance to airport operators for developing Part 150 programs. Guidance in the form of a manual outlining the airport operator's planning steps would be very helpful.

One or more model study designs would also be useful, permitting the operator to adapt a study design to its needs. This would simplify the Part 150 process by reducing the time spent researching the procedures. A training course to complement the manual could be developed to take the student through the process of a Part 150 program. Detailed supplemental guidance in various forms is important in the implementation of several recommendations in this report.

FAA has just begun updating its Community Involvement Manual. The manual gives specific guidance for conducting the community involvement program element, including more specific attention to human considerations in aviation planning. This manual will be useful to FAA personnel as well as airport operators who are involved with the community and would help establish better communication with the community during a Part 150 program. The new manual is scheduled to be available in mid-1990.

Proposed resolution of the issue:

Develop additional Part 150 guidance (probably in the form of advisory circulars and/or manuals) and a training course for those involved in the Part 150 process, e.g., airport operators, consultants, and community officials.

This report points out several areas which may require amendment of the ASNA Act, Part 150, and the administrative procedures. The development of guidance manuals and training courses should be initiated subsequent to any modification of the ASNA Act and Part 150.

4. Evaluation Guidelines

Should the FAA provide guidelines and examples for what may or may not unduly burden interstate commerce, unjustly discriminate, or otherwise affect the legal standing of an NCP, and clarify the extent to which economic impacts are a factor to be used in evaluating the effects of the noise abatement alternatives?

Background:

Section 150.33, Evaluation of programs, notes that the FAA conducts an evaluation of each NCP and, based on that evaluation, either approves or disapproves the program. The evaluation includes consideration of proposed measures to determine whether they exhibit the following characteristics:

(1) Do they create an undue burden on interstate or foreign commerce, including unjust discrimination?

(2) Are they reasonably consistent with obtaining the goals of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses?

However, direction is not provided in Part 150 to guide the airport proprietor in the development of the NCP to ensure that it will not violate these criteria.

Summary of the public comments:

One commenter said that Part 150 studies need guidance in this area if an effective program is to be developed and that guidelines on economic impacts need to be promulgated. This commenter also noted that "clarification is needed as to the extent to which economic impacts are a factor to be used in evaluating the effects of the noise abatement alternatives." Another commenter recommended that airport sponsors be encouraged to perform an economic benefit analysis-type study in order to present the airport in a positive light as a valuable asset to the community. It was suggested that "this type of study, with associated brochures, slide/video presentations, etc., documenting the results would be extremely helpful in putting the noise issue into a more balanced perspective before beginning to discuss the liabilities associated with airport activity (i.e., noise)."

Discussion:

Noise abatement actions which raise undue burden and unjust discrimination issues are usually operational use restrictions. There are no broadly applicable objective criteria available to test for undue burden or unjust discrimination. Rather, a test is made to compare the noise impact reduction of the abatement action with its other effects, such as burden on interstate commerce. Some comparisons are easy to evaluate, e.g., if the action places some burden on interstate commerce but provides no impact reduction, it is clear that there is an undue burden. However, a problem arises in the broad middle ground where impact is reduced and commerce is burdened. In these cases, the individual merits of the situation will determine the outcome of the evaluation. The FAA has treated these situations on a case-by-case basis, and judged each case on its own merits, because what is an acceptable balance of burden and impact reduction at one airport may not be equally acceptable at another airport.

Within the context of program evaluation, section 150.33(c) of Part 150 now states that, to the extent considered necessary, the FAA may:

(1) Confer with the airport operator and other persons known to have information and views material to the evaluation.

(2) Explore the objectives of the program and the measures, and any alternative measures, for achieving the objectives.

(3) Examine the program for developing a range of alternatives that would eliminate the reasons, if any, for disapproval.

(4) Convene an informal meeting with the airport operator and other persons involved in developing or implementing the program for the purposes of

gathering all facts relevant to the determination of approval or disapproval of the program and of discussing any needs to accommodate or modify the program as submitted.

Therefore, Part 150 already contains a mechanism to bring the airport proprietor, other involved parties, and the FAA together to discuss burden and discrimination issues. However, this mechanism is not normally exercised until after the NCP has been submitted for preliminary review. The program development and review process could be simplified and expedited if there were a better understood and more often utilized intermediate step at which the airport proprietor would seek FAA input on noise abatement alternatives to determine if burden on commerce issues exist, and, if they do, what analysis would be necessary to show that there is no undue burden.

Part 150 also contains a requirement in section 150.5(f) that the airport operator's NCP should, to the extent practicable, meet both local needs and the needs of the national air transportation system, considering trade-offs between economic benefits derived from the airport and the noise impact.

Proposed resolution of the issue:

Establish an early review of alternatives for potential undue burden issues. This can be done administratively by the FAA under the existing Part 150 regulation by issuance of the necessary guidance.

FAA will define an early coordination point in the Part 150 process to review proposed noise abatement alternatives to determine if any could place a burden on interstate commerce. If an alternative could burden interstate commerce, FAA will offer guidance on the tradeoff analysis needed to determine if the benefits do not justify the burden, i.e., is it an undue burden. A new advisory circular on Part 150, mentioned elsewhere in this report, would contain guidance on what actions could lead to undue burdens and what is needed for their analysis.

5. FAA's Review Process

Should the FAA shorten and expedite its review process by improving guidance and training for reviewers, having specialists dedicated to the Part 150 program, and providing for the early review of flight procedures so that related decisions can be made within the normal review period?

Background:

The review and approval of Part 150 NEM's and NCP's is done by several elements of the FAA. At the regional level, the NEM's and NCP's are reviewed using a checklist to ensure that all Part 150 requirements have been satisfied. Comments, if any, are sent back to the airport operator. Prior to formal review of the NCP, the NEM must be reviewed and found in compliance with Part 150. When the NEM determination is issued, the formal 180-day review

period for the NCP may begin if the airport operator has completed and submitted the NCP. The NCP is also reviewed by FAA to make sure that Part 150 requirements have been adequately addressed in the program. Comments on the NCP are sent to the airport operator so that changes, if needed, can be made to the program. Final program recommendations by the FAA are then issued at the Washington headquarters level. This review process is lengthy, but is now being simplified.

Summary of the public comments:

Fifteen commenters expressed concern about the length of FAA's review and approval process. All of the commenters agreed that the length should be shortened, to anywhere from 60 to 120 days. Two commenters specifically addressed placing a time limit on the review of the NEM's. One commenter said that "during the current six-month time period, the momentum gained during preparation of the program is often lost. The long lag between the time the agreement is reached between the airport operator and the local community to recommend specific measures and the time it takes to implement such measures reduces the confidence of the public that many of the noise problems will be resolved and reduces the credibility of the airport operator as well." Another commenter said that "any improvement in decreasing the time it takes to complete FAA review would encourage more airports to conduct Part 150 programs." Another commenter added that the public is expecting something to happen immediately after the study is completed and the lengthy review process hurts the credibility of the program. It was also pointed out that funding cannot be obtained until the review process is complete.

Discussion:

Two approaches would help to simplify and expedite the Part 150 review process: (1) change the Part 150 process itself, and (2) change the FAA's administrative review procedures. The FAA has recently implemented new lines of responsibility between the regions and headquarters that have already resulted in a major simplification of the Part 150 review process. This ongoing effort would be considerably strengthened if additional resources could be dedicated to the Part 150 program in the FAA regional offices.

Proposed resolution of the issue:

Combine the NEM and NCP into a single document for submission, review, and approval, as discussed under issue 1.

Establish a priority for Part 150 staffing and obtain additional resources.

Restructure the Part 150 program to take advantage of standardized formats and additional guidance, as discussed in issues 2 and 3.

Note that the proposed resolution of this issue depends more on refining the Part 150 process itself than on developing new review techniques. However, as Part 150 is changed, the review process will also change.

6. Program Effectiveness Measurements

Is there a need to measure the effectiveness of approved Part 150 NCP's after their approval? If so, can methods for effective but nonburdensome measures be developed for reporting progress to the FAA and the airport's neighbors?

Background:

Part 150 currently has no requirement for effectiveness measurements and the ASNA Act is silent on this subject. However, several suggestions have been received and the Federal Register notice sought comments on requiring a "5-year report card."

Summary of the public comments:

The issue of requiring a 5-year followup report was discussed by 15 commenters, all of whom agreed that some form of reporting system should be developed. However, one commenter believed that while the 5-year report card would not greatly improve the Part 150 program, it might still be desirable. Another commenter said that the report card has merits but should be the responsibility of a local committee consisting of both the aviation industry and the general public.

One commenter stated that there should be mandatory review of the progress made by the airport operator and if the proposed goals are not attained, the operator should be required to pay back Federal funds used until compliance with the Part 150 goals are achieved. Another commenter advocated annual status reports rather than a report card. The reports would compare actual activity levels occurring in the year with those levels forecast during the development of the maps. It would also provide an update on program implementation. One commenter supported the use of a report card but recommended that this be a voluntary activity, eligible for funding as part of the NCP.

There were eight comments regarding the issuance of annual verification of noise contours. All of the commenters agreed that noise contours should be verified on an annual basis. Three commenters said that the mitigation plans that would keep the contour in check should be a mandated part of the Part 150 study. These commenters also believed that the contours should be verified annually, and if the contours deviate significantly from the original Part 150 contours, a Part 150 update should be undertaken. Another commenter believed that annual updates of the NEM should be required so that the public is protected and that land use remains compatible. Also, one commenter said that the NEM's should be updated annually with a predicted map for 3 years in the future.

Discussion:

A significant level of public comment on this subject was expected since the Federal Register notice list of suggested procedural areas for comment included one which stated:

- Require a 5-year "report card" in each NCP to measure the compatibility improvement actually achieved as a result of the NCP.

The FAA found it disturbing that the public comment in this area only focused on the noise contour and its annual verification. There was no comment on verification of the effectiveness of land use controls in preventing the introduction of new noncompatible land uses in the impact area.

Public comments on annual verification of noise contours addressed both recomputation and noise measurements. Many of the comments relating to noise measurements were a part of broader comments made on requiring an airport noise monitoring system as a mandatory element in Part 150 to monitor the accuracy of the NEM by actual noise measurements. While mandatory noise monitoring was not considered directly applicable to the Congressional request, some of the comments on that subject are applicable to this issue and are summarized here.

> *Some commenters believed that an airport should be required to monitor its noise impact on the surrounding community and provide those reports to the public. One commenter stated that mandatory noise monitoring systems should be funded and operated by the FAA to assure uniform noise measurement procedures. Another commenter suggested that the amount of equipment needed could vary with the size of the noise footprint or volume of turbojet operations at the airport. A comment was made that permanent noise monitoring systems are not significant for programs addressing land use measures, and several commenters thought that it would be too expensive for airports without current noise problems. A final commenter believed that airport operators should have the flexibility of recommending whatever procedures are necessary to address the issue.*

NEM verification appeared in most comments supporting a reporting system. Such verification, whether by noise monitoring or periodic recomputation, requires that procedures be developed to resolve technical issues, such as the number of monitors and their location, the allowable change before an NEM is questioned, and validation of NEM input data such as flight track geometry and the distribution of aircraft on flight tracks. The answers to many of these questions exist for some airports, but they have never been brought together in a national program applicable to all airports. There are also issues to be resolved concerning whether the followup report should be mandatory, how will it be used, and how burdensome will it be. If the report is to furnish usable information on the progress of a Part 150 program, it must cover actions of the airport operator to maintain the noise contour and also show how well land use authorities are keeping new noncompatible land uses out of the impact area.

Another critical issue is the value of the followup information in showing progress versus the cost of obtaining and validating that information. There is a major policy question concerning adding a whole new reporting requirement while attempting to simplify and streamline the Part 150 process.

Proposed resolution of the issue:

A followup "report card" system could provide information to all parties involved in a Part 150 program to help direct their efforts and quantify the results. However, FAA has no basis upon which to develop such a reporting system and would have to design one and then evaluate its utility, applicability, implementation, and resource implications for the FAA, airport proprietors, and airport neighbors. Although no decision has been made to institute such a system, contract funding to study a reporting system is possible in the FAA's Office of Environment and Energy fiscal year 1991 budget request.

If the report card system is shown to be of value and is, in the future, proposed to be included in Part 150, the Part will be amended accordingly.

7. Consultation

Should the FAA improve the consultation process to increase the involvement of community decision makers and those persons affected by noise?

Background:

The ASNA Act specifically requires the FAA to provide for consultation between the airport operator and any public and planning agencies in the area surrounding the airport in the preparation of an NEM. For the preparation of an NCP, the ASNA Act requires consultation with the officials of any public agencies and planning agencies in the area surrounding the airport, the Federal officials having local responsibility for the airport, and any air carriers using the airport, and requires notice and opportunity for a public hearing. Part 150 mirrors the ASNA Act's consultation requirements and adds consultation with regular aeronautical users of the airport. Additionally, the airport operator must certify that it has afforded interested persons adequate opportunity to submit their views, data, and comments concerning the correctness of the draft NEM and descriptions of forecast aircraft operations. Each map and revised map must be accompanied by documentation describing the consultation accomplished and the opportunities afforded the public to review and comment during the development of the map. Also, one copy of all written comments must be filed with the appropriate FAA Regional Administrator. Part 150 states that one of the purposes of an NCP is "to bring together through public participation, agency coordination, and overall cooperation, all interested parties with their respective authorities and obligations, thereby facilitating the creation of an agreed upon noise abatement plan especially suited to the individual airport location while at the same time not unduly affecting the national air transportation system."

While consultation and community involvement are the responsibility of the airport operator, the FAA seeks to ensure that the Part 150 requirements in these areas are properly carried out. However, the FAA does not have current guidance specifically for the Part 150 consultation and community involvement process.

FAA's existing guidance documents are the Community Involvement Manual (May 1979) and Advisory Circular AC 150/5050-4, Citizen Participation in Airport Planning (September 1975). Also, there is a 1979 FAA training course in Community Involvement, which was developed to prepare FAA staff and others to conduct community participation activities relative to airport planning. All of this guidance predates Part 150. A contract was awarded in August 1989 to update the Community Involvement Manual to make it more applicable to the Part 150 process.

The NCP's approved by the FAA to date include a wide range of consultation and community participation, ranging from the very minimal to in-depth community/citizen participation efforts. Minimal community/citizen participation efforts were appropriate to some airport situations and avoided any unnecessary burden on the airport and the community. Where major citizen participation efforts were undertaken, there often was a dialogue already between the airport operator and the community. The preexisting dialogue often related to housing impacted by airport noise, rapidly expanding aviation activity, or increasing noncompatible development around the airport.

Consultation in some Part 150 programs, though meeting minimum requirements, may not have been adequate to the needs of the airport and may have reduced acceptance of the proposed program by the airport's neighbors. Inadequate consultation can also result in a lack of understanding and cooperation between neighboring land use control authorities and the airport operator. Consultation and community involvement can be very demanding of time and resources, for both the airport and the community, especially when land use planning agencies are asked to respond to noise mitigation measures.

Although most urban planners believe that consultation and community involvement make positive contributions to the planning process, some airport operators have taken the opposite view. These operators have claimed that consultation does more harm than good by bringing noise problems to the forefront of community attention and stirring people up, which is particularly bad in situations where large-scale solutions to noise problems are not feasible. A clear understanding of the participatory process is essential to its successful use in noise compatibility planning. For example, a common misconception, is that citizen participants make final decisions on which alternatives will be adopted. In fact, the final decisions are made by duly elected or appointed officials who must consider participants' positions on these issues.

At some locations, successful coordination on a Part 150 study after years of adversary relationships between the airport operator and the communities around the airport was a major success of the Part 150 program. The most successful Part 150 programs tend to be those with the best consultation programs which usually result in community support for the Part 150 recommendations.

Summary of the comments:

Consultation in the development of Part 150 studies evoked substantial public response and indicated how strongly the public feels about this subject.

Fifty-two of the fifty-six comments received regarding the Part 150 consultation process indicated that it should be improved. A number of suggestions for improving consultation related to the notification procedures for public hearings and how many public hearings should be held. Many commenters expressed concern that communities were not being adequately informed that a Part 150 study was being done. It was also suggested by many commenters that public hearings should be held at more convenient times and locations so that more people would be able to attend.

A number of commenters said that provision should be made for mandatory consultation between the airport and the communities and political jurisdictions. One commenter stated that greater cooperation should be established between the FAA, the sponsor, and the affected communities. The commenter also stated that consultation is frequently done when the program is nearly complete, which allows the sponsor to make minor changes to the program in response to public comment or just to add the comments in an appendix to the report. It was also suggested by the same commenter that "FAA should mandate that the sponsor seek, at an early stage in the process, the active and affirmative participation of local governmental entities which have an interest in the noise impacts of the airport." The commenter went on to state that the regulations should provide for greater local and regional FAA involvement in the early stages of the Part 150 process which would help solve problems dealing with FAA's jurisdiction over airspace management.

Another commenter expressed interest in placing alternative plans in the airport operator's draft plan and, if this could not be done, an opportunity should be given to the public to submit plans directly to FAA as amendments to the airport operator's draft plan. Another area of concern was the time given to the interested public to understand and respond to the airport operator's plan.

Four commenters stated that the current consultation process works well. One commenter said that the current regulation can provide airport operators and the residents of noise-affected communities the opportunity to work together and resolve their conflicts. Another commenter stated that, although the public must be greatly involved, the airport operator must continue to maintain jurisdiction over the contents of the Part 150 plan. One commenter believed that if some organizations are brought into the consultation process, there may be no end to the list of organizations which will also request direct participation. This would lead to a cumbersome, drawn-out process which would result in a less objective technical analysis of the noise situation at a particular airport.

Discussion:

Airport noise and the land use control and noise mitigation measures used to obtain noise compatibility are often seen by property owners as a threat to their investment. Since airport noise and the actions for its mitigation can affect both the value of people's homes and their quality of life, it has become a sensitive and emotional issue. Some individuals believe that aviation noise has been imposed on them by forces over which they have no control.

Emotions rise when the public perceives that it has been left out of developing solutions to the noise problem, or believes that its arguments have been ignored, or senses that aviation authorities, including the FAA, have not lived up to what had been agreed upon to solve the problem. The emotional content of these issues often results in pressure on local governments to protect land values and the quality of life by restricting aviation activity.

Recognizing these strong forces, the U.S. Department of Transportation's (DOT) Policy on Citizen Participation in Local Transportation Planning, October 30, 1980, states that the department:

> "*... actively supports and strongly encourages citizen participation in the development of Federal, State, regional, and local transportation plans and programs. Citizens' rights to know about public issues and to participate in the decision-making process are inherent in our system of government. To ensure that transportation systems and projects are in the best overall public interest, and that all concerns are adequately addressed, citizens' voices should be heard when a community makes its transportation plans. This DOT policy, therefore, recognizes and reaffirms the right and need for the citizens to take an active part in transportation decisions affecting their lives and their communities.*"

The purpose of Part 150 consultation and community involvement is to bring together all affected parties with their respective interests, authorities, and obligations in order to facilitate the development of a locally agreed upon noise compatibility plan that will receive widespread support. Sometimes this works well, and sometimes it does not. Consultation is one of the most cumbersome parts of the Part 150 process. It is also a key ingredient in the success of a Part 150 program.

In addressing this issue, the FAA does not believe that increased consultation requirements in the ASNA Act or in Part 150 would be appropriate. The statutory and regulatory consultation requirements are already extensive and meaningful. Neither does the FAA believe that airports or communities would be well served, or noise compatibility programs would benefit, by eliminating consultation. The FAA proposes to improve the consultation process and provide a better understanding of it so that airport operators and communities can make it more efficient and effective. The FAA also believes that documentation of the consultation process, as currently required, can be reduced without impacting the substance of consultation.

Proposed resolution of the issue:

Reassess the application of Consultation and Community Participation to Part 150 to provide a more constructive program which can minimize the burden on aviation and community interests. Clarify who makes binding decisions in the Part 150 process and what is the role of participating individuals and organizations. Provide guidance and assistance on the design of consultation programs and the application of consultation techniques. This is consistent with increasing the constructive content of the program without increasing the burden on any of the affected parties.

Specific actions include the combination of consultation requirements for the NEM and NCP and revising the requirement in sections 150.21(b) and 150.23(e)(7) for the airport operator to submit copies of all written comments on the NEM and NCP. This burdensome task could be minimized by submission of a summary of substantive comment with the actual comments kept on file at the airport.

Combining the consultation requirements for NEM's and NCP's will require revision of Part 150 and may require amendment of the ASNA Act. Additional supplemental guidance and training programs will need to be developed.

Improve the training of FAA staff who advise airport operators on the importance of consultation and community involvement and the skills and techniques necessary to conduct them. Recognizing this need, the FAA has already begun revision of its primary consultation guidance, the Community Involvement Manual, to bring it up to date and revise it to directly support the Part 150 program.

In addition to the revised and updated Community Involvement Manual, FAA will consider an update of its Community Involvement training course, using contemporary training methods, and will make the training available to airport operators as well as to FAA staff.

8. Program Emphasis

Should the FAA revise the wording of Part 150 and its supplemental guidance to clarify that not all NCP's will have the same balance of aviation and land use control alternatives and that the reduction of noncompatible land uses must meet the tests of local practicality as well as the test of undue burden upon commerce?

Background:

There appears to be some public misconception that Part 150 will eliminate all noncompatible land uses around an airport. Given the difficulty of abating aircraft noise and the sizable populations surrounding many airports with noise problems, this is an unrealistic expectation. Part 150 speaks to a program which considers aeronautical options and land use controls to promote compatibility between the airport and its neighbors. At a specific airport, that balance could be weighted toward land use controls or toward aeronautical options, and the balance will vary from airport to airport. Nationwide, much of the reduction of noncompatible land uses around airports is attributable to the introduction of quieter Stage 3 aircraft, noise abatement measures implemented within airport boundaries, and aircraft operational procedures. The balance of the reduction is attributable to various land use actions. It appears that some parts of the public have the perception that Part 150 has a built-in preference for land use control options to eliminate noncompatible land use around airports, which places more of the burden of problem solution on the communities which surround the airport.

Summary of public comments:

Seven commenters agreed that Part 150 should require that existing land use incompatibilities be resolved before new land use control actions are taken. One commenter said that "preventative land use planning should be encouraged where Part 150 programs are undertaken as part of the planning process for construction of new airports whose projected noise contours affect undeveloped land." Another commenter added that all operational alternatives should have been exhausted before zoning options are pursued in order to achieve compatibility.

Discussion:

As indicated by its title, Part 150 is directed at achieving land use compatibility around the nation's airports. Thus, at both existing and new airports, land use options receive primary consideration. However, since solving the airport noise problem is a shared responsibility of all of the groups involved, Part 150 studies also include consideration of a wide variety of other alternatives. The types of actions which are the most useful in terms of reducing noncompatible land uses vary from airport to airport, and that is why NCP's are airport-specific. Clarification of the intent of Part 150 should aid in addressing the concerns of some airports which are surrounded by densely populated areas and believe they may be forced to undertake massive land acquisition programs.

Part 150 is a cooperative effort between an airport and its neighbors and, if a misunderstanding exists on the intent of the program, it cannot achieve its full potential. Furthermore, the apparent misunderstanding of the operation of the Part 150 program can add unnecessary complexity to its operation, particularly at airports where an effective NCP is likely to have an unequal balance of mitigation and abatement alternatives. Resolution of this issue will simplify Part 150 procedures even though that resolution will not directly change those procedures.

Proposed resolution of the issue:

Clarify the language of Part 150 and its supplemental guidance and training materials to explain that not all airport noise compatibility programs will have the same balance of aviation and land use control alternatives and that the reduction of noncompatible land uses must also meet the test of local feasibility and practicality, with the amount of reasonably achievable reduction varying substantially among airport locations. Where practical, these materials would be strengthened by including specific case histories, showing the variety of local responses that met Federal criteria.

The proposed changes would be made along with any other changes to Part 150 or additional guidance which may result from this or other studies, and on the same time schedule as those changes.

9. Timeframe

Should the planning timeframe for Part 150 NCP's be extended from the present 5 years to 10, 15, or 20 years to improve the effectiveness of their development and implementation? An extended timeframe would allow for true long-term planning that could be coordinated with the comprehensive and capital planning programs of neighboring land use control jurisdictions, and the airport Master Plan and Capital Improvement Program.

Background:

The ASNA Act does not specifically require that the planning timeframe for the NCP be 5 years, or even that there be a future plan at all, beyond 1985. The ASNA Act of 1979, which became law in 1980, requires in section 103(a)(1) that an NEM submitted by an airport operator must also include, "... a description of the projected aircraft operations at such airport during 1985, and the ways, if any, in which such operations will affect such map." Part 150 interprets this section of the ASNA Act as a requirement that the NEM consist of two individual maps representing current conditions and those projected 5 years into the future, as measured from the date of the Current Map, plus the data necessary to support both of the maps. Neither the ASNA Act nor Part 150 specifies a timeframe for the NCP, although some persons have obviously assumed that the 5-year timeframe specified for the future map also applies to the NCP.

Summary of the public comments:

Sixteen commenters agreed that Part 150 studies could be improved by extending the planning timeframe from 5 years to 10, 15, or 20 years. Five commenters said that the present five-year analysis should be continued but Part 150 should also have estimated noise contours and a proposed mitigation plan extending for an additional 10 years which the commenters said would "allow for better planning and organized decision-making effects in the impacted communities." One commenter believes that a 20-year noise map should be optional, which is consistent with the FAA's policy that recommends a 20-year analysis for Master Plans. Another commenter agreed that the 5-year map is needed for uniformity on a nationwide basis, but stated that other years may be useful for planning purposes. The commenter added that Part 150 should offer this flexibility to airport operators and communities performing a Part 150 study. Another commenter stated that the 5-year forecast could be a minimum period, and other periods should be allowable.

Two commenters pointed out that the 5 year forecast does not mesh with the 20-year projections that are used in most airport Master Plans. Since Master Plans appear in local zoning and it would be desirable to have NCP's also appear there, both should use the same timeframe to ease their joint incorporation into local community planning. It was also pointed out by one commenter that although the advantages of a 5-year forecast are increased accuracy and the use of the forecasts in monitoring short-term program progress, the longer-term planning horizon (10 to 20 years) is often used in

the planning profession and is consistent with relating noise programs to airport Master Plans. This commenter recommends that "FAA allow sponsors the flexibility to develop noise exposure maps and noise programs based on planning horizons consistent with approved planning documents."

Some commenters also focused on coordinating the NCP and the airport Master Plan. Eight commenters agreed that Part 150 studies should be done simultaneously with the airport Master Plan updates to insure the compatibility of the two programs. One commenter recommended that the Part 150 alternatives be evaluated for consistency with the Master Plan and that this evaluation be added to the list of FAA review criteria. Another commenter disagreed with doing Part 150 studies concurrently with the airport Master Plan due to three problems that have occurred: (1) If runway extensions and/or new runways are required for capacity reasons within 5 years, it is not clear how they should be treated in the 5-year map; (2) It is not clear whether a proposed runway or runway extension scheduled to occur in year 6 of a Master Plan should be evaluated in a Part 150 study; and (3) In a number of instances the public has requested that a Part 150 study be conducted prior to an FAA environmental finding and the role of the Part 150 study was not clear.

Discussion:

Although many noise abatement actions can easily be implemented within 5 years, most noise mitigation and some noise abatement actions can take much longer to fully implement. Most governmental entities operate their comprehensive planning and capital improvement programs on much longer cycles than 5 years. This practice recognizes long term growth patterns, practical time requirements for environmental assessments, engineering, funding, community involvement, public hearings for zoning changes, interaction with other levels of government, and the time required for actual implementation or construction. Airport Master Plans also function on longer timeframes for many of the same reasons. The National Plan of Integrated Airport Systems plan establishes current, 5-year, and 10-year bench marks.

Whether an airport is located in an undeveloped, developing, or fully developed area, and whether its traffic is stable or growing, it is vital to the community comprehensive planning process that the noise impacts be estimated far enough into the future to start the actions needed to mitigate them. Long-term planning can minimize the problem of having to deal with new impact areas while mitigation measures are still being applied to old impact areas.

Individual airports are at unique points in their own Master Plan or Capital Improvement Plan implementation and those points in time may or may not correspond to decision points in the Comprehensive Plans of the surrounding communities. Thus, there may not be a universally acceptable set of future planning timeframes for all airports. The most usable set of future year requirements for an airport may be those which the operator and the community jointly determine are best in each individual situation. For these reasons, the FAA believes that it would be desirable to provide for local selection of the timeframe which each Part 150 program will encompass, rather than to Federally mandate a standard 5, 10, or 20 years. To attain consistency between

timeframes of the program and its NEM's, the FAA proposes to amend the ASNA Act to omit the outdated 1985 year for the future NEM and to replace it with a future NEM to correspond to the NCP timeframe that is selected by the airport operator.

On a related timeframe issue, section 103(a)(1) of the ASNA Act requires current NEM's to be current "as of the date of submission." The precision of this requirement is impractical because of the time it takes airport operators to develop NEM's and NCP's (which are usually developed in tandem). An NEM is rarely submitted to the FAA in the same year in which it was prepared. Under the present statutory language, the FAA must constantly return NEM submissions to airport operators to request them to specifically state that an NEM actually prepared in a previous year represents the situation as of the date of submission to the FAA. If, instead, the ASNA Act were to include terminology such as "the noise exposure map representing the existing situation around the airport," the FAA could administratively interpret this so as to preclude acceptance of an NEM which has become outdated over time, while avoiding unnecessary returns of NEM's to airport operators for additional verification.

Proposed resolution of the issue:

Provide in the Part 150 regulation for a flexible NCP timeframe to be selected by airport operators to allow coordination with other aviation planning programs and the planning and capital improvement programs of neighboring political jurisdictions. Match the future NEM timeframe to the timeframe of the NCP and eliminate the inflexibility of the timeframe for the current NEM.

The proposed NEM timeframe revisions may require that section 103(a)(1) of the ASNA Act be amended.

Some additional decision-making responsibility may be placed on airport operators if there is more than one important future year, as might be if airport and community planning programs are phased differently. However, the FAA believes that bringing airport noise compatibility planning into phase with other airport and community planning efforts will result in the ultimate simplification of the entire process.

B. Summary of Issues Not Strongly Related to the Congressional Request

The following 10 issues were not considered to be strongly related to the Congressional request. These issues are included here because of FAA's decision to include all of the public comment in this report. That decision was based upon the lack of clear distinction between some of the issues, the value of the public comment on all issues, and the context which these issues can provide for those which are strongly related to the Congressional request.

1. Seasonal DNL

Should provisions be added to accept "seasonal" DNL and NEM's for airports which exhibit seasonal traffic differences or other activity anomalies?

Summary of public comment:

There were 13 commenters who raised the issue of allowing the use of seasonal DNL and NEM's at airports that have seasonal traffic. Ten commenters agreed that a seasonal DNL would be appropriate for certain airports. One commenter stated that "... this suggestion would provide a better insight into the noise situation at an airport, but may lead to a misconception of the public's idea of the apparent noise levels around an airport." Another commenter pointed out that the use of a seasonal DNL would not address the noise issues at facilities that have higher usage during the weekends, or joint use military/public facilities, and suggested using the worst case scenario for existing operations and projected noise contours. It was also stated that the currently required DNL contours fail to provide an adequately complete description of the noise impacts of an airport's operations and the Part 150 program should not be based solely upon these contours. Commenters who disagreed on the need for seasonal DNL's recommended the current annual daily average DNL continue to be used.

Discussion:

This issue addresses the refinement of noise metrics and is not directly related to the Part 150 process itself.

2. Single-Event Noise Levels

Should the NEM standards be revised to require single-event noise levels, peak hour noise levels, and low frequency (below 500 Hz) noise levels?

Summary of public comment:

Thirty-one commenters agreed that the NEM standards should require single-event noise levels, peak hour noise levels, and/or low frequency noise levels. One commenter stated that the existing noise standard needs to be modified, or a new standard identified, to more accurately determine
noise exposure to the community. Another commenter stated that the current standards allow too much aircraft noise and do not protect the citizenry outside the noise contour lines. It was also noted that noise profiles would be much more reasonable and impartial if single event noise standards were the basis of planning. One commenter strongly suggested that Part 150 be revised to require single event noise level analysis to predict occurrences such as sleep interruptions or speech interference. For low frequency noise, the commenters pointed out that sound frequencies below 500 Hz exist up to 6 miles behind departing aircraft and without a single-event noise standard, there is a failure to identify this problem which impacts the community.

Discussion:

Many of these comments address adopting a new noise metric, in addition to DNL, or to replace it. The ASNA Act required that FAA adopt a single system for determining the exposure of individuals to airport noise. In September 1980,

the FAA conducted a meeting of experts to begin the effort needed to satisfy the ASNA Act. Unanimous support was expressed for the use of DNL to determine exposure to airport noise. The DNL system had been developed by the Environmental Protection Agency (EPA) and proposed to the FAA for determining exposure to airport noise. The use of single event levels to determine the exposure of individuals to airport noise was considered and rejected since the long-range effects of prolonged exposure to noise was more highly correlated with cumulative measures like DNL.

The FAA uses single event sound levels in its consideration of soundproofing needs for buildings in noise-sensitive areas. However, single event levels are of little practical value in predicting community reaction to aircraft noise or for developing long-term land use plans. At this time, the FAA is unaware of any factual information which questions the use of DNL, or points to the need to reevaluate the basic formulation of that noise descriptor.

3. Decrease Source Noise

Should aircraft noise standards be revised to decrease noise at the source?

Summary of public comment:

The seven commenters who raised this issue agreed that, in order to decrease noise at the source, aircraft noise standards should be revised to phase out Stage 2 aircraft. One commenter stated, "If the Part 150 program is to effectively mitigate aviation noise impacts, coordinated amendments to Part 36 (introduction of Stage 4 technology) and Part 91 (early retirement of Stage 2 aircraft) must occur; unless this is done, there will be a continued emphasis on locally imposed regulations to control the impact of noise from aircraft operations." Another commenter said that FAA should require mandatory noise abatement measures applying directly to aircraft and conversion to Stage 3 airplanes should be strongly encouraged.

Discussion:

Aircraft noise standards have no direct linkage to simplification of the Part 150 process. The FAA continues to analyze the effects of alternative options to modernize the civil jet fleet, and the attendant noise impact reductions resulting from the introduction of additional quieter Stage 3 aircraft.

In H. Rept. 99-256, accompanying the fiscal year 1986 Appropriations Act, the Committee requested that, "... the FAA report on various alternative policy options that might accelerate the modernization of the commercial aircraft fleet so as to reduce aircraft noise levels still adversely affecting many metropolitan areas." The FAA's report, dated April 11, 1986, listed a number of options that could encourage or require replacement of noisier Stage 2 aircraft with quieter, more modern Stage 3 aircraft but offered no recommendation as to whether the Federal Government should take steps to achieve that objective.

A number of events occurred since the report, Alternatives Available to Accelerate Commercial Aircraft Fleet Modernization, was issued suggesting that it should be updated. Technology for the re-engining of Stage 2 aircraft to Stage 3 noise levels has been advanced and additional communities have felt the need to impose local noise regulations in the absence of any national program of noise relief. Additionally, debate as to the appropriate "useful life" of Stage 2 transport aircraft for noise or safety reasons was reopened by the 1989 Aloha Airlines incident involving an older B-737 aircraft. The committee directed the FAA to update its report and, after consultation with interested parties, to discuss whether public policy in both aircraft noise abatement and aviation safety might be advanced by imposing a deadline, to be determined through rulemaking, for operations of older Stage 2 aircraft in the fleet. The resultant report, Status of the Stage 2 Commercial Aircraft Fleet, August 1989, discusses environmental and economic considerations, economic incentives, and regulatory approaches to fleet modernization.

This report offers no recommendations as to whether the Federal Government should take steps to accelerate modernization of the jet fleet.

4. Implementation Funding

Should the level of funding available for implementing NCP items be increased?

Summary of public comment:

Increased funding for implementing NCP items was an issue raised by 18 commenters. All of the commenters agreed that funding should be increased and made more readily available to airport operators to implement actions recommended in their Part 150 studies. One of the commenters expressed concern that, due to the fiscal constraints under which many political jurisdictions operate, they will not adopt aggressive noise mitigation measures, such as soundproofing and land acquisition, until additional Federal funding is made available. Another commenter said that once an airport operator's NEM is approved, the airport should be entitled to receive immediate funding to soundproof all qualifying schools, hospitals and retirement homes within the DNL 65 noise contour.

It was also suggested that the FAA should consider funding administrative and management type activities recommended in a Part 150 program to encourage its implementation. A commenter pointed out that reliable, long-term Federal funding commitments need to be provided to airport operators so that they can be sure there will be adequate funding to undertake large-scale programs on a reasonable schedule. Also, another commenter stated that FAA must take a firmer stand in the budget process to ensure the money is there when airport sponsors need it.

Discussion:

Funding levels have no direct linkage to the procedures used in the Part 150 process. However, the availability of funding may influence the development

and selection of noise mitigation measures and can positively influence the public's perception of the Federal Government's commitment to aviation noise control.

5. Mandatory Part 150

Should Part 150 be made a mandatory program for airports?

Summary of public comment:

Nine commenters expressed their concerns about making Part 150 studies mandatory at airports. All of the commenters agreed that all airports with a noise problem should perform a Part 150 study. One commenter stated that all airports should perform a Part 150 study, unless the impacted communities agree that the airport proprietor is fully cooperating in alleviating the problem. Also, one commenter stated that a Part 150 study should be mandatory for airports whose expansion program will result in an estimated increase of 10 dB in Ldn, even if the airport does not receive FAA grant money. Other commenters recommended that Part 150 NEM's and NCP's be made mandatory for all airports that accommodate operations of commercial air carrier aircraft, or the system's largest airports, or some other classification based upon enplanements, aircraft activity levels, or some other selection criteria.

Discussion:

In the comments on a mandatory Part 150 process, (1) no relationship was established to link procedures to whether the process is voluntary or mandatory and, (2) the majority of the comment on making Part 150 a mandatory program addressed making it mandatory for certain types of airports, and even under certain conditions. The FAA believes that it is unlikely that a "partially" mandatory program could be developed in which the selection criteria for the mandatory Part 150 development would be acceptable to both aviation and community interests.

6. Criteria Levels

Should the scope of Part 150 be extended by reducing the criteria level from DNL 65 to DNL 55?

Summary of public comment:

There were 13 commenters who raised the issue of reducing the criteria level from DNL 65 to DNL 55. A criteria level of DNL 65 is now used to define the extent of the significant airport noise impact area, within which certain land uses are noncompatible. All of the commenters agreed that the Part 150 program should be based on a more stringent criteria level than DNL 65. One commenter said that it is apparent that significant noise impacts extend well beyond DNL 65, and that noise contours for 60 and 55 DNL need to be added to the NEM since EPA recommends that outdoor residential exposure levels do not exceed

DNL 55. Another commenter said that the Part 150 process gives no weight to areas outside the 65 noise contour lines and yet the greater part of a jet's takeoff and approach below 8000 feet occurs outside the Part 150 area. Another commenter suggested that the FAA use DNL 65 for air carrier airports and 55 DNL for general aviation airports. It was also stated by a commenter that the present Part 150 does not provide adequate disclosure of all significant noise impacts and suggested that the regulation be revised to require noise analysis to lower DNL levels, such as 60 or 55. A comment was also made as to how the DNL 65 criteria level had been established for urban areas, and that noise studies in suburban or rural areas should recognize their lower background levels and use a lower criteria level. It was also stated that the FAA and airport operators are dealing more with perceived noise problems outside of DNL 65 and attention needs to be focused on assisting airport operators in addressing some of these issues.

Discussion:

The FAA's selection of DNL 65, in cooperation with other Federal agencies which deal with noise issues, set a single, clear national criterion for land use planning around airports. While Part 150 provides for some accommodation with differing state or local standards, it is important for a number of reasons, including fair and uniform grant administration, to maintain this national criterion. However, the FAA has not objected to NEM's which show DNL contours beyond DNL 65 and which identify noncompatible land uses within these contours to assist in local efforts to achieve improvements in land use compatibility.

It is important to note that while some people may be disturbed by noise beyond the DNL 65 contour, particularly where or when the local ambient noise is relatively low when compared to aircraft noise events, Part 150's criterion for normally compatible uses is based on a yearly average noise level. Since land use planning must consider extremely long-term effects and patterns, it would be inappropriate to base decisions on less than the DNL 65.

7. Priorities

Should the local and national priorities and objectives for airport noise compatibility be brought closer together?

Summary of public comment:

Eight commenters expressed their views on the issue of bringing local and national priorities and objectives closer together. One commenter stated that the Part 150 process should encourage negotiation and compromise toward the goal of balancing the national interest in an efficient air transportation system with the local concern of the affected communities over the adverse impacts of noise. It was also pointed out by another commenter that the ability of the airport operator to control noise is constrained by Federal preemption and the responsibility to provide safe and efficient service to the public. Another commenter stated that the FAA should initiate a program for

managing airport noise mitigation and management efforts on a national basis to insure that the airport noise measures take into account the demands of an integrated national airport and airway system. This commenter also said that more must be done at the State and local level to assure optimum levels of compatible land use in airport environments.

Discussion:

These comments point out the necessity of evaluating local noise control plans within the context of a national system of safe and efficient air transportation. Other comments on increasing the involvement of State and local governments indicate some apprehension that FAA's pursuit of the "national interest," while still of prime importance, is perceived as beginning to tread upon individuals and communities.

8. Co-Implementation of Programs

Should the Part 150 process be redefined to replace consultation with joint development, e.g., have the airport neighbors participate in the administration of the airport's program to acquire property, relocate residents, soundproof structures, etc.?

Summary of public comment:

There were six commenters who raised this issue and they agreed that the airport sponsor and the neighboring communities should jointly develop and administer the Part 150 program. One commenter said that, "... a community which is adjacent to an airport is much better able to understand the needs, aspirations and concerns of its constituents and should be able to exercise the option of direct administration of a Part 150 program including direct administration of program activities and funding." This commenter added that this would increase the credibility and effectiveness of the Part 150 program. Another commenter pointed out that the Part 150 process should be restructured so that it is a cooperative effort on the part of the FAA, the sponsor, and the affected communities. Also, one commenter suggested that there should be a binding commitment between the airport and its neighbors. In one instance, a court ordered Settlement Agreement has "proved very successful not only in eliminating the acrimony normally found between such groups, but also in creating very real reductions in noise impacts as well as large increases in air service capacity."

Discussion:

It is not surprising that some airport neighbors wish to participate in the implementation process, including the control of noise abatement funds. The FAA favors strong working relationships between airports and their neighbors, and the current Airport Improvement Program (AIP) funding allows for this. Units of local government are eligible sponsors for implementation projects in approved Part 150 programs and, under current law, can receive AIP funds and

must then take on the responsibilities for Federal grant administration. The FAA believes that co-implementation should remain in its current mode, as an option which is available to those local governments willing and able to assume the administrative and financial burdens.

9. State Zoning Controls

Should a mechanism be devised which will lead to State control of land use within 65 DNL areas?

Summary of public comment:

One commenter discussed this issue and pointed out that "until a mechanism is devised which will lead to control by the states of land use within the DNL 65 area, no noise compatibility planning program can insure that the Part 150 goal of 'achieving the highest practicable degree of noise compatibility between airports and their environments while minimizing the burdens of those involved in the process' will be met." The commenter recommended to the Federal Government to "(1) Encourage the states to accept responsibility for creating Airport Environmental Protection Areas (AEPA) which would become responsible for implementing and enforcing compatible land use and noise mitigation measures for non-airport property within the DNL 65, (2) Provide the guidelines for the operation of such areas, and (3) Tie a state's transportation funding to its timely implementation of the AEPA."

Discussion:

The FAA fully supports this concept. Although the issue is unrelated to the simplification of land use compatibility planning procedures, additional State involvement in setting uniform zoning procedures and criteria would vastly improve achieving and keeping compatible land uses. This approach could alter the way many Part 150 programs are implemented since in each State a single authority would be responsible. It should be noted that comments were not specifically requested on this issue and were not received from other concerned parties. Several commenters did suggest the development of AEPA's in their submission to the docket for FAA's recent Report to Congress on the Status of the U.S. Stage 2 Commercial Aircraft Fleet.

10. Noise Monitoring Systems

Should installation of an airport noise monitoring system be a mandatory part of Part 150 to monitor the NCP by actual noise measurements.

Summary of public comment:

There were 37 commenters who expressed their views on noise monitoring systems. Twenty-five of the commenters agreed that a noise monitoring system should be a mandatory part of Part 150. Some of the commenters who supported

mandatory monitoring believed that airports should be required to monitor continuously their noise impact on the surrounding communities and make the reports available to the public. Monitoring was also suggested to determine the effectiveness of various noise abatement strategies and to trigger recomputation of the NEM. One commenter stated that these systems should be funded and operated by the FAA to assure uniform noise measurement procedures. It was suggested by another commenter that the amount of equipment needed could vary with the size of the noise footprint or volume of turbojet operations at each airport.

Negative comments expressed concern about the need for permanent noise monitoring systems. One commenter believed that temporary noise monitors are more practical and economical during the NCP development and could also be brought back on a temporary basis after the NCP is completed to verify the INM. Another commenter stated that permanent noise monitoring systems are not significant for programs addressing land measures. Several commenters thought that it would be too expensive and unnecessary for airports with noncontroversial or perceived noise problems. One commenter believed that airport operators should have the flexibility of recommending whatever procedures are necessary to address the issues.

Discussion:

The aim of the Part 150 process is achievement of compatible land uses around the nation's airports. As such, noise monitoring systems do not make any contribution toward that goal. However for some airports, noise monitoring provides an ongoing stream of useful information in support of the overall noise compatibility program. Noise monitoring systems are eligible for Federal funding when included in an FAA-approved Part 150 NCP, and FAA does not see any need to change its present policy.

III. PROPOSED CHANGES TO PART 150

A. Overview

In response to the direction of section 301(d) of Public Law 100-223, a study has been conducted of current FAA procedures for the preparation and submission of noise compatibility programs. As a result of this study, it has been concluded that several simplifications can be made to the Part 150 process to improve its usefulness and timeliness. Key among these changes is a provision allowing localities to adapt the process to their special circumstances. Other changes relate to expediting the preparation and review of maps and programs and to improving the quality and utility of the studies.

This study has been developed in consultation with affected individuals and groups, including airport operators, airport users (including air carriers), representatives of persons residing in areas surrounding airports, concerned Federal, State, and local officials, and other interested persons. From this wide consultation and from its own experience, the FAA concludes that Part 150 has been useful and contributed to effective noise management in many locations. This program has been used, or is being conducted now, at over 170 airports. Based upon lessons learned at those airports, the FAA had considered revising Part 150 to strengthen certain of its elements and simplify some of its procedures. The requirement for this report gave added impetus to the FAA's own internal review, while the wide consultations provided invaluable insight into ways to enhance the effectiveness while further minimizing analytical and reporting loads.

B. Summary of Proposed Changes

The major issues directly related to the Congressional request were discussed in detail in section II of this report. The proposed resolution of those issues is summarized here to provide an information base for Part 150 simplification efforts.

ALTERNATIVE NCP Rather than add an alternative method, available only to certain airport operators, establish a revised Part 150 process, available to all airport operators, regardless of circumstance. A key part of this change would be removal of the requirement to analyze a mandatory list of alternative actions. The selection of noise abatement and mitigation actions for analysis would be the responsibility of the airport operator, after consultation with the FAA and potentially affected parties.

Combine the NEM and NCP into a single document for submission, review, and approval. The combined submission would include three noise maps illustrating the existing situation, the future situation without an NCP, and the future situation with the proposed NCP. Participants would be able to more effectively and efficiently perform the study, undertake consultation, and would be subject to only one FAA review.

Airport operators that still wish to submit only the maps would be allowed to do so, with notification to FAA that no NCP is being undertaken.

The new process may require revision of the ASNA Act, Part 150, and the most current FAA guidance materials. The new NCP process will also place increased demands upon the FAA staff to become more deeply involved in the early planning phases of each study.

STANDARDIZATION Establish uniform formats for Part 150 submissions and their supporting data and documentation. Develop a study design (standard layout) to assist airport operators in developing their Part 150 studies.

Uniform formats may be established administratively by the FAA under the present law by the issuance of appropriate guidance materials. The FAA would determine how best to structure uniform formats in view of other changes proposed for Part 150.

GUIDANCE Develop additional Part 150 guidance (probably in the form of advisory circulars and/or manuals) and a training course for those involved in the Part 150 process; e.g., airport operators, consultants, and community officials.

This report points out several areas which may require amendment of the ASNA Act, Part 150, and the administrative procedures. The development of guidance manuals and training courses should be initiated subsequent to any modification of the ASNA Act and Part 150.

EVALUATION FAA will define an early coordination point in the Part 150 review process for the airport operator to ask for a review of proposed noise abatement alternatives to determine if undue burden issues potentially exist. Where such issues exist, FAA will indicate the type of analysis needed to determine if there is an undue burden. FAA will also include in Part 150 guidance the generalized tests which are applied to determine undue burden, together with the appropriate data requirements.

The proposed resolution requires an increased level of cooperation between FAA and airport proprietors. The requirement for the early review of alternatives may be established administratively by the FAA under the existing Part 150 regulation through issuing specific guidance or by amending Part 150.

REVIEW Combine the current two-step NEM/NCP process for accepting maps and programs separately into a one-step process, as discussed in Issue 1, Alternative NCP. Restructure the Part 150 program to take advantage of standardized formats and additional guidance, as discussed in issues 2 and 3. Establish a priority for Part 150 staffing and obtain additional resources.

With the exception of additional resources, the proposed resolution of this issue depends more on refining the Part 150 process itself than on developing new review techniques. Therefore, as Part 150 is changed, the review process will also change.

EFFECTIVENESS An effectiveness measurement system for Part 150, such as a followup report, can provide information to all parties involved in implementing a NCP to help direct their efforts and quantify the results. However, FAA currently has no information on which to base such a reporting system and would have to design one and then evaluate its utility, applicability, implementation, and resource implications for the FAA, airport proprietors, and airport neighbors.

CONSULTATION Reassess the application of Consultation and Community Participation to Part 150 to provide a more constructive program which can minimize the burden on both aviation and community interests. Possible actions include the combination of consultation requirements for the NEM and NCP and revising the requirement in sections 150.21(b) and 150.23(e)(7) for the airport operator to submit all written comments on the NEM and NCP. This burdensome task could be minimized by submission of a summary of substantive comment with the actual comments kept on file by the airport.

The ASNA Act may require amendment, and Part 150 will require revision to have one document include both map and program and to combine their currently separate consultation requirements into one. Additional supplemental guidance and training programs will need to be developed.

PROGRAM EMPHASIS Clarify the language of the Part 150 regulation, supplemental guidance materials, and training to better explain the goals and emphasis of the program. Explain the roles of the various participatory groups in the reduction of airport noise impacts and noncompatible land uses. Show how meeting the test of local feasibility and practicality varies the amount of reasonably achievable reduction among airport locations.

These changes and additions can be accomplished without modifications to current statutes.

TIMEFRAME Extend the current 5-year NEM/NCP timeframe to provide for longer range as well as more comprehensive noise planning. Allow airport operators to vary their noise control planning timeframe to coordinate with other aviation planning programs and the planning and capital improvement programs of neighboring political jurisdictions. Revise the present overly restrictive timing requirements for the current condition noise map.

The proposed NEM timeframe revisions may require section 103(a)(1) of the ASNA Act be amended. Revisions to the Part 150 regulation will also be required.

APPENDIX 1. FEDERAL REGISTER Notice

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 150

[Docket No. 25660; Notice No. 88-12]

Airport Noise Compatability Planning, Request for Public Comment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request for public comment.

SUMMARY: This notice announces an opportunity for public comment concerning the preparation and submission of Airport Noise Exposure Maps and Airport Noise Compatibility Programs. The purpose of the opportunity for public comment is to obtain input on the effectiveness of the current rule and recommendations for possible changes to the regulations from airport operators; airport users, including air carriers; persons residing in areas surrounding airports and representatives of groups of such persons; Federal, State, and local officials; and other interested persons. All such parties are encouraged to participate in the opportunity for public comment by submitting comments to the FAA Rules Docket No. 25660 before January 9, 1989.

DATES: FAA Rules Docket No. 25660 will be open through January 9, 1989.

ADDRESS: Written comments must be mailed or delivered, in duplicate, to the Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-204), Room 915G, Docket No. 25660, 800 Independence Avenue, SW., Washington, DC 20591. Comments must be marked "Docket No. 25660." The comments may be reviewed in Room 915G between 8:20 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Hixson or Ms. Patricia A. Cline, Policy and Regulatory Division (AEE-300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone, (202) 267-3565.

SUPPLEMENTARY INFORMATION:

Background

Federal Aviation Regulation, Part 150, Airport Noise Compatibility Planning, is the primary Federal regulation guiding and controlling planning for aviation noise compatibility on and around airports. Part 150 was issued as an interim regulation (46 FR 8316; January 19, 1981) under the authority of the Aviation Safety and Noise Abatement Act of 1979 [49 U.S.C. App. 2104(c)] (ASNA Act). Implementation of noise compatibility planning under the ASNA Act was delegated to the FAA. Part 150 established procedures, standards, and methodologies to be used by airport operators for the preparation of Airport Noise Exposure Maps (NEM's) and Airport Noise Compatibility Programs (NCP's) which they may submit to the FAA under Part 150 and the ASNA Act. The final rule was issued on January 18, 1985 (49 FR 49260) and, on March 16, 1988, was amended to include free-standing heliports (53 FR 8722). Program activity has continued to accelerate. Thirty-nine NCP's have been approved to date, and 159 or more are currently in some state of development or review under the program.

Congress recently has required, as part of the Airport and Airway Safety and Capacity Act of 1987 (Pub.L. 100-223), that the FAA conduct a study of the procedures established under Part 150 to determine whether expedited and simplified procedures which meet the objectives of the ASNA Act could be developed to take into account special circumstances at certain airports, and has further requested that the FAA report its findings to the Congress not later than June 30, 1989. In compliance with this request and consistent with the principles of consultation laid down in Part 150, the FAA now seeks factual information from the public to determine whether expedited and simplified procedures meeting the full objectives of the ASNA Act can be developed for the preparation and submission of airport NEM's and NCP's.

The objective of this consultation is to obtain public input on these or other pertinent modifications to the regulation that would have the net effect of achieving and maintaining the highest practicable degree of noise compatibility between airports and their environs, while minimizing the burdens on those involved in the process.

Airport-related noise currently affects several million people in the United States. Current estimates are that aproximately 3.5 million people live within the noise-impacted areas. In the effort to resolve these noise problems, a minimum of 10 percent of annual airport improvement program funding will be spent for this purpose over the next several years; most airport users will experience some additional burden of cost or change, and thousands of people and hundreds of businesses will be relocated or experience some improvement in the noise levels to which they are exposed. FAA's Part 150 program is the primary Federal program guiding this effort.

The FAA believes that the Part 150 process is a balanced approach for mitigating the noise impacts of airports upon their neighbors while protecting or increasing both airport access and capacity, as well as maintaining the efficiency of the national aviation system. Part 150 provides for the following:

—Establishes standard noise methodologies and units.
—Establishes the Integrated Noise Model (INM) as the standard noise-modeling methodology.
—Identifies the land uses which normally are compatible or noncompatible with various levels of airport noise.
—Provides for voluntary development of NEM's and NCP's by airport operators.
—Provides for review of NEM's to insure compliance with the Part 150 regulations.
—Provides for review and approval or disapproval of Part 150 NCP's submitted to the FAA by airport operators.
—Establishes procedures and criteria for making projects eligible for funding through the Airport and Airway Safety and Capacity Expansion Act of 1987, which provides for a 10 percent set-aside of airport grant funds for development and implementation of the compatibility programs.

The regulations contained in Part 150 are voluntary and airport operators are not required to participate. However, an approved Part 150 NCP is the primary vehicle for gaining approval of applications for Federal grants for noise abatement projects, and provides the required analyses for evaluating the impacts of any proposed constraints upon an airport's operations. The Part 150 program responds to the principles set forth in the Aviation Noise Abatement Policy Statement of 1976, as well as to the requirements of the ASNA Act.

Noise Methodologies and Metrics

The ASNA Act requires the FAA to designate two noise metrics: a single system for measuring aviation noise in the community; and a single system for determining the exposure of individuals to noise resulting from the operation of an airport:

—The system for measuring aviation noise in the community required a demonstrated relationship between projected noise exposure and the

surveyed reactions of people to noise. For these purposes, the A-weighted sound level and its derivatives were selected.

—The system for determining the exposure of individuals to airport noise (i.e., for evaluating the cumulative impacts of multiple noise events) required consolidation of the effects of intensity, duration, frequency, and time of occurrence. The metric selected is the yearly day-night average sound level (Ldn or DNL), which was derived from the A-weighted sound level.

The Integrated Noise Model

A standard noise forecasting methodology is required to assure uniformity and comparability of the NEM's submitted under the program. The FAA Integrated Noise Model (INM) has been adopted as the program's standard noise modeling methodology. The FAA believes that this is a well-proven model and has refined the model to its third version. The INM is available for use on microcomputers, as well as on mainframe computers, thus reducing the costs of running noise contours and permitting more alternatives to be explored in developing NCP's. For free-standing heliports, the Heliport Noise Model is used.

Land Use and Noise Compatibility

A standard table of land uses normally compatible, or noncompatible, with various exposures of individuals to airport-related noise is essential to assure uniform treatment of both airport operations and noise-sensitive land uses or activities. Part 150's Table 1, entitled "Land Use Compatibility With Yearly Day-Night Average Sound Levels," provides a standard reference for land uses compatible with various levels of airport noise, and contains the basic criteria used in preparing Part 150 programs. This is the only noise and land use compatibility table currently in the Code of Federal Regulations (14 CFR Part 150).

Noise Exposure Map

The Part 150 Noise Exposure Map (NEM) is designed to identify clearly an airport's present and future noise patterns and the land uses which are not compatible with those noise patterns. When reviewed and found in compliance with applicable rules and regulations, an airport's NEM serves as a standard reference to the airport's existing and future noise impacts for anyone proposing noise-sensitive development in the vicinity of the airport. An NEM consists of two maps of the airport with noise contours plotted over land uses, plus supporting documentation. The noise contours for the Ldn 65, 70, and 75 noise levels are shown on these maps. The first map indicates the current conditions and, in effect, identifies the airport's noise compatibility problems. The second map projects the noise contours which can reasonably be predicted five years in the future taking into account changes in land use and in airport operations, plus any improvements in compatibility from noise mitigation actions which may be planned for that 5-year period. An NEM is prepared in consultation with airport users, the public, local governments, land use control agencies, and the FAA.

Noise Compatibility Program

The purpose of the Part 150 Noise Compatibility Program (NCP) for an airport is to show what measures the airport operator has taken, or proposes to take, to reduce noncompatible land uses and for preventing the introduction of additional noncompatible uses within the area covered by the airport's NEM. The NCP serves as the primary vehicle for guiding and coordinating the efforts and actions of all the agencies and individuals whose combined efforts are essential to achieving the maximum degree of noise compatibility between an airport and its neighbors while taking into account the requirements of the national aviation system.

The NCP is also the primary analytical tool for appraising the possible impact of any proposed airport operational constraints or restrictions on interstate or foreign commerce.

Developing a Part 150 NCP is a multi-step process. It must be carried out in close consultation with the affected local governments, the airport's users, those people impacted by either the noise or the solutions, and the FAA. The airport's NEM is a basic element of the NCP. It gives a clear indication of the nature of the airport's noise problems. Also, the FAA can not accept an airport's NCP for review until its NEM has been found to be in compliance with all applicable laws and regulations.

A series of alternative measures, or combinations of measures, to mitigate an airport's noise impact is developed by the airport operator. These measures must be reasonably consistent with achieving the goals of reducing, or mitigating the impact on, existing noncompatible land uses around the airport and of preventing the introduction of additional noncompatible land uses. As a minimum, a range of alternative measures specified in Part 150 must be considered, but others may be considered as well. Reasons must be given for those measures not selected. The social and economic consequences, both landside and airside, of each alternative must be considered in selecting the combination of alternatives which will finally be proposed to the FAA as the airport's NCP. Consideration of the environmental consequences of the proposed noise compatibility actions should be an integral part of this planning process; however, formal environmental assessment is required only in conjunction with the decision to implement an action. Alternatives must not unduly burden interstate commerce, discriminate unjustly, reduce the level of aviation safety, adversely affect efficient use of the navigable airspace, or adversely affect any other powers or responsibilities of the Administrator of the FAA.

Each NCP must include an agreed-upon schedule for implementation of the program, including: The period covered by the program, identification of the entity responsible for implementing each of its proposed noise compatibility actions, plus identification and sources of the necessary funds. These are intended to be working programs. Finally, the NCP must include specific provision for its own timely revision so that it remains a live and viable program responding to changes in both the aviation and the local environmental components of the plan.

Federal Funding

Implementation of NCP's depends on two basic things: Enactment and implementation of the local noise compatibility actions, including land use controls; and the provision of the funds necessary to carry out the planning, acquisitions, relocations, and construction involved. Federal funding totaling approximately $396.2 million in matching grants was provided to airport operators and adjacent communities under the ASNA Act and the Airport and Airway Improvement Act of 1982 for fiscal years 1983 through 1987 for compatibility planning and for the implementation of FAA-approved NCP's.

The Airport and Airway Safety and Capacity Expansion Act of 1987 provides for continued funding of noise compatibility planning and implementation through a 10 percent set aside of the $8.7 billion authorized through fiscal year 1992. This Federal funding is provided in the form of matching grants obtained from the Aviation Trust Fund, providing a 75 percent to 90 percent Federal share, dependent upon the enplanement level of the airport. The Aviation Trust Fund

is sustained by an 8 percent tax on tickets, by other taxes on air cargo, and by taxes on fuel and other expendables, such as tires, used by general aviation. Thus, the monetary cost of the program is largely paid for by those who benefit from aviation services.

Issues for Consideration

A number of suggestions for improving the Part 150 program have come to the attention of the FAA. The following is a selection from among those suggestions and is intended to stimulate additional suggestions for improving the program. The FAA requests general comments upon the procedures contained within Part 150, as well as upon these suggestions:

—Establish uniform formats for NCP's and NEM's to simplify preparation and expedite FAA review.

—Have two kinds of Part 150 NCP's, the present comprehensive study for airports with complex noise problems, and a new "Short Form" Part 150 NCP for airports where one or two noncontroversial actions having obvious and easily quantifiable compatibility benefits will largely solve the noise problems.

—Establish uniform formats for presentation of data in both NCP's and the documentation for the NEM's.

—Add provisions for "Seasonal" Ldn's and NEM's for airports with seasonal peaks or other anomalies in their traffic.

—Incorporate significant improvements to the consultation process to more closely involve community decision-makers and those persons most affected by the noise; improve Notification procedures so that airport neighbors and all airport users are aware that the planning process is underway; and add a specific Comment Period Cut-Off time.

—Require a 5-year "report card" in each NCP to measure the compatibility improvement actually achieved as a result of the NCP.

—Include installation of an airport noise monitoring system as a required compatibility action item to monitor the performance of the NCP by measuring the noise contours actually achieved as a result of the compatibility program.

This sampling of issues or suggested changes to the Part 150 program has been included only to help stimulate additional constructive thought for improving the program and public input to the docket, and does not reflect the FAA's position on any of these issues. Your participation in this opportunity for public comment is encouraged.

Issued in Washington, DC on October 27, 1988.

James E. Densmore,

Director, Office of Environment and Energy.

[FR Doc. 88-25411 Filed 10-31-88; 11:39 am]

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APPENDIX 2. Categorized Public Comments

REPORT TO CONGRESS

FAR PART 150 – AIRPORT NOISE COMPATIBILITY PLANNING PROGRAM

Categorized Public Comment

The first seven categories were included in the November 3, 1988, Federal Register Notice requesting comments from the public as issues for consideration and to stimulate additional suggestions for improving the Part 150 Program. The 143 categories listed here were condensed to a manageable 23 for analysis and then reduced to the 19 issues discussed in the body of the Report.

The comments appearing in this appendix are not presented as direct quotations. They were derived from letters received in the docket [Docket No. 25660], utilizing computerized scanning and analysis techniques to group the comments into issues. Handwritten and other letters not machine readable were retyped. Minimal editing was performed on the comments for clarity. The original comments are available for examination in the FAA Office of the Chief Counsel, Rules Docket Room 915G, 800 Independence Avenue, SW, Washington, DC 20591, between 8:20 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Comment Category Number 1-150.

Establish uniform formats for NCP's and NEM's to simplify preparation and expedite FAA review.

150-1. John R. Beard, Director, Airport Community Programs, Lambert-St. Louis International Airport, MO: We concur with and recommend all of the suggestions stated in the Issues for Consideration paragraph of the Federal Register/Vol. 53, No. 213 except the last covering installation of airport noise monitoring systems.

150-14. Stanley J. Green, Vice President, General Aviation Manufacturers Association (GAMA): GAMA has long advocated uniform methodologies for measuring noise in the vicinity of airports and the establishment of noise compatibility programs by airport operators so as to avoid, to the extent practicable the continuing encroachment of noncompatible land uses in the vicinity of airports. FAA's encouragement of uniform noise standards, with respect to establishing noise exposure maps and noise compatibility programs, will provide the majority of airports with the necessary tools needed to - 1) establish reasonable operating procedures; 2) avoid the creation of new noise problems; and 3) avoid the continuing encroachment of non-compatible land uses on the airport. Every action that makes it easier for an airport authority or owner to establish the noise exposure map or a noise compatibility program will reduce the current conflicts between airports and operators of aircraft and is supported by GAMA.

150-47. Julie H. Ellis, Managing Director, Senior Attorney, Federal Express Corporation, Memphis, Tennessee: Federal Express has repeatedly supported the implementation of a uniform land planning program around our nation's airports and would suggest that once such a program is devised and tested that it be required of all airports. The FAA has a unique opportunity to now enroll Congress in its efforts to provide a uniform land planning process and we encourage that effort to begin with the submission of the FAA report.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati: We agree that uniform formats and data presentation should be established for NCP's and NEM's to facilitate FAA review.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: There is inconsistency among the FAA regions with respect to the detail to be portrayed on the base maps used for the noise exposure maps. According to FAR Part 150, land uses must be shown and incompatible uses identified. In highly urbanized areas, it is difficult and expensive to depict a detailed street base, land uses, and noise values on one map that is readable. Some airport operators have used U.S.G.S. maps as a base and they have been accepted by the FAA, although the map may be 10 or more years out of date and is often generalized in subdivisions.

If a detailed street base is to be required, it is suggested that (a) a current street base be used and (b) only contours be displayed on the base. A separate, more generalized base with land uses and noise contours would supplement the detailed map. In lieu of a detailed street map, consideration could be given to depicting the contours on a current aerial photo map.

150-52. Claire Shulman, President, Borough of Queens, New York City, NY: This is to advise you of my support of the proposed regulation.

150-64. Francis P. Kulka, Senior Airport Planner, Calocerinos & Spina Engineers, P.C., [address?]: Looking to improve or provide uniform formats, "report cards" and other review procedures, in my opinion, misses the point of the program and the problem.

150-69. Charles M. Salter Associates, Inc., Consultants in Acoustics, San Francisco, CA: A chronic problem with the FAR 150 studies is schedule overruns. I recommend a more formalized FAR 150 study structure, and that a definitive schedule be required from the study administrator. Perhaps the FAA should take a more active role in ensuring that the study proceeds in a timely fashion. Unnecessary delays prolong important airport improvements and frustrate the surrounding communities interested in developing more compatible land use around the airport.

150-70. Lloyd B. Parr, Director of Aviation, Missoula Highway and Transportation Commission, Jefferson City, MO: We agree with the seven suggested areas noted in the Notice of Proposed Rulemaking (NPRM) in which the Part 150 could be improved.

150-73. Maryland State Aviation Administration, Michael C. West (contact), Baltimore/Washington International Airport, MD: Direct FAA involvement during a study, using additional trained personnel as necessary, and/or streamlined procedures and formats for NEM's/NCP's, should be fully explored as part of a concerted effort to shorten review periods to 60 days or less from the date of submission.

150-80. Brian A. Kirby, Airport Representative to BWI, Neighbors Committee, Vice-President, Airport, Coordinating Team, Inc., Glen Burnie Park, MD: Establish uniform formats for NCP's and NEM's to simplify preparation and expedite FAA review: A uniform format that: 1) has a set timetable for each step/process, 2) is well publicized and announced, 3) is binding upon completion, and which 4) cannot be later changed, altered, or excepted in any way on any item without reverting the entire process to that step in which changed, altered, or excepted item originated.

The importance of the NCP's and NEM's to the residents of the Noise Zones (NZ's) they create warrants a Part 150 that is: 1) flexible in its considerations, and 2) rigid in its application. While expediency is important, it should never circumvent proper format, procedure, or application. Doing the job correctly is mot important no matter how long it takes.

150-87. Regional Airport Authority, Louisville, KY: A standard format and guideline for developing a Part 150 program would be invaluable.

150-90. Hayward Air Terminal, CA: Establish Uniform Procedures regarding airport established and FAA approved noise abatement operational procedures. These already approved procedures should not be jeopardized and should remain in effect regardless of the status of the Part 150 program.

150-96. J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: Although each airport is unique with respect to noise problems, uniform formats for NCP's and NEM's would most likely expedite the process by providing required information where it can easily be retrieved for review by the FAA.

150-98. Industry Task Force on Airport Capacity, Improvement and Delay Reduction: The FAA being charged by the Congress, as part of the Airport and Airway Safety and Capacity Act of 1987, to study Part 150 is to examine whether "expedited and simplified procedures which meet the objectives of the ASNA Act could be developed to take into account special circumstances at certain airports!" The Working Group does not believe that revisions to Part 150 procedures alone can fully meet the objective of better insuring compatible land use in the vicinity of our Nation's airports.

150-99. E. H. Haupt, Manager, Airport and Environmental Services, National Business Aircraft Association (NBAA): NBAA supports the establishment of a standard NCP and NEM format not only to reduce FAA review time but to permit the community and consultants to better understand the process which leads to more positive problem resolution.

150-114. Mrs. Louis Bova, Glen Burnie, MD: (Neighbors Against Needlessly Noisy Airports, P.O. Box 1716, Glen Burnie, MD 21061): No simplification of Procedures. Simplification allows piecemeal aviation expansion at the cost of piecemeal destruction of families, homes, towns, health and environment.

150-124. Sandra Kelley, Noise Coordinator, Memphis-Shelby County Airport Authority, Memphis International Airport, Memphis, TN: The development of a Part 150 Program can be very time consuming and involved. Once complete, the review time within the FAA is often very lengthy. At the onset of the study, noise exposure maps are developed for the "existing conditions." By the time the study and review processes are complete, often the "existing conditions" noise exposure maps are not completely representative of current conditions.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: AOCI recommends that FAA (Headquarters, Regions, and District Offices) establish a uniform format for Part 150 presentation of NEM's and NCP's to simplify and expedite FAA review. This would have added benefit of allowing national comparison of different airports.

150-140. Kathleen E. Stein-Hudson, Principal, Howard, Stein-Hudson, Boston, MA: Uniform formats should be established for NCP's and NEM's, as well as for presentation of data within them. In addition to simplifying preparation and expediting FAA review, this would help both to compare data between documents and over time and would also help laypeople to better read and understand pertinent information.

150-149. Paul Meyerhoff II, Executive Director, Alaska International Airport System, Anchorage, AK: The proposed changes being offered in this revision to the FAR Part 150 Noise Program are satisfactory, with the exception of the mandatory installation of an airport noise monitoring system.

150-150. Gary D. Vest, Deputy Assistant Secretary of the Air Force (Environment, Safety and Occupational Health), Department of the Air Force: The Air Force supports the actions you are considering for improving the Part 150 program and believe their implementation will expedite and simplify procedures.

Comment Category Number 2-150.

Have two kinds of Part 150 NCP's, the present comprehensive study for airports with complex noise problems, and a new "Short Form" Part 150 NCP for airports where one or two noncontroversial items will largely solve the noise problems.

150-4. Joe F. Hill, Severn, MD: I wish to state that noise pollution, such as that generated by an airport, is a complex problem and therefore requires complex study. Instead of searching for ways to simplify this process I strongly urge you to add to the present procedure.

150-6. Calvin O. Carter, Commissioner of Aviation, Hartsfield Atlanta International Airport, GA: We have not found the existing process to be an encumbrance to achieving our stated goal of providing as much relief to as many people as possible. However, having submitted two (2) amendments to our program, we feel that improvement could be gained with the approval of delegation of minor program changes and/or amendment changes to the local FAA level.

The second amendment to our Part 150 Program is a good example of what we deem to be a minor program change. Our request, simply stated, was for the application of an approved program measure (acoustical treatment program) into the 65 Ldn exposure area and the incorporation of new uses i.e., schools and churches. This amendment was supported unanimously by local and federal officials, as well as affected property owners.

Although our amendment was thoroughly reviewed and concurred in by both the district and regional FAA offices, it had to be submitted to the Washington level for approval. This resulted in additional review time over the required 180-day review process.

150-7. Sue G. Townsend, President, Board of Directors, Markham Place, Inc., Memphis, TN: Can't you or some other federal agency do something? It amazes me that we go to such lengths to save the snaildarter, whales, bugs, birds, etc., but show no real concern for people who suddenly find themselves exposed to constant noise and fumes. Please take another look at Oakhaven's situation and encourage the Memphis airport to buy our houses -- certainly, no one else is anxious to buy them.

150-12A. Wm. J. Murray & Associates, Springfield, IL Have two kinds of Part 150 NCP's, the present comprehensive study for airports with complex noise problems. and a new "short form" Part 150 NCP for airports where one or two noncontroversial actions having obvious and easily quantifiable compatibility benefits will largely solve the noise problems. This suggestion has some benefits in providing an NCP for smaller airports which would not qualify or require the comprehensive study.

150-14. Stanley J. Green, Vice President, General Aviation Manufacturers Association (GAMA): The vast majority of airports in the United States do not have noise problems caused by general aviation propeller-driven or turbojet powered aircraft. Yet, many of these airports establish noise programs, including limitations on the types of aircraft that may be operated from the airport, without regard to their actual noise situation. For these airports, operational programs, including, if necessary, limitations on the types of aircraft that may be operated from the airport, are appropriate.

150-32. Gary Adams, Division Director, Arizona Department of Transportation, Aeronautics Division, Phoenix, AZ: While the Part 150 study has proven beneficial for the larger commercial service airports, it appears that it falls short for the general aviation facilities. The study is extremely lengthy and is often expensive. While the study is eligible for federal funding, many of the smaller sponsors (public and/or relievers) find that matching funds are not available or are needed primarily for construction or maintenance programs. Often, there is no choice as to whether the sponsor should address noise issues or see to the necessary maintenance of the facility. Noise issues are equally important to all size communities. Unfortunately, due to the complexity and expense of the study elements, noise studies often take the "backseat." The proposal of a "Short Form" or "Mini" Part 150 study would appear to address these issues and make a study of this type more readily available to all airport sponsors.

150-34. George and Cathy Wetzell, San Gabriel, CA: These "armies of airplanes" used to fly higher or elsewhere until 1 to 1-1/2 years ago. In residential areas such as ours all small aircraft should fly at 5,000 to 6,000 feet so as to not disturb the quiet earth people. Large planes can fly above these levels. Airplanes have the whole sky; we have only the ground. FLY HIGH. The sheer number of small, private planes necessitates their flying higher for the sake of peace. Regarding the higher flying airplanes, there is no need for so many to fly over/near our neighborhood as airways are about seven miles wide.

150-44. D. M. Biddison, Des Plaines, Illinois: Until 1985 we never had nighttime operations with aircraft flying over our house. Now we have them a lot. At first the FAA said it was the wind, which they never had before from 1959 to 1985. Most nighttime operations are related to the controllers' labor relation problems, their stupid work schedules, or the fact that the FAA just wants to play games. These are the same reasons why high-powered run-ups are done all night and the FAA directs these aircraft up against the fence with their exhaust aimed at residential areas.

150-47. Julie H. Ellis, Managing Director, Senior Attorney, Federal Express Corporation, Memphis, Tennessee: Federal Express has repeatedly supported the implementation of a uniform land planning program around our Nation's airports and would suggest that once such a program is devised and tested that it be required of all airports. The FAA has a unique opportunity to now enroll Congress in its efforts to provide a uniform land planning process and we encourage that effort to begin with the submission of the FAA report.

150-52. Claire Shulman, President, Borough of Queens, New York City, NY: Your proposed regulation addresses the issue of achieving the maximum degree of "noise compatibility" between airports and their neighbors, and any effort which advances this objective is deserving of our consideration and evaluation.

150-59. John P. Newell, Manager, Noise Program/Special Projects, Port of Portland, Portland, OR: Other than the issues discussed (in their separate categories), the Port of Portland supports the proposed changes to Part 150 that were described in the Federal Register.

150-70. Lloyd B. Parr, Director of Aviation, Missoula Highway and Transportation Commission, Jefferson City, MO: We agree with the seven suggested areas noted in the Notice of Proposed Rulemaking (NPRM) in which the Part 150 could be improved and request you consider them a part of our comments.

150-73. Maryland State Aviation Administration, Michael C. West (contact), Baltimore/Washington International Airport, MD: Simplified Procedures for Smaller Airports. There should be at least two levels of noise compatibility analysis; one for major commercial airports with the full range of services and aircraft types, and one oriented to smaller general aviation and commercial airports with less complicated activities. The small airport noise analysis should have less vigorous requirements than currently specified in the current Part 150 in terms, of the scope of noise abatement measures that must to be considered, and the extent of technical study documentation.

150-80. Brian A. Kirby, Airport Representative to BWI, Neighbors Committee, Vice-President, Airport, Coordinating Team, Inc., Glen Burnie Park, MD: Have two kinds of Part 150 NCP's--one for complex noise problems, and a second "short form" for non-controversial actions. Indeed this would help. However, consideration should be given to a set of different formats that match the reality of the situation. That is, different formats for Regional Service Airports, Local Service Airports, Full Service (passenger/cargo) Airports, Multi-Hub Airports, Single-Hub Airports, Small Airports, etc. Naturally, these are only suggestions, but the FAA should realize that noise problems match more correctly with the above than with simple complex or non-controversial qualifiers. A local service airport without a Hub has different noise considerations than a local service airport with a Hub, even though the FAA does not officially distinguish between Hubs, fortress Hubs, or Non-Hubs.

150-82. Robert P. Silverberg, Condon & Forsyth, Attorneys for Airborne Express: Airborne's other observation concerning Part 150 is that some of the modifications suggested in the FAA's rulemaking notice could severely cripple the entire program. The suggested "Short Form" Part 150 NCP could be employed by an airport proprietor as an expedient to obtain federal funds to carry out a noise compatibility program without having to go through the rigors of a carefully conceived and well-thought out program. Already the Part 150 process is being used by some airports to adopt restrictions on air carrier operations to the virtual exclusion of highly beneficial land use planning and soundproofing projects.

The eligibility for federal funds to control noise should be based on properly balanced programs which must in every case consider the adoption of land use planning techniques, elimination of noncompatible land uses and soundproofing programs. It is likely that the suggested "Short Form" NCP could well lack the necessary and required balance between airside and groundside efforts to reduce the impact of airport noise. Section 104 of ANSA clearly envisions an even-handed approach to noise-related regulation and control, as does Part 150. Accordingly, any modification to FAR Part 150 must insure that the

concept of a balanced approach is retained, indeed, strengthened. All too often, the airport operators propose to shift the entire burden of noise mitigation onto the operators at the airport to the total exclusion of participation of the entities with land use planning authority. This existing flaw in Part 150 must not be exacerbated.

150-87. Robert S. Michael, General Manager, Regional Airport Authority, Louisville, KY: While areas inside the 65 or 70 Ldn contours are undoubtedly affected by the airport noise, it is those residences inside the 75 Ldn contour which should have the highest priority. A separate, expedited method of dealing with these most severely affected residences is desperately needed. The funding for the purchasing of these properties should receive the highest priority for the limited FAA dollars available for noise related purchases. This expedited process should be based on Noise Exposure Maps prepared using FAA approval methods without having to complete a full-blown Part 150 study.

150-89. City of Saint Paul, Office of the City Council: I recommend the FAA include in its Part 150 rules that local airport operators may not implement changes in runway use patterns at the airport as a noise mitigation effort unless such runway use changes were included as a noise mitigation strategy as part of the operator's Part 150 study. This change in FAA Rules is necessary to prevent politically motivated and ill conceived "runway use tests" of the kind most recently implemented at the Minneapolis-Saint Paul International Airport, without adequate consideration, environmental study or input from affected communities.

150-90. Hayward Air Terminal, CA: Establish separate and distinct Noise Compatibility Programs depending on the Airports Classification in the National Transportation System. For example, a greater degree of input and study would be required of an Air Carrier airport as opposed to a General Aviation airport. This would expedite the time required to complete a 150 program and encourage more airports to participate.

150-96. J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: A "short form" Part 150 NCP, where appropriate because of non-controversial actions, could accomplish the same result of providing compatibility benefits without the necessity of a full comprehensive study and would expedite the process.

150-98. Industry Task Force on Airport Capacity, Improvement and Delay Reduction: The FAA being charged by the Congress, as part of the Airport and Airway Safety and Capacity Act of 1987, to study Part 150 is to examine whether "expedited and simplified procedures which meet the objectives of the ASNA Act could be developed to take into account special circumstances at certain airports." The Working Group does not believe that revisions to Part 150 procedures alone can fully meet the objective of better insuring compatible land use in the vicinity of our Nation's airports.

150-114. Mrs. Louis Bova, Glen Burnie, MD: (Neighbors Against Needlessly Noisy Airports, Glen Burnie, MD: NO simplification of PROCEDURES. Simplification allows piecemeal aviation expansion at the cost of piecemeal destruction of families, homes, towns, health, and environment. Tighten and expand people protection and procedures. PLACE ALL OF FAA and STATE AVIATIONS UNDER TIGHT EPA REGULATION NOW.

150-117. J. O. Phillip Lindahl, P.E., Environmental officer for the City of Des Plaines, Des Plaines, IL: I served on the Working Task Force Group that was organized to advise these communities (surrounding O'Hare International Airport, including a large part of Chicago) what noise mitigating measures should be taken. This working task force came up with twenty-six measures that would result in less noise impact on those residents living under the arriving/departing jet aircraft. However, the City of Chicago Department of Aviation and the FAA said that it would cost the airport and the airlines too much so none of the noise mitigation measures were adopted.

On the other hand, the Chicago Department of Aviation demands that the communities surrounding O'Hare International Airport, including a large part of Chicago, change the land use to comply with the noise footprint produced by the jet aircraft operating overhead. Most of the area is already ninety to ninety-five percent developed making the land use changes impossible.

150-121. Matthew J. Gill, Jr., Director, Rhode Island Department of Transportation: Change Part 150 regulations to allow noise impact assessment studies of a narrower, more limited scope before a full NCP is undertaken. The purpose of this noise assessment would be to identify noise related problems before they impact residential areas, to identify effective measures to mitigate noise problems, and to allow federal participation in those mitigation measures. The results of this effort could lead to a full Part 150 study or could prevent the need for one.

The development of a "short form" Part 150 process may address some of the concerns related to the complexity and lengthy timeframe of the current program, especially where noise mitigation actions are easily identified. Public perception of a standardized short form process is likely to be one of skepticism unless it can be demonstrated that the shortened process is not rigid and can be adapted to local conditions.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Introduce the short form because of funding limitations at all airports. Massport has already requested this.

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: Reduce the Alternatives Requirements for Airports with Long-standing Noise Efforts. Many airports now have extensive experience in dealing with local noise issues. In beginning a Part 150 study, the FAA in consultation with the airport sponsor should provide guidance as to the most applicable noise measures for those airports to consider, to the exclusion of having to document the remaining list of noise alternatives. Likewise, large and small airports having limited noise improvement opportunities because of land use or other considerations should be able to concentrate on only a few solution choices in a "short form" application process, so as to reduce costs and unnecessary work effort.

150-128. P. H. Fryberger, Chairman, Oak Park-Northwood Neighborhood Association, San Antonio, TX: Previous studies indicated our local government and the FAA have been knowledgeable about noise problems in this area for about 18 years, but failed to act on that knowledge other than to order more studies.

150-128A. City of Los Angeles Department of Airports: When it is obvious that either a school or a hospital is impacted by aviation operations and officials of both the airport and the community agree that it will always be impacted, then funding should be authorized to correct that incompatible use prior to the time the study is completed. It often takes many years from initiation to completion of a Part 150 Study.

150-133. Fred Cutlip, Director, Community Development Division, Governor's Office of Community & Industrial Development, State of West Virginia: As far as we are able to determine, the existing Part 150 rule and regulations are adequate for West Virginia and no changes are recommended at this time.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: In general, EPA believes that the Part 150 regulation should be revised to include the specific items listed on page 44556 of the Federal Register notice under the heading of "Issues for Consideration." EPA believes that the development of a "Short Form," in accordance with the objectives of Public Law 100-223, could be extremely useful. There are airport noise situations, particularly at the smaller airports, that are simple enough that a "shorter process" may be adequate to define and resolve noise impacts. We, therefore, support introduction of such an abbreviated process in a revised Part 150 Regulation. We caution that the requirements for eligibility for use of such a form be drafted carefully to prevent misuse of the short form for the purpose of evading the more thorough disclosure and noise mitigation planning requirements of the "regular" form.

150-138. Gabriel Phillips, Executive Vice President, Air Transport Association, of America, Washington, D.C.: We continue to believe that the Part 150 program is fundamentally flawed and, therefore, not subject to meaningful improvement through minor changes. As a result, we view the issues raised for specific consideration in the Notice with some ambivalence. For example, the suggested "Short Form" Part 150 might be highly desirable as part of a rational national program to advance airport noise management. On the other hand, if as so often occurs, the Part 150 exercise is simply used as a vehicle to impose uncoordinated use and access restrictions in a Proverbial "inter-airport competitive" game, the simplification of Part 150 may be dangerously counterproductive.

150-140. Kathleen E. Stein-Hudson, Principal, Howard, Stein-Hudson, Boston, MA: There should be two kinds of NCP's as proposed, one for airports with complex, controversial noise problems and the new "short form" with simpler, non-controversial actions.

150-141. Duane M. Stinchfield, A.A.E., Director of Civil Aviation, Westover Metropolitan Development Corp., Chicopee, MA: WMDC feels that FAA should do a comparison study of AICUZ and Part 150 to develop a special Scope of Work for Joint Use Airports such that a modified Part 150 Study can build on an AICUZ without duplicating the effort and expense of the AICUZ program. The resulting Part 150 would be a stand-alone document offering community benefits over and above the AICUZ and at less cost than a full Part 150 study.

WMDC has a Joint-Use Agreement (JUSA) with the Air Force and is licensed as a public airport authority by the Massachusetts Aeronautics Commission. The only difference between WMA and other civil airports is that we do not maintain and

control the airfield itself. The Department of Defense has its own counterpart to the Part 150 study called AICUZ. There are many similarities between these programs with regard to noise and land use compatibility analysis; however, the AICUZ program is not adequate to address the broader needs of a civil airport.

150-150. Gary D. Vest, Deputy Assistant Secretary of the Air Force (Environment, Safety and Occupational Health), Department of the Air Force: The Air Force supports the actions you are considering for improving the Part 150 program and believe their implementation will expedite and simplify procedures.

Comment Number 3-150.

Establish uniform formats for presentation of data in both NCP's and the documentation for the NEM's.

150-12A. Wm. J. Murray & Associates, Springfield, IL: This suggestion should be developed into a set of guidelines or an FAA Order similar to the Order for preparing Environmental Assessments. Clear cut guidelines would speed preparation and review times for the Study.

This comment relates to the previous comments regarding uniform formats. Also, an officially approved checklist for the NEM's and NCP's should be developed and approved to ease preparation of the Part 150 Noise Study.

150-14. Stanley J. Green, Vice President, General Aviation Manufacturers Association (GAMA): GAMA has long advocated uniform methodologies for measuring noise in the vicinity of airports and the establishment of noise compatibility programs by airport operators so as to avoid, to the extent practicable, the continuing encroachment of non-compatible land uses in the vicinity of airports. Though GAMA members are operators of many aircraft and, as such, are impacted by operating restrictions, it is the impact of these restrictions on our members as manufacturers that is most critical to us.

The vast majority of airports in the United States do not have noise problems caused by general aviation propeller-driven or turbojet powered aircraft. Yet, many of these airports establish noise programs, including limitations on the types of aircraft that may be operated from the airport, without regard to their actual noise situation. It is not economically possible to design aircraft that are compatible with each airport's specific environmental regulations. We recognize that some airports have unique noise problems that must be dealt with on an individual, technically related, scientifically determined basis. For these airports, operational programs, including, if necessary, limitations on the types of aircraft that may be operated from the airport, are appropriate.

FAA's encouragement of uniform noise standards, with respect to establishing noise exposure maps and noise compatibility programs, will provide the majority of airports with the necessary tools. Every action that makes it easier for an airport authority or owner to establish the noise exposure map or a noise compatibility program will reduce the current conflicts between airports and operators of aircraft and is supported by GAMA.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: We agree that uniform formats and data presentation should be established for NCP's and NEM's to facilitate FAA review.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: Noise problems vary widely among the Nation's airports and their surrounding communities. Attempts to standardize remedies to noise on a nationwide basis are improper and have little chance of achieving humane goals.

150-70. Lloyd B. Parr, Director of Aviation, Missoula Highway and Transportation Commission, Jefferson City, MO: We agree with the seven suggested areas noted in the Notice of Proposed Rulemaking (NPRM) in which the Part 150 could be improved and request you consider them a part of our comments.

150-80. Brian A. Kirby, Airport Representative to BWI, Neighbors Committee, Vice-President, Airport, Coordinating Team, Inc., Glen Burnie Park, MD: As the NCP's and the NEM's are so closely interrelated, separate formats or anomalies of documentation confuse, complicate, and allow loopholes in achieving mutually beneficial, accurate and effective NCP's and NEM's for all concerned. The format for the NEM's should result in a lock-step format for the NCP's.

150-96. J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: Uniform formats for presentation of data and documentation are also recommended.

150-99. E. H. Haupt, Manager, Airport and Environmental Services, National Business Aircraft Association (NBAA): In addition, standardization of data presentation, as suggested by others, would be useful.

150-140. Kathleen E. Stein-Hudson, Principal, Howard, Stein-Hudson, Boston, MA: Uniform formats should be established for NCP's and NEM's, as well as for presentation of data within them. In addition to simplifying preparation and expediting FAA review, this would help both to compare data between documents and over time and would also help laypeople to better read and understand pertinent information.

Comment Number 4-150.

Add provisions for "Seasonal" Ldn's and NEM's for airports with seasonal peaks or other anomalies in their traffic.

150-12A. Wm. J. Murray & Associates, Springfield, IL: This suggestion would provide a better insight into the noise situation at an airport, but may lead to a misconception of the public's idea of the apparent noise levels around an airport. The possibility of receiving public opposition may be increased if a potentially misleading NEM is prepared for a peak or anomaly.

150-32. Gary Adams, Division Director, Arizona Department of Transportation, Aeronautics Division, Phoenix, AZ: The addition of a provision for "Seasonal" Ldn's and Noise Exposure Maps (NEM's) would also address the noise issues at many of the public/reliever airports within the State of Arizona. The

communities within central and southern Arizona are known for their "winter visitors." The northern communities of Arizona are famous for their summer influx of tourists. With the current uneven balance of operations into these airports, the existing noise contour maps are not representative of actual noise exposures. The usage of "Seasonal" Ldn's does not address the issues of facilities that have higher usage during the weekends or joint use military/public facilities which may have complex noise problems only during military maneuvers, et cetera. The best possible solution regarding the measurement of noise would be the worst case scenario for existing operations and projected noise contours, i.e., 10 to 20 years. This would allow for long term land use planning by the local jurisdictions and further protect our aviation facilities from the existing problems of encroachment.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: We agree that seasonal Ldn maps are appropriate for airports with seasonal peaks, or other anomalies in their traffic. We are concerned, however, that the next request from citizen groups would be peak hour Leq's for connecting facilities. We would not be in favor of this unless the FAA changed its funding criteria to allow for seasonal Ldn's, or peak hour Leq's.

150-58. Andrew S. Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: At many airports, especially those serving seasonal resorts, noise problems are real, but occur only for part of the year. Part 150 prescribes use of yearly average Ldn for the NEM. Although Ldn for other periods has been allowed in the NCP for some airports, the FAA has evaluated the eligibility of NCP elements for funding based on the yearly average Ldn.

Part 150 should be amended to allow the use of a "non-yearly" basis for Ldn when levels of noise exposure vary significantly on a seasonal basis.

150-62. Norman J. Swiston, Sr., Glen Burnie, MD: Add seasonal Ldn's to noise exposure maps. This would not impose any operational constraints or restrictions on interstate or foreign commerce and again this would not unduly burden interstate commerce, discriminate unjustly, or reduce the level of aviation safety, or adversely affect the efficient use of the navigational airspace.

150-70. Lloyd B. Parr, Director of Aviation, Missoula Highway and Transportation Commission, Jefferson City, MO: We agree with the seven suggested areas noted in the Notice of Proposed Rulemaking (NPRM) in which the Part 150 could be improved and request you consider them a part of our comments.

150-80. Brian A. Kirby, Airport Representative to BWI, Neighbors Committee, Vice-President, Airport, Coordinating Team, Inc., Glen Burnie Park, MD: Again, this is the type of different sets of tailored formats which reflect the reality of traffic conditions that exist nationwide. This would be appropriate providing that the FAA, in tailoring the format, does not favor any segment of the industry in a manner that promotes aviation in deference to the purpose of the Part 150 to reduce noise. Such provisions or format tailoring must be comprehensive to all the national anomalies and not selective.

150-92. D. P. Letterman, Delta Airlines, Inc., Hartsfield Atlanta International Airport, Atlanta, GA: Finally, the suggestion to add provisions for seasonal Ldn's and NEM's appears to add more detail than needed. Current annual averages should provide a realistic assessment of airport noise exposure.

150-96. J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: The subject of "seasonal" Ldn's and NEM's is not covered in sufficient detail to determine impacts on the public. It is recommended that an annual average be used as in the California Airport Noise Standards.

150-100. George C. Bird, Chairman, Airplane Noise Committee, Community Board No. 11, The City of New York, Bayside, NY: A normal months operation will record approximately 31,000 movements--of which Departure Flights on Runway 13 will total 50 percent or 15,500 movements--an average of 516 per 16.5 hour operating day (6:30 a.m. to 11:00 p.m.) or 31 movements per hour. During peak hours this number increases and in warm weather when the prevailing winds are southerly, it is possible to get higher numbers since of the two (2) runways at LaGuardia Runway 13 is definitely the most often used.

150-106. Eliot R. Cutler, Adams County, Colorado: Improvements in Describing the Impact of Noise are Necessary: Under current regulations, the sponsor must develop noise exposure maps depicting 65 Ldn, 70 Ldn, and 75 Ldn noise contours for the annual day-night average sound level for the current program year and for five years hence. See 14 CFR # 150.21 and Appendix A. These contours form the basis for the comparative analysis of potential measures for the noise compatibility plan. See 14 CFR # 150.23 and Appendix B.

Although the required Ldn contours are useful, they fail to provide a sufficiently complete description of the noise impacts of an airport's operations, and any program based solely upon such contours may have serious shortcomings. Airport operations often fluctuate widely during the course of a year; some airports experience seasonal changes, while others experience significant daily or hourly changes. Furthermore, the effects of variations in runway use may not be reflected accurately in the required Ldn contours.

(The problems associated with the exclusive use of the required Ldn contours were detailed in a paper which was presented by Mr. Andrew S. Harris of Harris Miller Miller & Hanson, Inc. at the Acoustical Society of America meeting on May 17, 1988, and which is appended hereto as Exhibit A. In his paper, Mr. Harris concludes that different measures would more reliably take such fluctuations into account. We believe that Mr. Harris' conclusions are worthy of the FAA's consideration.)

Were sponsors required to produce noise contours depicting seasonal, daily, and hourly fluctuations--where significant--and the effect of the two or three most common runway use pattern variations, a wider range of alternative strategies for the solution of particular noise problems likely would be developed and local governments would be better equipped to plan future land uses.

Additionally, the FAA should require the sponsor to produce 60 Ldn noise contours and time-above studies at 75 and 85 dbA for noise-sensitive areas. Such time-above studies and the 60 Ldn noise contour would help provide a more complete and accurate description of the area in which complaints regarding airport noise typically originate.

The FAA INM model can generate all of the above mentioned information based upon the same information used to develop the currently required noise contours. Therefore, producing the additional data would not impose an added burden on the sponsor.

150-119. Katy Geissert, Mayor, City of Torrance, CA: Torrance opposes provisions for "seasonal" Ldn's or Noise Exposure Maps.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: Appendix A of FAR Part 150 established uniform methodology for the preparation of noise exposure maps, and established the yearly day-night average sound level (Ldn) as the standard for characterizing noise impacts. While Ldn may be appropriate for many or even most airport situations, AOCI recommends expanding Appendix A to allow for the use of a formula defining single event impacts and/or seasonal noise variations (for example, use of peak month average day-night) if it can be demonstrated that they are more representative of the actual noise situation.

Comment Category Number 5-150.

Incorporate significant improvements to the consultation process to more closely involve community decision-makers and those persons most affected by the noise; improve notification procedures so that airport neighbors and all airport users are aware of the planning process.

150-2. Francis X. Flaherty, Mayor, Warwick, RI: Require that all parties-in-interest come to the "table" during the Part 150 process. Do not ignore interest groups or discourage community involvement. End "unilateral" program (i.e., airport advocates decide/impacted parties excluded; mutual assurances for both advocates and opponents of airport operations).

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: Locally elected officials in impacted communities should be notified that a Part 150 is being considered and should determine if their City will participate in the Part 150 study.

Airports that have noise contours of Ldn 60 or greater that extend into other communities or jurisdictions should be required to have those affected jurisdictions as cosponsors to the Part 150 study. This would insure equal representation, assurance that important issues are appropriately studied, and that all noise mitigation ideas are considered.

150-16. T. Michael McDowell, City Manager, City of College Park, GA: I would hope that you would give serious consideration to revising some of the strategic aspects of the Part 150 regulations to insure closer cooperation between airport operators and their neighbors to effectively reduce noise exposures. However, even with the success of the Atlanta program, our relationship with Hartsfield Airport as the Part 150 program has been developed, coordinated, implemented and evaluated, has been stormy at best. We believe that strategic improvements in the federal authorizing legislation, as well as the regulations put forward by FAA to implement that legislation, could have facilitated a closer understanding and cooperation between our community and Hartsfield as we worked on the Part 150 process as well as improving communications and understanding on the part of our citizens who were directly affected by the Part 150 activities sponsored by Hartsfield.

We suggest that the philosophy of FAA in improving the Part 150 planning process should move from a "consultation process" between the airport sponsor and neighboring communities to a philosophy of joint development and operation of Part 150 programs. This would eliminate the approach that is taken so often whereby the airport sponsor feels that they are "doing their neighbors a favor" by moving forward with a Part 150 program implementation rather than an acknowledgement that the airport sponsor is merely meeting its basic environmental obligations to its neighbors. A community which is adjacent to an airport is much better able to understand the needs, aspirations, and concerns of its constituents and should be able to exercise the option of direct administration of a Part 150 program including direct administration of program activities and funding. We would suggest that should the airport sponsor and a neighboring community agree to choose these options, that an

airport neighbor be given the opportunity to directly administer an airport acquisition, relocation, soundproofing, air easement acquisition, or other type of program rather than requiring the program to be administered directly by the airport sponsor as the only option. This would increase the credibility and effectiveness of a Part 150 program treatment.

150-25 Town-Village Aircraft Safety & Noise Abatement Committee, NY: Provision should be made for mandatory consultation, from day one, between the airport and all off-airport communities and jurisdictions. The application made by an airport operator for funds for a Part 150 study should include a sign-off by all off-airport communities and jurisdictions in the Ldn 60 or greater noise contour. Community sign-offs should be by the locally elected officials or their designees. This would insure that the impacted off-airport communities would be involved constructively from day one. Local FAA Air Traffic people should be actively involved in Part 150 planning so that recommendations are reasonable and do-able. This would prevent the operator and consultants publicizing a program that they know the FAA cannot or will not comply with.

150-26 Keene G. Matsunaga, Member of the Interested Public: Require local public hearings at times accessible, weekends and evenings, for the draft program consisting of the Noise Exposure Map (NEM) and the Noise Compatibility Program (NCP) prior to its submission to the FAA by the airport operator. The required public hearings shall be conducted in all of the surrounding communities at least 180 days prior to finalization and submission of the draft plan, Opportunity for the incorporation of alternative plans in the airport operator's draft plan shall be given to the general public.

In the event that alternative plans relating to the NEM and the NCR are not adequately incorporated in the airport operator's draft plan, then opportunity shall be given by the general public to submit such alternative plan(s) directly to the FAA for consideration as an amendment to the airport operator's draft plan.

I believe that the current law does not provide adequate opportunity for the interested public to participate in the Airport Noise Compatibility Planning. Under Part B, S150.21(b) the airport operator is under obligation to "certify that it has afforded interested persons adequate opportunity to submit their views, data, and comments concerning the correctness and adequacy of the draft noise map and descriptions of forecast aircraft operations!"

Such opportunity is not defined and, therefore, may be severely limited. For example, an airport operator may provide explanations of it plan to public institutions or municipalities but may fail to include the general public. Another example would be where the airport operator publishes portions of its plan in an obscure notice in a local newspaper without providing explanations or allowing the public to respond.

There is not sufficient time afforded to the interested public both to understand and to respond to the airport operator's plan. Under the current law there is no definition of how much time the airport operator must allow the interested public to respond to its plan.

First, the interested public must be given the opportunity to understand the

airport operator's plan. The best vehicle for this opportunity is a public hearing where open public dialogue and discussions are provided for all of the surrounding communities.

Second, once the interested public understands the airport's plan, adequate time must be given to permit meaningful inputs. A minimum of 180 days should be given to the interested public to submit its inputs before the airport operator submits its draft plan to the FAA.

Finally, consideration of the interested public's view must be given to insure that the most comprehensive Airport Noise Compatibility Planning is developed. Incorporation of the interested public's view as developed and defined in an alternative NEM or a NCP is essential in this regard. Therefore, in the event that the airport operator's draft plan fails to adequately incorporate said alternative plan(s), then the interested public should be given the opportunity to submit said plan(s) directly to the FAA for consideration as an amendment to the airport operator's draft plan.

150-30. Barbara Tuleja, Chairperson, Airport Safety and Noise Committee, Community of Harbor Bay Isle, Harbor Bay Isle, Alameda, CA: As the nearest neighbors of the Oakland Airport, we are taking an interested and active part in any matters dealing with safety and noise emanating from the airport. We would appreciate, therefore, if dissemination of material regarding the above would reach us directly in a more timely manner. The bimonthly noise task force meetings at the Oakland Airport are the only forum that residents have to express their day-to-day concerns so that the Airport can possibly respond.

150-32. Gary Adams, Division Director, Arizona Department of Transportation, Aeronautics Division, Phoenix, AZ: While the Part 150 requires the airport operator to allow interested persons adequate opportunity to submit their views, data, and comments, public input is often kept at a minimum. Notification procedures should be specified within the Part 150 requirements along with a specific number of public hearings. The recommendation of a "comment period cutoff time" will help insure uniformity throughout the planning process.

150-33 Paul Wheeler, Memphis, TN: On August 28, 1986, the Oakhaven Civic Club furnished the Federal Aviation Administration a letter of comment and request for help for the Oakhaven area in view of the Memphis International Airport expansion. To date, we have not been given any consideration from local or Federal Government. This letter is my own comment and is no part of the Oakhaven Civic Club.

Since 1986, I have stated in several letters to local FAA, Atlanta FAA, Washington FAA and Washington EPA the effects to our community from the expansion of the Memphis International Airport. The conditions in our community are not improving and the value of our property has constantly depreciated, much less what the noise, dirt, dust, fumes, vibration and loss of sleep has done to our health.

150-35 Charles Rodriguez, Isla Verde, Puerto Rico: The local authorities seem impervious to peoples needs of peace and tranquility or life-styles. It has been empirically proven that noise-pollution does cause mental stress with resulting unsocial or civil behavior.

150-38 J. Nazario, Santurce, Puerto Rico: Shortly after termination of hostilities in World War II among the different "reconstruction items" planned for Puerto Rico, the dire need of an adequate airport that could carry the active and potential heavy traffic deserved high priority. The Defense Department designated the corresponding expertise personnel on airport planning with the task of working out and urging the Government of Puerto Rico to select, design and contract the installation of an adequate airport to take case of the forthcoming air traffic which could not be attended in any way with the provisional existing airport within the San Juan city limits (Isla Grande, Puerto Rico. It is almost unnecessary to point out that the Defense Department experts canvassed all possible potential sites as Sabana Llana, Puerto Rico; Toa Baja, Puerto Rico, etc., particularly the area where Levittown, Puerto Rico is, and were convinced that the suitable site for the location was northwest of San Juan, Puerto Rico. The rest is history easy to read and discern.

The Defense Department personnel let the appointed governor have his way, provided he subscribed his predilection in writing. Little or no attention was awarded to population growth, aviation amplitude as an applied science source, etc. His only concern was to place the airport in Carolina and adjacent land.

Air traffic in and around San Juan today is Damocles Sword to the citizens and property of San Juan. Air traffic literally crisscross the San Juan (Puerto Rico's) leading banking area to say nothing about leading residential sites. The exposure is a nightmare to the insurance business and to the present residing Population. Noise pollution is ever increasing with no visible signs of relief. Similarly, catastrophic potential risk is really visible. To judge from the astronomic dollar figures invested in the Luis Munoz Marin Airport is tantamount to conflagration and most objectionable squandering of money.

150-43. Lee Daniels, Illinois State Representative, 46th House District, and House Minority Leader, O'Hare airport area, IL: The Part 150 process is deficient in adequate citizen participation in planning and review of noise mitigation measures. Citizens are asked to submit suggestions, whereby a remote committee has the tendency to dismiss all but the most innocuous or those easiest to invoke. The process gives the appearance of citizen involvement when only a token approach is undertaken. The process is incomplete at best.

The Part 150 process should be revamped to identify the concerns of the citizens rather than the airport operators and be more considerate of the balance sheets of the local homeowners rather than those of the airlines.

150-44. D. M. Biddison, Des Plaines, Illinois: How would you like to have an aircraft buzz your house at 1:30 a.m. or listen to high-powered rumps from midnight to 5:00 a.m.? The FAA has no right to direct any aircraft to fly over my house at any altitude and never below 3000, or their latest game, under wind shear conditions. For 20 years we've gone to meetings and talked to the City of Chicago, ATA, and the FAA. We've just been lied to, ignored and abused. The FAA is the problem at O'Hare because they have never been held accountable for their actions.

150-45. Vic Ellison, Mayor, City of Eagan, MN: An area of concern lies with level and quality of consultation between the local governments and the FAA as a responsible agency for Part 150 review. On several occasions, we have attempted to communicate specific concerns about program elements and have found ourselves frustrated by bureaucratic rather than meaningful responses to our concerns. We believe it is essential that any agency which is requesting neighboring community participation and cooperation in resolving noise impact issues be likewise cooperative in facilitating appropriate responses to concerns.

150-47. Julie H. Ellis, Managing Director, Senior Attorney, Federal Express Corporation, Memphis, TN: The Noise Compatibility Program ("NCP"), process must be both time and cost limited. The constituency of the local Advisory Group should also be regulated so as to insure balanced community participation from both the residential and business communities, as well as the airport users, the local planning agency, local political representatives, and state and federal aviation representatives. Consultant selection should be FAA prequalified to insure adherence to established guidelines.

Interested persons should be afforded notice of agency review and have a full opportunity for comment prior to agency action. Federal Express endorses the comments of the Industry Task Force on Airport Capacity Improvement and Delay Reduction which are to be filed as a part of this docket. The FAA must accept the leadership role in closing the significant gaps existing in the current noise compatibility process. The current program discourages large or densely populated airports from participating in the program. These airports have imposed their own aircraft restrictions and done little land planning (e.g., San Diego, Boston, San Francisco, Minneapolis). There is perhaps not enough program money at stake to make it worth these airports' effort.

Finally, the current Part 150 program should not be permitted to be used as a subterfuge. The recent example of such use is San Diego. San Diego has expended approximately $500,000 on a consultant's Part 150 study which was totally rejected without input from the Noise Advisory Group or the airport users. Instead, the airport staff substituted its own airport use restrictions, labeling them as the San Diego Part 150 Study. The airport users were given approximately ten days notice in which to review two volumes of documentation and make comments only to have the regulations adopted as the Part 150. This constitutes an abuse of the intended process and must be stopped.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: We believe that the community consultation process works well in its current format. It would be extremely cumbersome, and expensive in some instances, to inform the public of all meetings via registered mail. Current guidelines allow the airport proprietor to structure the community involvement program to meet individual needs. The FAA should establish criteria regarding the disposition of public hearing comments. For example, do all comments have to be responded to in writing or can comments be grouped together and responded to in the documentation.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: A major benefit of the FAR Part 150 process is its educational value to both the airport operator and the residents. In particular, the airport operator gains a better understanding

of the concerns of the people living near the airport, whereas the residents and their elected representatives gain a better understanding of the limitations imposed on airport operators in reducing aircraft noise, especially in regard to how potential operational changes could affect airfield capacity, aircraft delay, and legal considerations.

We believe that the regulations as currently written are far superior to previous guidelines, such as the Airport Noise Control and Land Use Compatibility (ANCLUC) studies, and can provide airport operators and the residents of noise-affected communities the opportunity to work together and mutually resolve many of their conflicts.

150-50. Howard Stanback, Ph.D., Commissioner, Department of Aviation, The City of Chicago, IL: We are aware that many have suggested that the Part 150 regulations be revised to give the public and surrounding community officials greater involvement in the study process. We concur that the public must be greatly involved. However, the airport operator must continue to maintain jurisdiction over the contents of the Noise Compatibility Plan.

We have been greatly frustrated in our preparation of a Part 150 Noise Compatibility Study for O'Hare. This frustration, however, is not a specific consequence of the implementing guidelines. Rather, we find that certain communities hold unfortunate misconceptions as to the effects of the study, which all too frequently impedes progress toward developing a noise compatibility plan. The city of Chicago, however, is committed to an open and fair evaluation of noise abatement actions. We hope that changes to the process will not alter our ability to maintain this commitment. We will select those noise actions which provide a balanced and cost-effective program to minimize the noise impact.

150-51. John Campbell, Irving, TX: An adequate provision for community, neighborhood, and homeowner notification and involvement should be a mandatory provision in every Part 150 study. Specifically:

A. Notification of any proposed airport expansion program which would result in an estimated increase of 5 dB in the sound levels should be sent to every homeowner in the immediate vicinity of an airport. This notice should be sent by mail and should detail the proposed changes and their potential impact.

B. Notification should also be given to all municipalities that are contiguous to the airport, as well as special districts, such as school boards and hospital districts, in the immediate vicinity of the airport.

C. A notice of intent, on the part of the airport, should also be published in the general circulation newspapers servicing the affected municipalities.

D. Notification should be based on the level of FAA involvement.

   1. If FAA grant money is being utilized, notification should be provided to the parties mentioned in 2A and B at the time of grant application, at the time of grant offer, and at the completion of the Part 150 study.

2. If FAA grant money is not being utilized, notification should be provided to the parties mentioned in 1A and B at the time that an FAA review of expansion plans is requested and at the completion of a Part 150 study.

E. The initial notification should include a presentation of assumptions, including projected levels of air traffic, new flight paths, and runway configurations.

F. The final notification should include a detailed presentation of the Part 150 study results.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: The communities afflicted by airport noise must have a role that reaches beyond consultation. Rather, they must have an authoritative voice in the planning and implementation process--with particular attention to equal authority in the setting of goals and objectives for the noise reduction plan. The right of airports surrounded by established communities to expand operations at the peril of the communities should not be assumed as inviolable.

150-55. Citizens Advisory Committee Members, Key West International Airport, Key West, FL: The FAA should reschedule the public hearings in Key West concerning the Part 150 study at an early date. Also a full set of the commentary files should be made available in Key West (at the office of the Director of Airports or other suitable location) for review by this committee and other citizens.

150-57. Matthew Rosenberg, Director, O'Hare Citizens Coalition, IL: True citizen participation requires not only that input be collected by an airport operator in accordance with FAA guidelines, but that some of that input be implemented as policy. For too long, the FAA, despite all the comments it solicits has in truth quite clearly seemed to have not really heeded much in the way of citizen and community input on O'Hare noise problems.

What is most disturbing about Part 150, and most illustrative of the agency's true disregard for communities many times older than the airport in our case, is the program's basic goal, revealed by the statutory language, of removing residences and people for rezoning purposes, instead of removing some of the noise. One crucial change needed in the Part 150 program guidelines is that whenever a Part 150 study is undertaken, a special committee, at least half the members of which represent airport-area communities, should be designated and empowered to decide by simple majority vote which noise measures will be implemented.

150-63. Leslie Irene Rice, Ontario, CA: Citizens are represented in three ways. First, two Ontario council persons are voting members of the Steering Committee. Second, the chairperson of the Noise Abatement Consultative Committee (which serves as link between the airport and citizen concerns) is an ex-officio member of the Steering Committee. Third, the work program includes four public workshops or hearings to provide information to the public and receive comments and input--one at the beginning of the study and one during each of the three study phases.

This is entirely unsatisfactory, since the citizens are being represented by council members who live well outside the noise-impacted area and who have, in the past, shown little interest in relieving the suffering of the residents. An active citizens' anti-noise group exists, and these people would like to have one of their own members represent them as a voting member of the Steering Committee. They want someone who lives with the noise day after day and knows the situation from that viewpoint.

As for public workshops and hearings, I don't believe that these methods, alone, are the way to involve the public in a decision-making process. They are simply a means of legally satisfying the requirement for public participation, without bothering to take the public into the process.

Perhaps this goes into the record so satisfy the legal requirements, but we members of the public have learned not to take it literally.

150-64. Francis P. Kulka, Senior Airport Planner, Calocerinos & Spina Engineers, P.C., [address?]: The problem rests with finding acceptable and effective public participation measures in those instances where jurisdictions overlap, extend beyond municipal boundaries and accountability for abatement lies in indirect or judicial remedies of little use to any one. It seems almost all of the noise litigation involves this type of arrangement. The Federal Register suggests as an issue for consideration, "incorporating significant improvements to the consultation process". Here again notification procedures and cutoff periods are legalistic instruments to show one's efforts but they remain an inadequate measure of one's accomplishments. Yet this is in fact where a major portion of the problem resides, providing a credible account of one's actions for noise abatement to a group which feels it has no control over the resolution of this issue.

150-68. Adrian Meewis, Chairman, Concerned Citizens of Ontario, Inc., Ontario, CA: Since 1959 the City of Ontario has promoted and conducted noise studies in order to alleviate the protests of the suffering residents, awaiting the outcome of the studies, meanwhile gaining time and building up the airport through improvements and even adding a new runway and more noisy aircraft. Public participation in the noise studies was never and is not anticipated or welcome. Thousands of complaints and protests even litigation procedures were initiated. All to no avail.

We, the people (the suffering residents under the flightpath) have no representation in the process. There has never been a dialogue between the jet noise enforcers and the jet noise receivers. Meetings about airport matters are being held unannounced. Information about such meetings and actions taken is given afterwards. Appointed members of committees having to do with noise abatement are either residing in other cities or outside the jet noise impacted area. According our democratic system the jet noise receivers should be involved in the decision making process. We want to be involved, our members feel like outcasts of our community.

It certainly will be appreciated to see the Department of Transportation, including the Federal Aviation Administration, take action in such a way that those carrying the burden of the noise impact are consulted and being made part of the decisionmaking process.

150-69. Charles M. Salter Associates, Inc., Consultants in Acoustics, San Francisco, CA: On several FAR 150 studies, an attempt has been made to eliminate participation by communities with long standing complaints about airport noise. Reasons for exclusion include alleged missed deadlines for formally filing an interest in the FAR 150 program, and community location outside of the probable 65 dB DNL contour. Attempts to exclude concerned communities only bring bad feeling and threats of legal action, which are the actions the FAR 150 study attempts to prevent. This problem may be eliminated by formalized notification to all communities surrounding the airport. (This may already be FAA policy, but it has not been administered effectively in at least two FAR 150 studies in which I have participated).

150-70 Lloyd B. Parr, Director of Aviation, Missoula Highway and Transportation Commission, Jefferson City, MO: We believe more time should be devoted to the legitimate concerns and questions of the citizens rather than sidestepping them in order to complete the study within a specific timeframe.

150-71. John Barber, President, Seattle Community Council Federation, Seattle, WA: From 1985 through 1987, the Port of Seattle convened a Joint Committee on Aircraft Overflights. The Committee contained representatives from the airlines, the pilots, the Port, the FAA and citizens selected by King County Council members from throughout the county. The Seattle Tower manager representing the FAA opposed and stated that the FAA would reject any restrictions on the use of Stage 2 jets; routing changes; controls on the number of jet operations during an hour; and rules that might slow down flight operations for the purpose of environmental protection. The FAA took the same stance during the Part 150 process.

Part 150 plans at Sea-Tac have been a one-way ratchet. The Port follows a characteristic pattern. It proposes a master plan for an expansion of facilities. The citizens resist. The Port promises that the plan is final; there will be no further such developments; this is definitely all. The citizens relent. A few years later, the Port is back with another master plan for another major expansion. It would condemn a large swath of homes; it would split the community apart; it would move more earth than the large Seattle freeway projects. It flouted the Sea-Tac communities plan. Yet, the FAA was promoting the third runway. No wonder the residents feel like the 19th century Indians, who made a treaty in good faith only to see it broken by the settler, and then at great sacrifice made another treaty only to be displaced again. The FAA has a duty to honor the airport community plans it approves and thereafter refuse assistance to further expansion.

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, The City of Long Beach, CA: Part 150 should specify the manner and extent of public review which the FAA believes is appropriate. In its analysis of the Long Beach Part 150 study for instance, the FAA was extremely critical of the City for conducting too much public review. To date, however, Part 150 contains nothing which specifies the manner, type, or extent of public review which is considered appropriate. This should be clarified.

It should be made clear to FAA officials that if they are not active participants in developing the study, that they should have no public comment until they have completed their review of the study. In contrast, much of the Long Beach Part 150 study was conducted in response to public comments made in

newspapers about the Long Beach Part 150 study and its processes by FAA officials in Washington, DC, who had never been to or participated in any part of the process. One relatively low ranking FAA official sat at the meetings of the Long Beach Part 150 study committee, but did not make many comments or supply any useful guidance. Procedures should be established to change both of these things.

The Part 150 regulations should be revised to impose restrictions that control noise at the source, to strengthen the authority of airport operators in taking measures to reduce jet noise over established communities, to invite participation in the process by residential communities subject to overflights, and to reduce the noise contour lines by at least 10 dBA

150-74 City of Alameda, CA, Robert L. Wonder, Assistant City Manager: We would like to see greater use and encouragement of the public's input in the Noise Abatement Task Force.

150-75 Andrea M. Wise, Joyce A. Church, People Over Planes, Inc., Pleasant Hill, CA: Public Input. We understand that the FAA is considering whether or not consultation with the public is a good idea. Not only is it a good idea to involve the public, it is a necessity. A special committee made up of representatives from affected communities should be appointed to oversee the Part 150 process and review its progress. In addition, input from the general public should be solicited at regularly established points along the Part 150 process. It is ludicrous to present the Noise Compatibility Study as a benefit to the public if the public is not included in the process.

Public notices of workshops and meetings must be required, and the method by which the public is notified must be specified to ensure that all interested parties are informed of opportunities for input into the process. There is already a very strong distrust of the FAA's underlying motives in the process, and the FAA should encourage public support for its program.

150-77 Rodney Ruth, Keath, Rodtiey Co-Chair, Citizens Air Rights, Allendale, NJ: Prior to the implementation of the Expanded East Coast Plan, most residents in this area had very little reason to be considered an airport neighborhood, the air traffic was almost nonexistent. Since implementation these communities, although at least 23 miles or more from any major airport, and without prior input, are now subjected to all of the health hazards, stress and loss of property values one would expect when moving into an area close to an airport. To confiscate property without due warning, input and planned monetary compensation is a poor plan indeed, and also if I may, unconstitutional.

150-78 Natalie Provo-Thompson, Halim Provo-Thompson, Timothy James Ruth: My family and I reside in Meadowlark Estates which is impacted by the increased use of Hartsfield International Airport. Because of the decreasing quality of life here we have joined the community's petition to be included in the Airport Noise Exposure Map and the Aviation Noise Abatement Policy. We are also soliciting support from the Mayor of East Point, our State and U.S. Representatives. Please advise as to when, where, how to share specific information regarding the airport's impact on our lives.

150-80. Brian A. Kirby, Airport Representative to BWI, Neighbors Committee, Vice-President, Airport, Coordinating Team, Inc., Glen Burnie Park, MD: This is a serious concern which should be automatically incorporated to remove the stigma attached to the FAA which is simply that they serve only the airlines, the airports, and the aircraft manufacturers. Residents of NZ's [noise zones] nationwide feel isolated, neglected, ignored, and betrayed by a program and those orchestrating that program which was designed to benefit them.

In incorporating such public consultation, several factors must be considered:

1. Community organizations' leadership and representation often reflect business interests and not necessarily citizen or resident interests. The same applies to local elected political representatives. Citizen organizations that seek such involvement should be thusly included.

2. Community and citizen organizations do not have the available information, free time, and resources to dedicate to the process to accurately reflect their positions and viewpoints that the airlines, airports, and Local Aviation Authoritys (LAA's) have, who derive their livelihood from the industry. The process must allow the citizen and community organizations minimally the time to investigate and educate themselves, as well as easy access to all related information.

3. Local elected political leaders are often selectively fed information and misinformation by the LAA bureaucracy that seeks to enhance collectively its own livelihood. Lacking the same time to devote to the process as the community or citizen organizations, they tend to trust and reflect the LAA bureaucracy position.

4. Residents of NZ's and their organizations and political representatives all tend to feel defeated before starting, which reflects in their involvement, because they are always a minority interest. The local government, LAA and the indifferent, unaffected majority all tend to support the economic and service benefit in deference to the intangible noise benefit to the minority. Many, therefore, even residing in the NZ do not undertake involvement in what they see as strictly a doomed, up-hill battle. The format of the Part 150 should, therefore, be more critical of and take a prove-it approach towards the information provided by the LAA, airlines and related businesses, and even its own in-airport FAA staff.

150-83. Sylvia M. Gregory, Coordinator, Airport Impact Reduction Force, South San Francisco, CA: Mostly I feel that the public has been cut out of this process because you are not having any public hearings. I feel that this is very poor PR on the part of the FAA. Why do you continue to ignore the fact that the Air Transport Industry is one that bothers people <u>on the ground</u> all over the world? If you would take time to listen there might be less angst when you do come out.

150-85 City of Brighton, CO, Samuel V. Gos'ez, Mayor: Congress should consider mandating through law that consultation with neighboring local governments occur. In addition, a comment period should be provided for those communities that are impacted.

Given the City of Brighion, Colorado is located approximately 14 miles north of the existing Stapleton International Airport and will be six miles NW of the

New International Airport, we feel that the planning process and public comment utilized to plan the new airport was productive and that this is an example that the new airport can be built utilizing public comment to address community concerns as well as land use patterns.

150-88 Paul E. Tauer, Mayor, City of Aurora, CO: Airports that have noise contours of Ldn 60, or greater, which extend into other jurisdictions, should be required to notify such jurisdictions that a Part 150 study is being considered, and such other jurisdictions should have the opportunity to elect to participate, as a cosponsor, in the Part 150 study. This would insure equitable representation, and that all noise mitigation ideas are considered.

150-91 Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: We make strenuous objections to keeping private the assumptions made, methods used, and data employed in developing the maps. Are you afraid of public scrutiny? In addition, citizens cannot understand the FAA's stress on "compatible land use controls" when, with only one or two exceptions, major airports are surrounded by "built up" or residentially developed areas. Does the FAA expect local communities to bulldoze down residences to bring them into compatibility?

150-92. D. P. Letterman, Delta Airlines, Inc., Hartsfield Atlanta International Airport, Atlanta, GA: Specifically, the suggestion to "incorporate significant improvements to the consultation process ..." could serve to incite situations that are not factually a problem. If specific individuals, such as community decisionmakers and those persons most affected by the noise, are notified and DIRECTLY brought into the consultation process there may be no end to the list of organizations, et cetera, which will request participation on a direct basis. This would lead to a cumbersome and drawn-out process resulting in a less objective technical analysis of the noise situation at a particular airport.

150-96 J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: Suggested significant improvements in the consultation process are not delineated. Any improvement in this area which would more closely involve community decision-makers and particularly those persons most affected by noise would be most desirable.

150-99 National Business Aircraft Association (NBAA), E. H. Haupt, Manager, Airport and Environmental Services: The entire Part 150 plan is a process which must include all members of the airport community. Too often we find the noise compatibility program being generated by one or two players at the airport. For instance, an airport we know of structured its noise compatibility program on the basis of discussion between the airport manager, tower manager and a representative of the only scheduled air carrier on the airport. Airports should involve all segments of the user groups as well as responsible citizen groups if the process is to succeed.

150-106 Eliot R. Cutler, Adams County, CO: In general, the County and the Cities believe that the principles behind the Part 150 regulations and behind the statute which authorized the Part 150 process represent a valuable and important approach to addressing the noise problems often associated with the development and operation of airports. But the County and the Cities also believe that the current regulations fall short of meeting the real-world

challenges and, revised, will constitute an increasingly inadequate vehicle for solving tomorrow's problems. In order to realize the full potential of the Part 150 process, the regulations should be revised to better accomplish the original purposes of Congress.

As a general matter, the Part 150 process should be restructured to ensure that it is a truly cooperative effort on the part of the FAA, the sponsor and other affected communities. The process should encourage negotiation and compromise toward the goal of balancing the national interest in an efficient air transportation system with the local concern of the affected communities over the adverse impacts of noise. Procedures should be established to foster greater cooperation Among the FAA, the sponsor and affected citizens and communities. Current regulations mandate in general terms that the sponsor consult with local governments with jurisdiction over noise-impacted areas and give interested persons an opportunity to comment. See 14 CFR #.#150.21 and 150.23. Too often, this consultation and input takes the form of affording the public the opportunity to submit comments on a nearly completed program. Delaying the opportunity for participation and comment until such a late stage in the process is inefficient and counterproductive. Having expended already a substantial amount of funds to the development of a Part 150 program and having announced publicly the program components, sponsors understandably often are loathe to make any significant revisions or to consider new alternatives. As a result, the sponsor frequently will make only minor changes to the program in response to the comments and then merely append the comments to the end of the program document submitted to the FAA.

In the alternative, the FAA should mandate specifically that the sponsor seek, at an early stage in the process, the active and affirmative participation of local governmental entities which have an interest in the noise impacts of the airport. Procedures for such participation, including the occasional joint sponsorship of Part 150 programs by the sponsor and the affected communities, should be delineated. Additionally, earlier participation by local citizens also should be encouraged by establishing citizen advisory boards or by inviting the participation of interested citizen groups.

Finally, and importantly, the regulations should provide for greater local and regional FAA involvement in the early stages of the Part 150 process. By definition, many of the potential program elements which are the natural focus of noise affected citizens and communities lie within the airspace management jurisdiction of the FAA. In the absence of early input and reaction from the FAA, these program elements often receive either too little or too much attention as the program is formulated.

150-107 Judy Hoffenkamp, Co-Chairman, Bensenville Environmental Protection Coalition, IL: Airports that have noise contours effecting surrounding residential communities should be required to have those communities either cosponsor the 150, or have an equal representation in the decisions to be made.

150-108. Carl Jacobson, Mayor, City of El Segundo, CA: We participated in an FAA Airport Noise Control and Land Use Compatibility (ANCLUC) study begun in 1979 and concluded in 1985. LAX then submitted portions of the ANCLUC work under the Part 150 program requirements and, to the consternation of our City, became an airport with a Part 150-accepted program.

The City of El Segundo spent taxpayer-generated revenue over and above the allocations provided by the FAA to participate and be responsive to the preparation of the LAX Part 150. After many months of analysis, discussion, negotiation, and compromise, the Part 150 participants (five municipal jurisdictions and airport operator interests) agreed, by majority vote, on a final Part 150 program for submittal to the FAA. Without El Segundo's prior knowledge, or that of the other participants, the Department of Airports Board of Airport Commissioners reserved a final review action on the agreed-to Part 150 program prior to submittal to the FAA. The City of El Segundo suffered from this capricious action by the Airport Board and found ourselves under the FAA FAR Part 150 rules and regulations with no rights of appeal except legal action. (It may be worthwhile to note that we did, in fact, take legal action against both the FAA and Department of Airports to communicate our dissatisfaction with the current procedures.)

We strongly feel, at a minimum, that all jurisdictions should be required to hold local public hearings prior to any submittal to the FAA; and further, that the FAA should be required to review this record of public testimony as a part of the review process.

150-109. Kenneth J. DeLino, Executive Assistant, City of Newport Beach, CA: Provide some format for a binding commitment between the airport and its neighbors. The court approved Settlement Agreement between Newport Beach, affected homeowner's groups and the operator of JWA has proved very successful not only in eliminating the acrimony normally found between such groups, but also in creating very real reductions in noise impacts as well as large increases in air service capacity. The long term and enforceable commitments embodied in such agreements provide a level of comfort to all parties, and insure that changing conditions or personnel will not undo hard fought compromises. Agreements of this type can eliminate the drawn out, running battles that typically accompany airport improvement projects. In our case, Newport Beach gained dramatic noise reductions and JWA gained an unhindered path for a fast track completion of a new terminal and a quadrupling of air service. Also, City tax revenues have been diverted to noise insulation and land acquisition programs for high noise impact areas near the airport. Similar arrangements at other airports might include any number of items normally included in Airport Noise Compatibility Planning. Accordingly, it is suggested that FAR 150 and its accompanying guidelines include an FAA sanctioned format for implementing such agreements.

150-117. J. O. Phillip Lindahl, P.E., Environmental officer for the City of Des Plaines, Des Plaines, IL: When the Environmental Impact Statement was being reviewed by the communities surrounding O'Hare International Airport, including a large part of Chicago, I served on the Working Task Force Group that was organized to advise these communities what noise mitigating measures should be taken. This working task force came up with 26 measures that would result in less noise impact on those residents living under the arriving and

departing jet aircraft. However, the City of Chicago Department of Aviation and the FAA said that it would cost the airport and the airlines too much so none of the noise mitigation measures were adopted. On the other hand, the Chicago Department of Aviation demands that the communities surrounding O'Hare International Airport, including a large part of Chicago, change the land use to comply with the noise footprint produced by the jet aircraft operating overhead. Most of the area is already 90 to 95 percent developed making the land use changes impossible.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: We believe the FAR Part 150 Program can result in a useful and effective NCP when there is a cooperative process during the study effort and the implementation that involves the airport proprietor, impacted communities, aviation industry, and FAA.

150-121. Matthew J. Gill, Jr., Director, Rhode Island Department of Transportation: The Part 150 process has allowed significant input by the public into the preparation of Noise Compatibility Programs [NCP's]. Airport impacted persons have a highly visible and effective means to voice their concerns about noise issues. Through the Part 150 process, the expectations of local communities are often raised to such high levels that the real options available to mitigate noise cannot fully meet their demands. The ability of the airport operator to control noise is constrained by Federal preemption and the responsibility to provide safe and efficient service to the public.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Meaningful community involvement is vital to the success of any noise abatement program. On issues that have unanimous communities approval, an airport should be obligated to implement.

150-125. Sandra J. Kelley, Coordinator, Noise Compatibility Program, Memphis-Shelby County Airport Authority: The Committee feels there should be more interaction of communities/public input with airport sponsors in developing noise contours and noise abatement/mitigation actions. Without this interaction, the community residents feel the study is biased and lacks credibility. The Committee feels the public should be involved from day one. Problems occur when noise exposure areas are announced. Such actions hamper the resident's ability to sell; residents feels that property values can be adversely affected by the announcement of noise problems.

150-126A. Sasha J. Harding, President, Holbrook Civic Association, NY: As we have representation on the Citizens Advisory Committee for the ongoing Part 150 Noise Study at Long Island MacArthur Airport, we can speak from first-hand experience on the shortcomings of such a study.

Procedures governing the dealings of the Citizens Advisory Committee should be mandated. With the MacArthur Airport Part 150 Noise Study, there were numerous meetings in which no minutes or recordings were taken. Therefore, any expressed comments, questions, etc., during these meetings were never put into the official record. Furthermore, those of us who are community representatives feel that we do not have a significant role on the committee and that our roles are more "paper" than real. The recommended guidelines made in an FAA publication should be required for all Part 150 Noise Studies.

150-127A. Jane Benjamin, Memphis, TN: I'm writing again concerning the noise of the airport. Hope this letter will do some good. People I have written to before haven't. We live in Oakhaven. If there is anything you can do, please think of the people in Oakhaven. We are not trying to stop progress in any way. We just want to be considered and would like a response from you all. Is there anything you can do for us?

150-128A. City of Los Angeles Department of Airports: Land use compatibility can only be optimized when the full range of aviation interests together with land use decision makers are involved simultaneously in the formulation and implementation of the Plan. Aviation noise from aircraft in the air and land use impacts are two sides of the same coin and cannot be separated. Accordingly, it is suggested that comprehensive Part 150 Programs include a formal Steering Committee comprised of elected officials from those local jurisdictions that are included in either the existing or forecast 65 Ldn sound contour from an airport.

Urban planning is dynamic, as is aviation industry. A Part 150 Program should not end in a finite product. Rather after the NCP is prepared, a Steering Committee which guides the development of the Part 150 and prioritizes implementation measures should continue on an on-going basis. This has proven to be useful at LAX.

Surrounding communities need to maintain flexibility in their land use and ground transportation plans. Funds should be provided for on-going Steering Committees to monitor the NCP after it has been approved. A Steering Committee is needed to define new issues to be resolved and to respond to changes in either land use or aviation over time.

150-131. Clinton R. Churchill, Chief Executive Officer, The Estate of James Campbell: FAA Advisory Circular AC 150/5050-4 establishes procedures for community participation, including the adoption of official "working groups." Our experience, to date, with the FAA Part 150 Update for Honolulu International Airport is that this procedure is essentially ignored. The airport operator/state agency conducting the update apparently does not want to grant such status since it might lose some of the complete authority that it now possesses over the Process. Despite letters to the FAA appealing this non-granting of working group status (which have gone unanswered for more than 18 months), the FAA is apparently unwilling to intervene and grant such status. In summary, the procedure seems to be lacking in terms of who can and should be making the decision as to granting working group status, the criteria for so granting, and the avenue of appeal for interested parties that have been unable to attain working group status.

The procedure for announcing public information meetings or public hearings is deficient. Yes, a "square is filled" by having a notice in the classified ad section of the paper, but what percentage of the population does this reach? While it may be costly, we suggest that direct mail notification of such meetings be made to all residents within, say, the 60 Ldn contour. Mailing services by zip codes exist in this day and age; while there may not be a perfect correlation, erring on the side of overnotification is far preferable to the present system that results in practically no citizen notification.

If the airport operator/state agency has the latitude to establish the public hearing or information meetings four or five miles away from the residents most affected by noise, you can be assured that attendance will be diminished, fewer questions asked, and fewer concerns expressed. The regulation should require the operator to locate public meetings at the nearest possible site to the residents most affected. In our experience, public schools, public libraries, and other sites which are closer to the airport noise area were available but not selected. There should also be some mechanism for the FAA or someone to override the airport operator's choice of meeting locations.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: In general, EPA believes that the Part 150 regulation should be revised to include the specific items listed on page 44556 of the Federal Register notice under the heading of "Issues for Consideration."

150-140. Kathleen E. Stein-Hudson, Principal, Howard, Stein-Hudson, Boston, MA: Significant improvements should be incorporated into the consultation process. The most important aspects are these:

- The consultation process would be strengthened by more two-way interaction between airports doing noise compatibility planning and citizens, versus more of the one-way process from airports to citizens that is often the case. This process should emphasize interaction, not just conveyance of information; and early interaction with citizens should be required.

- It also should include active outreach to citizens and groups not already actively involved in airport noise planning, particularly those in areas potentially impacted.

- Airports should be encouraged to tailor their consultation process to best meet local needs and conditions, rather than following rote examples--x number of standard press releases, y number of large public meetings, etc.

- They also should show documentation of an aggressive out-reach program, as well as the substantive areas in which they have addressed/responded to citizen concerns and incorporated them into plan improvements.

- The outreach should go beyond local officials to include community and special interest groups, as well as groups like homeowners' associations with architectural review and/or land use control covenants.

- Add a specific comment period cutoff time.

- Once an airport has made agreements with citizen groups, they should not be allowed to then disregard these agreements in the NCP submitted to FAA.

150-152. Kathleen Wortel, Mayor, Pat R. Danial, Chairman, Blue Ribbon Committee, Airport Issues, Village Trustee, Village of North Syracuse, NY: Residents of neighborhoods experiencing airport noise problems should be made to feel that their participation in the FAA noise study will be meaningful, worthwhile, seriously considered.

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Require a 5-year "report card" in each NCP to measure the compatibility improvement actually achieved as a result of the NCP.

150-25 Town-Village Aircraft Safety & Noise Abatement Committee, NY: After Part 150 plans are approved, there should be mandatory review of the progress made by the airport operator in carrying out the plan. If the proposed goals are not attained, the operator should be required to pay back federal funds used and restrictions placed on the operator using federal and/or other funds for expansion until compliance with Part 150 goals are achieved.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: Rather than a five-year "report card," we would advocate annual status reports. These reports would be filed with the FAA and surrounding municipalities/jurisdictions. The reports would compare actual activity levels occurring in the year with those levels forecast during the development of the maps including fleet mix data, runway use, etc. In addition, the report would provide an update on program implementation.

150-61. Robert W. Kunkel, Director, Wisconsin Dept. of Transportation: The consideration of a report card has merit, but should be the responsibility of a local committee consisting of both the aviation industry and general public.

150-70 Lloyd B. Parr, Director of Aviation, Missoula Highway and Transportation Commission, Jefferson City, MO: We agree with the seven suggested areas noted in the Notice of Proposed Rulemaking (NPRM) in which the Part 150 could be improved and request you consider them a part of our comments.

150-73. Maryland State Aviation Administration, Michael C. West (contact), Baltimore/Washington International Airport, MD: Part 150 regulation should provide a mechanism for monitoring the effectiveness of various noise abatement strategies, providing for a recomputation of the NEM on a periodic basis. Our relevant experience suggests that this NEM update should be undertaken about every five years unless dramatic changes in activity levels at the airport would indicate earlier review. Additionally, noise monitoring systems, especially permanently located monitors recording long-term noise levels, are critical to verifying NEM computations, and monitoring long-term trends in noise levels and noise abatement program effectiveness.

150-75 Andrea M. Wise, Joyce A. Church, People Over Planes, Inc., Pleasant Hill, CA: The FAR Part 150 Program, as it currently exists, does not require the airport proprietor who sponsors such a program to implement any of the suggestions for noise mitigation which result from the Part 150 study. The also current program lacks requirements for updating the FAR Part 150 Program. This oversight should be corrected, and each FAA-approved plan should be scheduled for update in an appropriate timeframe--for example, every five years. It is especially important to look into how noise contours have changed during the intervening years.

150-80. Brian A. Kirby, Airport Representative to BWI, Neighbors Committee, Vice-President, Airport, Coordinating Team, Inc., Glen Burnie Park, MD: This would be a step in the right direction, but a small one. When the Federal Government undertakes the expense of a Part 150, it becomes money wasted if no compliance is obtained. Such appears as public relations only. Nationwide, NEM's and NZ's are continually increasing in size and those adversely affected increasing in numbers, despite quieter aircraft, clearly indicating Part 150 NCP's have failed in their intended basic function due to lack of enforcement. Mandatory compliance and enforcement are simply repayment of the Part 150 expense.

150-87 Regional Airport Authority, Louisville, KY, Robert S. Michael, General Manager: Once the process for developing the program begins, the parties affected by the proposed program more often than not, cannot understand why the actions proposed under the program take so long to implement.

150-96 J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: A future year "report card" is also considered appropriate. California regulations allow a three-year variance to the Noise Standards at which time conditions are reviewed. A five-year review of the NCP should be considered a maximum.

150-106 Eliot R. Cutler, Adams County, CO: Noise monitoring and a periodic evaluation of the Part 150 program's effectiveness should be mandated

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: The five-Year planning horizon for the noise exposure map does not adequately reflect or correlate to the 20-year planning horizons that are used in most airport master plans and local community general plans. The noise exposure maps should directly correlate to the planning horizons to the airport master plan, including aviation forecast timeframes, and those of local community general plans.

150-119. Katy Geissert, Mayor, City of Torrance, CA: Torrance supports the concept of required installation of noise monitoring equipment and of a five-year review of results.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: A report card should be required on a yearly basis because closer monitoring is possible.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: In general, EPA believes that the Part 150 regulation: be revised to include the specific items listed on page 44556 of the Federal Register notice under the heading of "Issues for Consideration."

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: FAA's proposal for a five-year "report card" is supported by AOCI. AOCI recommends, however, that this be a voluntary activity, eligible for funding as part of the NCP.

150-138. Gabriel Phillips, Executive Vice President, Air Transport Association, of America, Washington, DC: We do not view mandatory monitoring systems or 5 year "report cards" as likely to advance meaningful improvement in the existing Part 150 Program.

Comment Number 7-150.

Include installation of an airport noise monitoring system as a required compatibility action item to monitor the performance of the NCP by measuring the noise contours actually achieved as a result of the compatibility program.

150-1. John R. Beard, Director, Airport Community Programs, Lambert-St. Louis International Airport, MO: We concur with and recommend all of the suggestions stated in the Issues for Consideration paragraph of the Federal Register/Vol. 53, No. 213 except the last covering installation of airport noise monitoring systems. Though this Authority has had in place twenty-one permanent noise monitors for over three years, we feel that it would be more practical and economical to use temporary noise monitors under lease prior to and during the time the NCP is being developed for any particular airport. The monitors could then be brought back on a temporary basis at a suitable time after the NCP is completed to verify the INM.

150-2. Francis X. Flaherty, Mayor, Warwick, RI: Noise monitoring should be a continual requirement at all Part 150 designated airports with provisions to update noise contour programs at specific time or activity level change increments.

150-6. Calvin O. Carter, Commissioner of Aviation, Hartsfield Atlanta International Airport, GA: We must state our concern over the suggested change for a required noise monitoring system. Where this measure may be appropriate for sponsors who are considering flight corridor changes as a mitigation measure, we fail to see the significance of such for programs addressing land measures, i.e., zoning, sound insulation, land clearance, etc.

Permanent monitoring will in no way affect noise compatibility programs which modifies the use of land underneath a designated flight corridor and therefore should not be required.

We have achieved a good working relationship with our Control Tower staff in periodic monitoring of long established noise abatement corridors. Through their conscientious efforts as well as the support of airline management in directives to their pilots the normal flight corridors are being generally adhered to.

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: Permanent noise monitoring/flight tracking equipment should be mandatory at all airports that are Part 150 study candidates. The amount of equipment needed could vary with the size of the noise footprint or volume of turbojet operations at each airport. Thus the larger airports would require the most exotic equipment.

Noise monitoring and flight tracking data should be readily available to all noise-impacted communities, as well as all interested parties.

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: Permanent noise monitoring/flight tracking equipment should be mandatory at all airports that are Part 150 study candidates. The amount of equipment needed could vary with

the size of the noise footprint or volume of turbojet operations at each airport. Thus the larger airports would require the most exotic equipment. Noise monitoring and flight tracking data should be readily available to all noise-impacted communities, as well as all interested parties.

150-16. T. Michael McDowell, City Manager, City of College Park, GA: With our long experience in battling airport noise, this city believes that noise montitoring systems should be mandatory on any airport sponsor who undertakes a Part 150 program. We contend that the results of any such system by the airport sponsor should be made available on a regular basis to all affected jurisdictions surrounding the airport and evidence should be submitted by the airport of frequent and regular calibration of the noise monitoring technology to insure the neighboring community that the measurements being taken are valid. Further, we suggest that FAA establish clear benchmarks under which a new noise contour study would be initiated when measurements taken from the noise monitoring installations regularly exceed the established noise contours on the approved Part 150 Noise Compatibility Map. Every effort should be made by FAA to insure that any permanent noise monitoring system required as a mandatory part of the 150 program should have safeguards built into it to give assurance to neighboring communities that the measures are valid and that accurate readings are being taken.

150-25 Town-Village Aircraft Safety & Noise Abatement Committee, NY: Every study should include provisions for installation of a noise monitoring and flight tracking system. The system should be commensurate with the size and volume of the airport. Data from this system should be readily available, in a form easily understood, to all noise impacted communities and interested parties.

150-32. Gary Adams, Division Director, Arizona Department of Transportation, Aeronautics Division, Phoenix, AZ: Installation of an airport noise monitoring system can prove beneficial for those airports with complex noise problems. The mandatory usage of this type of system for public/reliever airports with noncontroversial or perceived noise problems would not achieve the benefit versus the costs involved. The usage of portable noise monitoring equipment could certainly benefit the public/reliever airports on single event noise problems. This type of program should not be considered mandatory within the Part 150 guidelines.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: Appendix A of FAR Part 150 allows for noise monitoring, although such monitoring is not required in the development of noise exposure maps. We have found that in many cases, short-term noise monitoring has been beneficial in validating the INM results. However, such monitoring has sometimes led to significant conflicts with the public, who often refuse to believe that accurate noise exposure maps can be developed by a computer model and that long-term monitoring, with a monitor in their backyard, is the only credible methodology. It is, therefore, suggested that FAR Part 150 explicitly set forth the purposes of short-term monitoring (such as verifying single-event noise levels by aircraft type and determining ambient noise levels) and include the statement that the results are not specifically used to develop the noise contours.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: A permanent stationary noise monitoring system should be a required element in every approved Part 150 program. All data from monitoring systems should be available to the public.

150-59. John P. Newell, Manager, Noise Program/Special Projects, Port of Portland, Portland, OR: The Port of Portland, as owner/operator of Portland International Airport, does not agree with the recommended change requiring that NCP's include installation of a noise monitoring system. Airport landlords should have the flexibility of recommending within their individual programs whatever procedures/tools they feel are necessary to address the issues, If a noise monitoring program is recommended for a particular airport, the operator should have the option of using either a portable or permanently installed system.

An airport noise monitoring system should be used to validate the NEM contours, rather than evaluate the actual contours achieved as a result of the NCP performance. Any future contours, generated for the purpose of comparison to earlier baseline contours (i.e., NEM), should be prepared using the same process as used in the base. As an example, if version 3.9 of the INM was used to prepare the NEM contours, then it should be used to prepare any future contours that are used to evaluate NCP performance, Use of any other model or method of generating noise contours will result in an inaccurate depiction of NCP performance.

150-62. Norman J. Swiston, Sr., Glen Burnie, MD: This would follow your present INM version 3.9 with one small addition: Add airport noise monitors to the outer edges of the noise zone; Add seasonal Ldn's to noise exposure maps. This would not impose any operational constraints or restrictions on interstate or foreign commerce and again this would not unduly burden interstate commerce, discriminate unjustly, or reduce the level of aviation safety, or adversely affect the efficient use of the navigational airspace.

150-70 Lloyd B. Parr, Director of Aviation, Missoula Highway and Transportation Commission, Jefferson City, MO: We agree with the seven suggested areas noted in the Notice of Proposed Rulemaking (NPRM) in which the Part 150 could be improved and request you consider them a part of our comments.

150-73. Maryland State Aviation Administration, Michael C. West, Baltimore/ Washington International Airport, MD: Part 150 regulation should provide a mechanism for monitoring the effectiveness of various noise abatement strategies, providing for a recomputation of the NEM on a periodic basis. Our relevant experience suggests that this NEM update should be undertaken about every five years unless dramatic changes in activity levels at the airport would indicate earlier review. Additionally, noise monitoring systems, especially permanently located monitors recording long-term noise levels, are critical to verifying NEM computations, and monitoring long-term trends in noise levels and noise abatement program effectiveness.

150-75 Andrea M. Wise, Joyce A. Church, People Over Planes, Inc., Pleasant Hill, CA: Every airport should be required to continuously monitor its noise impact on the surrounding communities, and reports to the public and FAA must be mandated.

150-80. Brian A. Kirby, Airport Representative to BWI Neighbors Committee, Vice-President, Airport, Coordinating Team, Inc., Glen Burnie Park, MD: A tripod configuration of monitors at the final approach distance at the end of each runway in accordance to 14 CFR 36 would provide such an NCP performance measurement. LAA [Local Aviation Authority] random placement or placement by existing noise contours is not an effective performance measuring system, as contours are too wide and too easily changed. Monitor-avoidance becomes a game in which airport-based FAA staff actually work to "fudge" the performance measurement.

150-86. Robert G. Beabout, Aurora, CO: Your Request for Public Comment, under issues for consideration, includes one bad idea--required installation of an airport noise monitoring system. Costs too much. Another FAA program to harass flight crews and airlines. (Eyewash) Makes available to a few irate citizens the data for frivolous lawsuits. A lawyer income preservation enclosure. A journalistic pantry for slow news days.

150-88 Paul E. Tauer, Mayor, City of Aurora, CO: The installation of permanent noise monitoring/flight tracking equipment should be a mandatory element in any approved Part 150 program.

150-92. D. P. Letterman, Delta Airlines, Inc., Hartsfield Atlanta International Airport, Atlanta, GA: The suggestion to "include installation of an airport noise monitoring system as a required compatibility action item ..." is not considered to be economically justified. The airport is required to revalidate noise contours as significant changes occur. Therefore, we should not have a provision in Part 150 that automatically establishes each airport as a policing agency.

150-96 J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: Noise monitoring systems should be required only where it has been determined that noncompatible land uses exist or will exist within a prescribed criterion level of noise. There is no justification for required expenditures of this magnitude where these conditions do not exist. Increased use of INM produced contours, rather than monitoring, would suffice.

150-99 National Business Aircraft Association (NBAA), E. H. Haupt, Manager, Airport and Environmental Services: When possible airports and consultants need to be reminded that actual measurements of aircraft noise and the real components within a specific airport's aircraft mix are essential elements of the problem. Also, the INM data base contains approximately five approach and departure curves for each air carrier aircraft, while the GA profiles usually include just one; could there be more?

150-100. George C. Bird, Chairman, Airplane Noise Committee, Community Board No. 11, The City of New York, Bayside, NY: We have seen the Final Draft Report dated October 1988 prepared for for LaGuardia Airport. Noise Monitors are to be located approximately within the center of the nearest populated community (which is not necessarily the point of greatest noise impact) and accordingly the existing Noise Monitors (2) are located in the downtown---business and high rise building area of Flushing. Arriving planes under reduced power fly over this area while full throttle departure planes do not and WE INSIST that this existing Monitoring System does not report correct readings and hopefully you will agree that present rules do need correction.

150-104. Betty Ann Kane, Chairman, Committee on Noise Abatement at National and Dulles Airports, Metropolitan Washington Council of Governments: On the subject of noise monitoring, the Committee is already on record as strongly supporting the need for noise monitoring for enforcement, public reporting, computer modeling, and noise exposure tracking purposes.

150-107 Judy Hoffenkamp, Co-Chairman, Bensenville Environmental Protection Coalition, IL: Permanent noise monitoring equipment must be placed at all airports engaging in a Part 150 study. The amount of equipment and the placement of that equipment should be determined by the effected communities.

150-108. Carl Jacobson, Mayor, City of El Segundo, CA: Noise Monitoring Equipment and Flight Tracking Data should be available and in place as part of the Part 150 study. Given the level of technical information and expertise needed to adequately prepare as comprehensive a study as called for in the FAR Part 150 program, we felt it would be advantageous if the ability to collect data and monitor results were in place as a precondition to award of federal funds. In addition, the City of El Segundo, a small deficit-ridden municipality, is now competing with the City of Los Angeles Department of Airports for federal funds to implement the Part 150. One application in point is a DOA request for purchase of noise monitoring equipment. We do not object to federal funds being used to provide the equipment and data. We feel that federal funds should be directly available to the airport at the start of the study and perhaps could be issued to the airport as a condition of the Part 150 study rather than creating this system of competition described above.

150-119. Katy Geissert, Mayor, City of Torrance, CA: Torrance supports the concept of required installation of noise monitoring equipment and of a five year review of results. The City of Torrance, having had the benefit of a permanent Noise Monitoring System since 1979, has seen the positive results, and believes strongly in a locally controlled Airport Noise Control Program.

150-121. Matthew J. Gill, Jr., Director, Rhode Island Department of Transportation: The installation of continuous noise monitoring systems at high volume air carrier/commercial service airports. These systems should be funded and operated by the FAA. Federal administration of noise monitoring programs is necessary to assure uniform noise measurement procedures.

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: Retain the Optional Aspect of Installing a Noise Monitoring System. Under "Issues for Consideration," it is suggested that a noise monitoring system be required as a compatibility action. This is expensive and unnecessary in many cases, particularly for small airports or where staffing levels may not be able to implement a system. The INM should be able to adequately address these needs.

150-126A. Sasha J. Harding, President, Holbrook Civic Association, NY: There is no doubt that an airport noise monitoring system to measure "actual" noise should be required. We believe that the computer generated noise contour maps do not reflect the actual conditions experienced by the communities that surround the airport.

150-128. P. H. Fryberger, Chairman, Oak Park-Northwood Neighborhood Association, San Antonio, TX: It seems only fair to us that those who pollute should help clean up the mess. Therefore, we recommend that airport-generated revenues, along with any Federal grants that San Antonio may become eligible for, should be used to acquire permanent noise measuring equipment to be installed, operated and maintained by the City of San Antonio. This equipment should be used to identify those airport users who are the major offenders and who contribute most to the noise problem. This information should then be used at the next contract negotiation session between the city and airport users to link airport usage fees to efforts by the airport users to reduce airport noise. The more credible and sincere the effort by the user to mitigate noise (for instance, as indicated by his use of approved noise abatement procedures and by scheduling a greater percentage of Stage 3 aircraft into the airport) the lower his costs should be to use the airport.

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: Permanent noise monitoring/ flight tracking equipment should be mandatory at all airports that are Part 150 study candidates. The amount of equipment needed could vary with the size of the noise footprint of volume of turbojet operations at each airport. Thus, the larger airports would require the most exotic equipment. Noise monitoring and flight tracking data should be readily available to all noise-impacted communities, as well as all interested parties.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: A key provision that we believe is important is a requirement that the Noise Compatibility Program include establishment of a public outreach activity by the airport. At a minimum this would comprise a "noise contact office" that would receive and be responsive to complaints from the public and otherwise be responsible for the ongoing education and information exchange with the public concerning airport noise and the Part 150 plan. We believe that the regulation should encourage major airports to install a multi-station noise monitoring system, with visual displays, in the surrounding area. Such a system can greatly enhance the airport's outreach program.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: AOCI does not agree with the proposed requirement mandating installation of a permanent noise monitoring system. This is expensive and unnecessary in many cases, particularly for small airports or where staffing levels may not be able to implement a system. It may be more practical and economical to use other means to validate the Integrated Noise Mode. AOCI recommends that airports have the flexibility to use whatever tools or procedures they feel are necessary; and have the option to make noise monitoring systems portable or permanent.

150-138. Gabriel Phillips, Executive Vice President, Air Transport Association, of America, Washington, DC: We do not view mandatory monitoring systems or five-year "report cards" as likely to advance meaningful improvement in the existing Part 150 Program. We recognize, however, that in a properly restructured approach to airport noise management, these and other techniques might play a desirable role.

150-148. Peter Englemann, Washington, DC: Noise monitoring should be an obligation of all airports in urban areas and should be done by experienced professionals under joint supervision by the airport and affected communities.

150-149. Paul Meyerhoff II, Executive Director, Alaska International Airport System, Anchorage, AK: The proposed changes being offered in this revision to the FAR Part 150 Noise Program are satisfactory, with the exception of the mandatory installation of an airport noise monitoring system. In many locations this can prove to be both an unnecessary and very expensive investment with limited benefits.

Comment Number 8-150.

Single Event Noise Standards

150-2. Francis X. Flaherty, Mayor, Warwick, RI: Noise contours should represent both single incident and day-night average exposures. All planning and regulatory programs should reflect both measures.

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: Single event noise level and single event peak hour noise level should be incorporated into the Part 150 noise study. It could be expressed in time over noisiest hour, day, or seasonal period. People relate to the single event more than the yearly average noise measurement. Peak hour noise contours should also be utilized.

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: Single event noise level and single event peak hour noise level should be incorporated into the Part 150 noise study. It could be expressed in time over noisiest hour, day, or seasonal period. People relate to the single event more than the yearly average noise measurement. Peak hour noise contours should also be utilized.

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): Single event noise level or peak hour noise should be incorporated into the Part 150 noise study. It could be expressed in time over noisiest hour, day, or seasonal period. People relate to the single event or peak hour more than the daily or yearly cumulative noise measurement.

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: Single event noise level and single event peak hour noise level should be part of the data available.

150-30. Barbara Tuleja, Chairperson, Airport Safety and Noise Committee, Community of Harbor Bay Isle, Harbor Bay Isle, Alameda, CA: Part 150 did not address the single event noise levels generated by such supersonic flights as the Concorde which flies into Oakland Airport on an unscheduled time table, although both the City of Alameda and its citizens strongly object to this noise unnecessary encroachment.

150-41. David S. Young, Chairman, Committee for Airport Noise Reduction, Carolina, PR: I have personally measured the sound levels of aircraft taking off from my living room using equipment with "A" frequency rating and slow response, as specified by FAR 150. I have gotten peak readings of over 110 decibels on take off by 727 and DC9's, with sustained reading of over 100

decibels. DC-1Os, 747, A300, and 707 aircraft consistently give off over 100 decibel readings. I realize that these readings do not correlate with yearly day-night average sound level measurements, but when they are in your living room they do correlate with deafening, damaging, and debilitating dinnertimes, and we are determined to do something about it, including suing for damages in court if necessary, as affirmed by the recent ruling by the 7th Circuit Court of Appeals in a case against O'Hare International Airport.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: Currently, standards do not exist (i.e., funding is not available) for single-event noise impacts.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: 14 CFR Part 150 should allow the noise reduction programs to include standards for any or all of the following: Ldn, single event, time above. Selection of a standard or combination of standards should be decided by the proprietor and cosponsors.

150-56. William B. Shermer, President, Airport Coordinating Team, Inc., Severn, MD: With the advent of hub operations, the Ldn or DNL measurement standard no longer accurately reflects the negative impact that concentrated commercial jet transport operations have on surrounding residential communities. The existing noise standard needs to be modified or a new standard identified that more accurately determines noise exposure to a community during a worst-case, peak, one hour time frame in which hub operations are conducted at any given airport.

150-71. John Barber, President, Seattle Community Council Federation, Seattle, WA: The FAA has to set realistic standards of acceptable noise exposures. The current standards allow too much aircraft noise and do not protect the citizenry outside the noise contour lines.

150-74. Robert L. Wonder, Assistant City Manager, City of Alameda, CA: We would like to see the Port's prohibition on scheduled supersonic transport operations extended to nonscheduled flights. As has been noted in previous communications, "the City is very concerned about the single-event noise associated with these aircraft."

150-75. People Over Planes, Inc., Pleasant Hill, CA: Computer programs must take into account land contours, types of aircraft mixes, seasonal demands on airport use, frequency of overflights, and other characteristics of each individual airport. The human response to noise and annoyance (generated by factors like pitch, ambient noise, frequency of aircraft overflights, etc.) should be given due consideration in the process.

150-83. Sylvia M. Gregory, Coordinator, Airport Impact Reduction Force, South San Francisco, CA: The single event noise is still the most aggravating when it wakes one up at 2:30 a.m. and makes it impossible to get back to sleep. Everyone snorts when they first learn about the CNEL. It is not the averaging around the clock that angers them. It is that single, noisy, big plane that wakes them up at night. Until Part 150 includes the understanding of single event problems and low frequency "back blast" problems it has not covered all problems.

150-88. Paul E. Tauer, Mayor, City of Aurora, CO: Single-event noise level should be a required component of the Part 150 noise study.

150-91. Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: Using 65 Ldn as if it were a valid measurement of aircraft noise. Frequency of events is only one major disturbing element not accurately included in this worthless catchall designation.

150-109. Kenneth J. DeLino, Executive Assistant, City of Newport Beach, CA: The first suggestion is to promote the use of noise metrics other than Ldn when devising Noise Control Plans. In Newport Beach and many other areas, Ldn simply does not predict or describe much of the public response to aircraft noise. This is particularly true at general aviation airports. Aircraft noise from John Wayne Airport (JWA) and many other airports is very successfully regulated by the use of SEL. Several FAA guidelines mention the use of SEL and Time Above Threshold to analyze aircraft noise. Accordingly, it is suggested that FAR 150 any accompanying guideline include a description of these metrics and instructions for their use in developing Noise Control Plans.

150-113. William F. Nolden, Jr., President, Parkway Citizens' Association, Arlington, VA:

FAR Part 150 results are consistently flawed because of the irrational way the Ldn are computed and used. The use of "average" noise figures is viewed by the affected public as an intentional deception on the part of the FAA. Noise profiles and the resulting noise plans would be much more reasonable and impartial if single event noise statistics were the basis of planning. No one hears "average" noise, we hear takeoffs and landings.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: In the present FAR Part 150 documentation, the Ldn noise metric and accompanying standard table of land uses are relied on to define existing or potential noise problems. Experience at SFO indicates that the single-event noise level is a critical consideration when it exceeds ambient levels in residential areas (this usually occurs during night and early morning hours). Single-event standards or procedures which include consideration of single-event impacts should be included.

150-121. Matthew J. Gill, Jr., Director, Rhode Island Department of Transportation: The development of additional noise measurement guidelines to include single event noise level (SENL) parameters in addition to Ldn. The objective should be to better correlate SENL with Ldn so that the public has a better perception of the Ldn measurement.

150-126A. Sasha J. Harding, President, Holbrook Civic Association, NY: The actual formula used to compute the noise contour maps should not include those periods of time when commercial aircraft activities are restricted at an airport. In the case of MacArthur Airport, no commercial flights occur between 11:00 p.m. and 6:30 a.m. However, since the noise formula is based upon a 24-hour day, these 7 1/2 hours are included in the noise calculations. We feel that the effect of this formula is to understate the "real" noise values by at least 30 percent.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: It is EPA's belief that the present Part 150 regulation limiting noise analysis to the Ldn 65 contours does not provide adequate disclosure of all significant noise impacts. We strongly suggest that the regulation be revised to require noise analysis to lower Ldn levels, e.g., Ldn 60 or 55, and/or to include "single-event" occurrences such as sleep interruptions or speech interference.

150-142. Gerald D. Patten, Associate Director, Planning and Development, U.S. Dept. of Interior, National Park Service: The data indicates that yearly day-night average sound is an inappropriate metric for use to categorize aircraft sound levels over units of the National Park System. Many visitors, especially those who go to more remote national park areas, expect to be able to escape trends of modern life. Moreover, the Ldn metric as currently used fails to account for the very low ambient noise levels characteristic of most national park settings. Our research suggests that a far more appropriate metric would be deductibility.

150-144. Ken Linder, Airport Manager, Ketchikan International Airport, Ketchikan Gateway Borough, Ketchikan, AK: We are in the final stages of our Master Plan and Part 150 Noise Study for the Ketchikan International Airport in Ketchikan, Alaska, and have recently heard several local citizens' comments regarding aircraft noise levels near private homes. The noise formulas and contour maps for our community indicated that these folks do not have a significant noise problem since the Ldn in the vicinity of those homes was below the magic 65. Nonetheless, these folks have had significant noise impacts due to frequent single event aircraft noise encounters substantially above the 65 definition.

The Part 150 Noise study does not seem to be able to address and define the single event noise problem. I am wondering if there may be some way in which Part 150 could factor the single event into the contour or in some way identify them as "for real" problems and not insignificant.

150-146. Jack C. Green, Studio City, California: The need for a FAA Part 150 study is motivated by the noise that a human being hears--not what a machine hears. If humans were not involved there would not be a noise problem. Use of the CNEL noise measurement averages the aircraft noise for a period of time, by a machine, and is used to develop noise exposure maps. This is not a true representation of what a human hears because a human ear does not hear an average noise--it hears a "single event" times the number of single events per day. And when you hear twice as many single events as you did the day before you are affected twice as much. It is like a doctor sticking you with a needle one quarter of an inch deep one day you will feel a certain amount of pain. If the doctor stuck you with the same size needles, one quarter of an inch deep, three times the next day you would feel three times as much pain. Therefore, an SEL measurement system should be developed for the Part 150 studies as a standard. This could be a true, unbiased system of what the human ear hears. Also, the citizens involved in the Part 150 study wouldn't feel that these cards were stacked against them.

150-155. Jorge H. Berkowitz, Ph.D., Director, New Jersey Department of Environmental Protection: The FAA should review the use of the Ldn methodology as the tool of establishing noise annoyance. Some way should be found to

massage the data when repetitive single events occur. Strategies should be investigated that use various Ldn time frames such as hourly, 4 hour, 8 hour Ldn, etc. These should be linked to public annoyance and ones chosen that most closely represent this annoyance.

Comment Number 9-150.

Low Frequency Noise Standards

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: 14 CFR Part 150 should allow the noise reduction programs to include standards for any or all of the following: Ldn, single event, time above. Selection of a standard or combination of standards should be decided by the proprietor and cosponsors.

150-83. Sylvia M. Gregory, Coordinator, Airport Impact Reduction Force, South San Francisco, CA: Until Part 150 includes the understanding of single event problems and low frequency "back blast" problems it has not covered all problems.

150-91. Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: Using 65 Ldn as if it were a valid measurement of aircraft noise. Frequency of events is only one major disturbing element not accurately included in this worthless catchall designation.

150-103. Airport/Community Roundtable, San Francisco International Airport: Low frequency noise--sound frequencies below 500 Hz exist up to six miles behind departing aircraft in residential areas behind Runways 1L and 1R at SFO. Without a single-event noise standard and with the use of a weighting scale in the Ldn metric, there is a failure to identify and dimension this serious problem which impacts the community.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: Sound frequencies below 500 Hz exist up to six miles behind departing aircraft in residential areas behind Runways 1L and 1R at SFO. Without a single-event noise standard and with the use of a weighting scale in the Ldn metric, there is a failure to identify and dimension this serious problem which impacts several cities.

150-153. Director, Fish and Wildlife Service, Washington, DC: Noise from low level altitude flight operations can adversely affect wildlife resources and public use activities on lands under the Service's management authority or control (e.g., national wildlife refuges). If a proposed new airport or expansion to an existing airport may adversely affect the purposes for which a national wildlife refuge was established or require a right-of-way permit to use refuge lands, the Service must make a compatibility determination under 50 CFR 29. The Federal Aviation Administration identifies these lands on aeronautical charts and indicates that flights over these lands should not occur below 2,000 feet above ground level. These requirements, although advisory, are to protect the natural resource and public use values of the lands under our stewardship.

Comment Number 10-150.

Noise Abatement/Noise Control/Aircraft Noise Constraints/and Performance Based Noise Restrictions

150-7. Sue G. Townsend, President, Board of Directors, Markham Place, Inc., Memphis, TN: The conditions have worsened. What we use to think of as "quiet times" (evenings, early morning, Sunday mornings) have become "frustration" time due to the constant air traffic .

The volume control of our television cannot compete with airport noise, our pictures vibrate on the walls, and our ears literally hurt from the noise. We in Oakhaven don't find any such concern presently for this older neighborhood. We're right down the street from Northwest Air Line (walking distance) and no more than half a mile from the existing north/south runway, yet we're told we're in the 65-70 Ldn.

We have begged for a new noise level survey to be conducted because we feel the February 1985 survey was deliberately slanted to suit the needs of the airport. Can't you or some other federal agency do something? It amazes me that we go to such lengths to save the snaildarter, whales, bugs, birds, etc., but show no real concern for people who suddenly find themselves exposed to constant noise and fumes.

150-17. Honorable Ralph David Abernathy III, Georgia State House: It has come to my attention, by the residents of Meadowlark Estates Subdivision, East Point, Georgia that they are displeased and concerned with the increasing amount of airline traffic flying lower and with more intensity over their neighborhood. They are also concerned about on-going expansions at Hartsfield Airport and future airline activity affecting their community and property value as it relates to noise and air pollution. Meadowlake Estates is located northwest of Hartsfield airport just outside, 500 to 1500 feet, of the existing contour 65 Ldn and the residents are complaining that they are experiencing the same disturbances as those within the contour. I understand that since the opening of the new runway on the northside of the airport, the airplane noise has become amplified and more frequent.

150-24. Edward and Susan Walker, South Lake Tahoe, CA: We are concerned that current placement of the (departure) noise monitor does not accurately measure/reflect the extent of the problem. While we recognize that the FAA must have uniform standards by which to compare airport noise around the country, this mandates placement of the local monitor (at "x" number of feet from takeoff/runway) out in Lake Tahoe rather than near the neighborhoods where the noise problem exists! Thus, when we call to register a complaint about jet noise at our home, by the time the plane reaches the monitor location, the level of noise that is registered may then be at/below accepted levels (especially if the pilot makes a steep ascent). On those occasions when the departure monitor was not working and/or a reading was taken off of the arrival monitor (which is only four blocks from our home), the recorded noise levels more accurately reflected our complaints. We hope that a strong and enforceable noise standard (with reasonable hours of operation) can be determined for the local airport.

150-39. Louis A. Miranda, Isla Verde, Carolina, P.R.: At times, the noise from cars, trucks, and motorcycles that transit on the Baldorioty de Castro Avenue are more annoying than that of the aircraft that come and go from the Luis Munoz Marin International Airport. But there are times when the authorities at the airport allow aircraft to land on the landing strip that runs alongside the Baldorioty Avenue at 2, 3, and 4 o'clock in the morning. Now, that is nerve racking When this happens it becomes very difficult for me to go back to sleep. I would appreciate it, as it would be by many other residents, if these aircraft were to land on the landing strip that goes alongside the Isla Verde beach.

150-42. William K. Tennyson, East Point, GA: I am serving as a representative for the residents of Meadowlark Estates Subdivision in expressing their displeasure and concern with the increasing amount of air traffic flying lower and with more intensity over our community. Since the installation of the new runway on the north side of Hartsfield Airport, the airplane noise has become amplified and more frequent.

150-44. D. M. Biddison, Des Plaines, Illinois: O'Hare has been operating for 29 years. After all this time, why don't they have permanent air and noise monitors at the end of each runway at 1/2 mile markers out to 5 miles? Because the FAA doesn't want the people to know how bad the air is and how loud the noise really is. That's why.

My house was built in 1950 and 13 years later O'Hare extended Runway 22R so jet aircraft could fly at low levels over my house. In 1975, which is 25 years after my house was built, the Runway 22R localizer and glide slope were installed so jet aircraft could fly even lower over my house, all at the request of the FAA with total disregard for the people in our area.

O'Hare has extended every runway, right up to the fence, and recently built a new illegal Runway 22L without notice. Again, everything was done with total disregard for the people around the airport and at the request of the FAA. Runways 36, 22R, 22L and 27R should be closed and removed from the face of the earth. Then O'Hare could operate on three runways like every other major airport does. Runway 27R was extended even more in 1988.

The O'Hare computer-generated noise map is just another lie from the City of Chicago to the public. Their phony map states our area is 75 Ldn, when in fact the U.S. EPA noise equipment readings in my backyard were 84.4 Ldn.

150-46. Dick Hall, Memphis, TN: Let me share with you some conditions that I am economically forced to endure. First, almost constant loud noise from planes arriving and departing. Second, serious vibration of my house and others to the extent that cracks appear in places where no other cause is reasonably explained other than the tremendous noise from the planes. Fuel fumes in the air that are easily discernible, dust and dirt settling on our houses that make more frequent painting a necessity.

150-53. The Watts Family, East Pointe, GA: I am a resident of Meadow Lark Estates. My family and I moved here two years ago. At that time, our neighborhood was very quiet and peaceful. Before deciding on this house and neighborhood, my wife and I looked at houses in College Park which were very nice in size, yard, and very well built costing substantially less than our

present house. But because of heavy air traffic, the houses were unappealing and we decided against such an investment. But due to the newly-constructed runway at Hartsfield Airport we presently have air traffic that equal the houses in College Park.

The intense noise causes windows to rattle along with structural damage. I'm sure the pollution level is up several notches as well. In addition to these developments, there is a plan to start building a Hartsfield Centre in the summer of 1989. When the 169 million dollar Hartsfield Centre is finished there will be even more traffic, more noise, more pollution, more structural damage, and more headaches. As a homeowner and resident of this region and subdivision, I'm concerned with the direction of Hartsfield Airport. I feel the expansion is diminishing my investment.

150-55. Citizens Advisory Committee Members, Key West International Airport, Key West, FL: It is our firm conviction that the only practical and cost effective solution to KWIA noise abatement is to place a statutory limitation on the noise it produces. The major offenders are Piedmont's F28 1000 series, EALs B727-100, and various types of commercial, corporate, and private aircraft. The Stage 2 aircraft, already 18-20 years old, are far more objectional from a noise standpoint than more recent jets and turboprops such as the Dehaviland DHC-8, and the Saab SF-340, some of which, along with Beechcraft 1900's, are currently in use at KWIA.

We do not have to wait for the arrival of Stage 3 aircraft five or ten years down the road. By implementing statutory decibel limitations similar to those reflected in the New Haven ordinance we can effectively provide for noise abatement while still permitting the operation of jet aircraft whose noise profiles meet the accepted Ldn limitation Complemented by other noise mitigation regulations such as eliminating runups at the Runway 09 threshold prior to takeoff at 0600 and 0700, installing barriers where appropriate, etc.

For the near term, an effective noise abatement program would seem to require the mandating of statuatory dBA limitations. We would suggest a maximum daytime level of 78 dBA and a maximum nighttime cap of 68 dBA. These measures could be complemented by other noise abatement strategies and a cooperative and productive effort by all concerned to work together in resolving the problems involved. These proposed limitations would still permit the operation of F28 MK4000's and similar modern jets while eliminating the older F28 MK1000's and the B727-100 which cause most of the problems.

150-62. Norman J. Swiston, Sr., Glen Burnie, MD: I think BWI and all airports should comply with Public Law 90-411, "Control and Abatement of Aircraft Noise and Sonic Boom", in order to afford present and future relief and protection to the public from unnecessary aircraft noise and sonic boom. The noise footprint of the loudest jet could be used as the contour to guide on how far out an aircraft should fly before making any turns. This means all jets must fly this contour until the mix of jets, i.e., Stage 2, are replaced by Stage 3. This means all jets, commercial as well as business.

150-94. Richard J. McElroy, ESJ Towers, San Juan, PR: In my eight years of residence here I have noted three primary sources of excessive noise emission here: Military jets, Non-Stage 3 air carrier aircraft, and civil business jets.

150-103. Airport/Community Roundtable, San Francisco International Airport: Performance based noise programs are often a key factor in the adoption of the NCP. Because control of this type of program depends on locally imposed noise abatement regulations, they are regularly "disapproved" when the FAA reviews the NCP. The ability to control existing and future noise levels is vital to the assurance of the following:

- That the analysis and assumptions used in the technical study work are, in fact, achieved. [Airport/Community Roundtable, San Francisco Intl. Airport,150-103]

- That the future technology delivers the noise relief that is sought.

- That increases in aviation activity or changes in operating procedures do not result in ever increasing noise exposure.

150-104. Betty Ann Kane, Chairman, Committee on Noise Abatement at National and Dulles Airports, Metropolitan Washington Council of Governments: The first point addresses the fundamental goal of the Part 150 process in attempting to bring balance and equity to community-proprietor relationships on noise impacts affecting nearby land uses and to air transportation service needs. The Committee is of the opinion that both airport noise reduction and land use policies need to be addressed in developing Part 150 noise abatement strategies. However, noise reduction should be the focus of Part 150 studies when the airport is surrounded by predominantly developed land (as is the case with Washington National Airport) and land use should be the emphasis where the airport is surrounded by undeveloped land.

150-111. Residents: Marlin D-14, Marlin D-14, Marlin D-15, and Marlin No. 1503, Luis Munoz Marin International Airport Area, San Juan, Puerto Rico: We suggest that taking-off flights, instead of being directed to the south or southeast, should be rerouted to the north or north east, to the open sea and to lesser populated areas.

150-114. Mrs. Louis Bova, Glen Burnie, MD: (Neighbors Against Needlessly Noisy Airports, P.O. Box 1716, Glen Burnie, MD 21061): All residential communities must be maintained at a level NOT TO EXCEED:

65 dBA 7:00 a.m. thru 10:00 p.m.
55 dBA 10:00 p.m. thru 7:00 a.m.

Comment Number 11-150.

Funding/Implementation/Need for Increase

150-2. Francis X. Flaherty, Mayor, Warwick, RI: Airport Improvement Funds should be used to help airports implement Part 150 programs. These funds should be used to offer positive, rather than negative, incentives.

150-4. Joe F. Hill, Severn, MD: Federal funding should insure that the 10 percent is set aside for noise abatement of those existing landside properties which are not compatible with increased airport operations with these funds spent before any expansion is started.

150-8. Gerald K. Olson, A.A.E., Airport Manager, Cheyenne Airport, WY: It was noted that funding for noise compatibility programs would be funded out of the aviation trust fund providing a 75 to 90 percent federal share dependent upon the enplanement level of the airport. Although it was not broken down in this document, I would assume that a 75 percent grant would be offered for the lower enplanement facilities and a 90 percent federal share grant would be available for the larger enplanement facilities. It is the opinion of the Cheyenne Airport that all airports who have an approved noise compatibility program should be funded at 90 percent grant status irregardless of the number of enplanements at that particular airport. Or, if in fact, a 75 to 90 percent split is necessary, the 75 percent federal grant should go to airports with the most enplanements and a 90 percent grant should go to airports with the fewest enplanements. The smaller the airport, the greater the need for the higher percentage of federal dollars.

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: The application made by an airport operator for funds for a Part 150 study should include a sign-off by all off-airport communities and jurisdictions in the Ldn 60 or greater noise contour.

150-28. James C. DeLong, Director of Aviation, Philadelphia International Airport, PA: Currently, the program is billed as being "voluntary." This voluntariness is a superficial one insofar as federal grants for noise abatement are contingent upon an approved Part 150 NCP. If indeed the purpose of the legislation is to encourage noise abatement and mitigation programs, then contingent funding is at best counterproductive.

The fiscal constraints under which many municipalities and airports operate often precludes them from adopting and implementing aggressive noise mitigation measures such as soundproofing, land acquisition, etc. Therefore, federal funding becomes even more imperative.

150-32. Gary Adams, Division Director, Arizona Department of Transportation, Aeronautics Division, Phoenix, AZ: It is important that funds continue to be provided for implementation of noise compatibility planning and that provision also be made for carrying out the planning, acquisitions, relocations, and construction involved in the implementation of the Part 150 Noise Compatibility Program (NCP). However, funds should also be allocated for educational purposes. Many of the noise problems surrounding the airports are not within the 65 Ldn but within the 55 Ldn and lower. Even though these complaints are due to single event noise problems or are merely perceived noise problems due to residential location near the airports, these issues must be addressed. Airports should educate the citizenry, airport users, and their local governments regarding the procedures that are currently in place in order to mitigate noise problems, including the planning processes and the functions of the Federal Aviation Administration, Airport Sponsor, Airport Commissions, Airport Noise Abatement Committees, Airport Users, et cetera.

150-47. Julie H. Ellis, Managing Director, Senior Attorney, Federal Express Corporation, Memphis, Tennessee: Once an airport or local sponsor has received approval of its Noise Compatibility Map (NCM), that airport should be entitled to receive immediate funding to soundproof all qualifying schools, hospitals, and licensed retirement homes located within the measured 65 Ldn noise contour. The FAA should establish standard ranges for soundproofing costs and develop a streamlined procedure for identifying each qualifying use. Any grant

of federal funds for noise mitigation efforts must be contingent upon the local proprietor's agreement to impose no aircraft use regulations which have not been approved by the FAA.

No federal funds should be allocated to any airport sponsor if any portion of the NCM, NCP, or an aircraft use restriction is disapproved by the FAA.

150-50. Howard Stanback, Ph.D., Commissioner, Department of Aviation, The City of Chicago, IL: The decision to withhold access to Aviation Trust Fund noise designated monies, until a Part 150 study is completed, should be examined. Congress correctly intended that the Part 150 study be undertaken voluntarily, implicitly recognizing the inapplicability of the study to some local situations. Yet, at airports where the Part 150 process is not necessarily applicable, such airports may be unfairly penalized by being ineligible for federal noise monies. With completion of a Part 150 study as a prerequisite to obtaining federal monies, the process cannot be considered truly voluntary. Although this requirement was relaxed in early 1988, it still inhibits many airports from access to noise funds. Airport operators should be allowed to receive funds for noise abatement actions without the need to complete the study process.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: For those airports that impact established residential communities, alternative federal funding should be available for noise abatement; e.g., school soundproofing funds are currently exempt from the Part 150 program in some cases.

150-64. Francis P. Kulka, Senior Airport Planner, Calocerinos & Spina Engineers, P.C., [address?]: To encourage the implementation of NCP, the FAA should consider funding administrative and management type activities. Many NCP's lose momentum because of delays between NCP submittal and approval and then funding for the first specific project. However, there are many abatement measures, i.e., preferential runways, instituting noise abatement departure profiles, establishing SIDS or STARS that consume considerable manpower and may be as effective, if not more effective, than project specific measures which are funded, i.e., noise barriers, land acquisition, etc.

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, The City of Long Beach, CA: It is difficult to establish accurately in advance either the time or cost for developing a Part 150 study. FAA should give consideration in its approval of Part 150 study grants to either provide for some buffering of the amount granted either by authorizing in a range or by permitting subsequent grants in order to have the amount funded by FAA relate to ultimate and actual cost of the process.

150-73. Maryland State Aviation Administration, Michael C. West (contact), Baltimore/Washington International Airport, MD: The SAA has established programs at Baltimore/Washington International Airport (BWI) for acquiring noise impacted residential properties, soundproofing of homes and schools, and guaranteeing full-market resale values for homes being sold within an established noise control area. In some instances, FAA administrative decisions are hampering establishment of effective compatibility programs, such as soundproofing. Attached as part of the SAA's comments to FAA Rules Docket No. 25660, is a letter dated October 5, 1988, detailing several concerns

relative to FAA programmatic administration, suggesting certain improvements. In general, airport operators should be given every reasonable flexibility in establishing land use compatibility programs that are effective and acceptable in their local communities, consistent with basic principles of Federalism, and local use of the so-called "police powers" of land use planning and zoning. Additionally, reliable long-term Federal funding commitments need to be provided to airport operators to more effectively address the significant acreage of incompatible land uses currently existing within noise impact areas. Currently, there is much uncertainty as to whether there will be adequate Federal funding available to undertake large scale programs on a reasonable schedule. There needs to be multiyear funding of these programs versus standing in line on an annual basis for available funds. The FAA and the Department, during its annual appropriations hearings and other appropriate venues, should affirmatively address this reality with the Congress and provide federal policymakers with recommendations as to possible remedial legislative activities to address these funding issues.

150-103. Airport/Community Roundtable, San Francisco International Airport: The only significant mitigation actions in a NCP that will remain after 100 percent of the fleet is Stage 3 are land conversions and acoustical treatment. These options are only as realistic as the funding levels available through the Airport Improvement Program (AIP). It is essential that these funding levels continue to increase to accommodate the provisions for the various Part 150 studies nationwide.

150-105. Thomas E. Greer, A. A. E., Director, Airport Services, Burbank-Glendale-Pasadena Airport Authority: Federal funding is a very important topic, because it is the availability of such funding that motivates many an airport sponsor or other participant. Given all the Part 150 studies that will be completed within the next two or three years, we believe that the federal funding commitment should be more definite, because false expectations can be raised during the course of the study. In our judgment, while it is good that AIP grants for noise will be 10 percent of the annual appropriation, that 10 percent will hardly pay for the hundreds of millions of dollars necessary to mitigate the number of airports which will be eligible for those funds. FAA must take a firmer stand in its budget process to ensure the money is there when airport sponsors need it. Otherwise, the acceptability of the study will decrease, and it may become an expensive exercise of little consequence.

150-108. Carl Jacobson, Mayor, City of El Segundo, CA: We have currently pending a $28 million funding request to implement a seven-year soundproofing project recommended in the Part 150 study. We are exercising the opportunity to apply directly to the FAA for these funds without the interference of other local, State or Federal agencies. We recommend this procedure continue.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: The only significant mitigation actions in a NCP that will remain after 100 percent of the fleet is Stage 3 are land use conversions and acoustical treatment of noise sensitive structures. These options are only as realistic as the funding levels available through the Airport Improvement Program (AIP). It is essential that these funding levels continue to increase to accommodate the provisions for the various FAR Part 150 studies nationwide.

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: Clarify the Part 150 language relating to financing noise improvements. Completion of a Part 150 is not voluntary as relates to gaining approval of a federal grant, in spite of language to the contrary. The regulations should provide for funding of obvious noise improvement needs without the necessity to complete a Part 150 study.

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: As more airport sponsors receive approval of their NCP's, an equitable system of priorities should be established (similar to AIP) to determine which projects will take precedence over others based on discretionary funds available. NCP's should also reflect a realistic 5-year project schedule and funding requirements for programming multi-year projects.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: A critical element to the effectiveness of the Part 150 program is federal funding. At present, federal airport grant program funding is totally inadequate to implement existing, let alone future, airport noise compatibility programs. Based on the FAA's own estimates, the cost of Part 150 programs currently approved or pending approval will exceed $2 billion. It is counterproductive for airports to undertake the Part 150 process and gain the support of the airlines and communities on viable solutions, if the funding is not available to achieve results. AOCI recommends that the Federal Government provide greater funding assistance for noise programs and, further, that the Airport Improvement Program should be amended to permit airport operators to undertake noise compatibility programs when federal funding is not available and be eligible for reimbursement.

Comment Number 12-150.

Extended planning period/5 to 20 year future planning period/longer range planning.

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: FAR Part 150 studies should have five-year analysis as presently done, but should also have estimated noise contours and a proposed mitigation plan extending for an additional ten years. This would allow for better planning and organized decisionmaking efforts regarding the useful life of an airport.

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: FAR Part 150 studies should have five-year analysis as presently done, but should also have estimated noise contours and a proposed mitigation plan extending for an additional ten years. This would allow for better planning and organized decisionmaking efforts regarding the useful life of an airport.

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): FAR Part 150 studies should have five-year analysis as presently done, but should also have estimated noise contours and a proposed mitigation plan extending for an additional ten years. This would allow for better planning and organized decision making efforts regarding the useful life of an airport.

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: Part 150 studies should also include estimated noise contours and proposed noise abatement plans extending for an additional ten years beyond the present five-year requirement.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: We believe that a 20-year noise map should be optional (and vendible) for long term planning purposes. This is consistent with other FAA policies which recommended a 20-year analysis for Master Plans, AIP's, and environmental assessment/impact statement noise analyses.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: The need to develop a standard, such as five years in the future, is necessary to achieve uniformity on a nationwide basis. However, in addition to the five-year map, other years may be useful for planning purposes, especially in the development of zoning regulations or in formulation of off-airport noise mitigation programs. FAR Part 150 should offer this flexibility to airport operators and local communities.

150-88. Paul E. Tauer, Mayor, City of Aurora, CO: Part 150 studies should have the five-year analysis, as presently required, but should also contain an estimated noise contour map and proposed noise mitigation plans for an additional ten-year period. This would allow for better planning, and organized decisionmaking efforts, in the impacted communities.

150-103. Airport/Community Roundtable, San Francisco International Airport: The five-year planning horizon does not adequately reflect the 20-year projections that are used in most airport master plans; because it is often used in local zoning, it should reflect the noise exposure in the local community planning horizon.

150-105. Thomas E. Greer, A. A. E., Director, Airport Services, Burbank-Glendale-Pasadena Airport Authority: With respect to the Noise Exposure Map (NEM), we believe the five-year forecast is somewhat arbitrary, since many airports tend to pace their activities and forecasts around major projects such as new facilities or runways. The five-year forecast could be a minimum period, but alternative periods should be possible. At Burbank-Glendale-Pasadena Airport, we did the analysis for both five years and the year 2000; the year 2000 being significant in terms of a new terminal requirement. Part 150 should recognize alternative forecasting periods and their resultant NEM's, as local planning dictates.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: The five-Year planning horizon for the noise exposure map does not adequately reflect or correlate to the 20-year planning horizons that are used in most airport master plans and local community general plans. The noise exposure maps should directly correlate to the planning horizons to the airport master plan, including aviation forecast timeframes, and those of local community general plans.

150-125. Sandra J. Kelley, Coordinator, Noise Compatibility Program, Memphis-Shelby County Airport Authority: Airport sponsors should be required to update their noise programs and noise contour maps every 5-10 years, or at the end of a large scale mitigation program such as a buyout.

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: Part 150 studies should have five-year analysis as presently done, but should also have estimated noise contours and a proposed mitigation plan extending for an additional ten years. This would allow for better planning and organized decisionmaking efforts regarding the useful life of an airport.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: The current regulation requires that noise compatibility programs be based on five-year aircraft operation forecasts. The advantages of using a five-year forecast rather than a longer term planning horizon include increased accuracy and the use of such forecasts in monitoring short-term program progress. However, a longer-term planning horizon (for example, 10 and 20 years) is often used in the planning profession, and is consistent with relating noise programs to airport master plans. Although noise compatibility may be best implemented through a series of five-year work programs, the work programs should contribute toward meeting both long-term and short-term noise objectives. Therefore, AOCI recommends that FAA allow sponsors the flexibility to develop noise exposure maps and noise programs based on planning horizons consistent with approved planning documents.

150-139. Richard H. Broun, Director, Office of Environment and Energy, U.S. Department of Housing and Urban Development, Washington, DC: The total planning period for the Noise Compatibility Program (NCP) be expanded to a 20-year planning process with shorter 5-year review and recommendation periods to process any change to land use or airport planning. The airport planning process to accommodate major construction projects is now 20 years, and the NCP can be coordinated with this process to accommodate not only the shorter cycle but also can be altered or refined to reflect long-term problems and solutions.

150-148. Peter Englemann, Washington, DC: A five-year timeframe for NEM's can be misleading and inappropriate if based on traffic projections and not airport capacity. (In the case of National Airport, when commercial jets were first allowed to operate in 1967, the potential traffic of 37 operations per hour, the present limit, should have been foreseen, together with the "noise abatement procedures" which concentrate air traffic on a narrow corridor.)

150-151. Tom Burdett, AICP, Senior Planner, Planning Division, City of Colorado Springs, CO: Request that a third NEM map be added to the Part 150 Program which would project a 20-year noise contour. I know this is difficult given the rapid changing technology in aviation. However, it would allow us to merge some long-range land use planning with long-range airport compatibility planning.

Comment Number 13-150.

Phase out of Stage 2 Aircraft

150-10. Peter Soderquist, Airport Director, City of Scottsdale, AZ: While it is not suggested that an all Stage 3 fleet be required, incentives to phase out Stage 1 and 2 at an earlier date would be desirable.

150-23. William F. Morgan, [address]: The momentum within the airline industry for conversion to Stage 3 aircraft has dramatically increased in the last few years. This is most likely the result of scheduling pressures caused by the growing resistance to Stage 2 aircraft throughout the country. The FAA should take the lead and establish a realistic sunset for Stage 2 aircraft as it did with Stage 1 aircraft.

150-102. Town of Salina, NY: FAA mandate of the changeover to Stage 3 aircraft by 1993.

150-103. Airport/Community Roundtable, San Francisco International Airport: Stage 3 aircraft provide the maximum opportunity for noise relief. With increasing air traffic, the accelerated introduction of Stage 3 aircraft is essential. If the Part 150 Program is to effectively mitigate aviation noise impacts, coordinated amendments to Part 36 (introduction of Stage 4 technology) and Part 91 (early retirement of Stage 2 aircraft) must occur; unless this is done, there will be a continued emphasis on locally imposed regulations to control the impact of noise from aircraft operations.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: Stage 3 aircraft provide the maximum opportunity for noise relief. With increasing air traffic, the accelerated introduction of Stage 3 aircraft is essential. If the FAR 150 Program is to effectively mitigate aviation noise impacts, coordinated amendments to FAR Part 36 (introduction of Stage 4 technology) and FAR Part 91 (early retirement of Stage 2 aircraft) must occur. Unless this is done, there will be a continued emphasis on locally imposed regulations to control the impact of noise from aircraft operations.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Enticements to convert to Stage 3 airplanes should be strongly encouraged. By 1995 at least 85 percent of the airline fleets should be Stage 3. Federal funding should encourage this.

At no time should the right of the airport proprietor to regulate the type of aircraft that use the airport based on noise be abrogated.

150-128. P. H. Fryberger, Chairman, Oak Park-Northwood Neighborhood Association, San Antonio, TX: We further subscribe to the notion that a subsidy is required to help airlines upgrade Stage 2 fleets with Stage 3 aircraft. The subsidy should be funded by a surtax on the airline ticket tax, air freight and air express that would be used to help achieve much earlier upgrading of airline fleets to Stage 3 noise standards.

Comment Number 14-150.

Make Part 150's Mandatory at all Airports

150-2. Francis X. Flaherty, Mayor, Warwick, RI: Mandate that a Part 150 study be conducted by all airports of either certain classification, enplanement or aircraft activity levels.

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: All airports with a noise problem should perform a Part 150 study, unless there is a concurrence with local communities impacted that the airport proprietor is fully cooperating in alleviating the problem.

150-51. John Campbell, Irving, TX: The implementation of a Part 150 study should be a mandatory requirement on airports in the following cases:

A. Any airport receiving FAA grants for the specific purpose of upgrading or expanding its air carrying capacity that would represent a significant deviation from its current runway, terminal, or taxiway configurations, resulting in an estimated increase of 5 dB in the Ldn sound levels.

B. Airports not receiving FAA grants but still undertaking an expansion and improvement program that would represent a significant deviation from its current runway, terminal or taxiway configurations resulting in an estimated increase of 5 dB in the Ldn sound levels.

Basis of Proposal for Mandatory 150 Studies:

As it is currently set up, Part 150 provides a uniform and consistent framework for the evaluation of noise impacts at primary and reliever airports, as defined in the Airport and Airway Improvement Act of 1982, (49 USC 2202(a)12,19). In particular, the study evaluates noise level increases related to the expansion of air traffic, runway capacity and terminal capacity through the preparation of a Noise Exposure Map (NEP). This map is based on "reasonable assumptions concerning future type and frequency of aircraft operations, number of nighttime operations, flight patterns, airport layout including any planned land use changes, and demographic changes in the surrounding areas" [49 CFR Part 150.21(b)].

Despite its specificity, this evaluation process is voluntary. In many cases, however, airport expansion projects are the direct result of FAA involvement and encouragement, especially if the airports are integrated into the National airport and airway systems plan. This plan "include(s) the type and estimated cost of eligible airport development considered by the Secretary to be necessary to provide a safe, efficient, and integrated system of public-use airports to anticipate and meet the needs of civil aeronautics, national defense, and the Postal Service" [49 USC 2203(b)].

Included in the plan is a "ten year investment plan which considers the long-range objectives considered by the Administrator to be necessary" to meet the stated objectives of the plan [49 USC 2203(b)C].

The FAA also provides grants from its Trust Fund and Discretionary Fund for "preserving and enhancing airport capacity at airports" [49 USC 2204(a); 2205(a)2,3; 2206(a),(c)2]. These grants have a direct impact upon increased noise levels, especially if the awarded grants enable an airport to appreciably increase its flight operations or the size of its serviced aircraft. Therefore, the FAA should be willing to mandate the study of the consequences of their grant awards.

The mandating of a Part 150 study should apply to any airport whose expansion program will result in an estimated increase of 10 dB in Ldn, even if some of the airports do not receive FAA grant money. The FAA's Integrated Noise Model can be utilized to produce consistent estimates of any proposed changes in an airport's operations. Since the FAA must be cognizant and even approve of airport plans, this should be a basic requirement.

The policy recommendation of mandatory Part 150 testing can also be substantially grounded in 49 USC 2208(b)4. According to (b)4, "No project grant application for airport development may be approved unless the Secretary is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located." Since noise abatement is a legitimate interest of the community, the Secretary would be in full compliance with this section of law if the requirement of mandatory Part 150 testing were incorporated into the Secretary's offer for grant approval to the airport [49 USC 2211(a)].

150-64. Francis P. Kulka, Senior Airport Planner, Calocerinos & Spina Engineers, P.C., [address?]: First, Part 150 Noise Studies for the systems largest airports should become mandatory. Because the ASNA Act speaks to noise abatement, no airport owner should be allowed to duck or sidestep their responsibility to address this issue and environmental problem.

Everyone knows these studies are intensely political as much as technical exercises to alleviate noise and find the acceptable limits to what and what is not reasonable noise exposure. The issue's volatile nature does not excuse responsible people from seeking a program for noise relief. A fear or apprehension to provide adequate public participation should not deter a reasonable approach to problem solving. Although this may he a local problem in the eyes of the FAA, the historical relationship between the FAA, airport sponsors, airlines and other regulatory bodies is a complex and intricate one almost symbiotic in nature and simply can not be assumed away for noise issues. The long-term demands a solution which almost all practical professionals see in an improved and newer aircraft fleet; but for the next 20 years, managing the airport environment, to keep it as comfortable a level as possible, should be everyone's responsibility not just those who seek out the program on a voluntary basis.

150-75. People Over Planes, Inc., Pleasant Hill, CA: Every airport should be required to perform a Part 150 study.

150-103. Airport/Community Roundtable, San Francisco International Airport: An NCP is vital to the protection of adjacent communities; because of this, the Part 150 study process, as well as mitigations identified in the NCP, should be required at all airports where noise is an issue. These actions could be made mandatory if they were made conditions of grant agreements.

150-117. J. O. Phillip Lindahl, P.E., Environmental officer for the City of Des Plaines, Des Plaines, IL: A second problem is that Congress must change the law from voluntary to mandatory since the FAA cannot take action on its own. If a neighbor city offers some land use concessions as a part of the 150 study program, what binds the airport to carry out the on-airport elements of the Part 150 study program?

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: An NCP is vital to the protection of adjacent communities; because of this, the FAR Part 150 study process, as well as mitigations identified in the NCP, should be required at all airports where noise is an issue. These actions could be made mandatory if they were made conditions of grant agreements.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: In the light of increasing air traffic, and associated probable increases in noise exposure of airport neighboring communities, we recommend that submission of Part 150 Noise Exposure Maps and Noise Compatibility Programs be made mandatory, rather than voluntary, for all airports that accommodate operations of commercial carrier aircraft.

Comment Number 15-150.

Extend Part 150 beyond DNL 65/Change Threshold Levels/DNL 55

150-27. Sherman Landfield, Arlington County Civic Federation: The 65 Ldn is simplistic (ours is about 58 and the area is furious at the noise).

150-43. Lee Daniels, Illinois State Representative, 46th House District, and House Minority Leader, O'Hare airport area, IL: I also believe that the noise contours, once the above changes are considered, should include 55 Ldn delineations. Fifty-five Ldn noise levels do affect quality of life. In fact, when the Environmental Protection Agency was charged with monitoring aircraft noise impacts, it set a standard whereby land in areas of noise equivalents of 55 Ldn or more were considered unsuitable for residential development.

150-45. Vic Ellison, Mayor, City of Eagan, MN: Several specific items of concern have arisen during the course of the Minneapolis/St. Paul International Airport Far Part 150 Study. The first of these pertains to the 65 Ldn metric as the standard noise descriptor. It is apparent that significant noise impacts extend well beyond the areas described by the typical noise exposure map Ldn 65. The City of Eagan would strongly encourage that the Part 150 process either adopt or accept more stringent noise standards.

150-56. William B. Shermer, President, Airport Coordinating Team, Inc., Severn, MD: Noise contours for 60 and 55 Ldn need to be added to the Noise Exposure Map (NEM) required by the Part 150 program, since the EPA recommends that outdoor residential exposure levels not exceed 55 Ldn.

150-58. Andrew S. Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: The information in Table 1 of Appendix A is not a Federal standard, but it is used to determine whether land use actions are eligible for Federal financial assistance. Table 1 applies to urbanized areas. Many Part 150 studies are for suburban or rural airports where the low level of background noise might make more stringent compatibility criteria appropriate. "Community Noise" (U.S. Environmental Protection Agency, December 1971) documents the role of low levels of background noise in increasing the impact of environmental noise. The greater potential for incompatibility at noise exposure levels below Ldn 65 in these areas should be recognized in Part 150. The FAA should consider funding projects where Ldn is less than 65 if the affected community has formally adopted a lower compatibility standard.

150-71. John Barber, President, Seattle Community Council Federation, Seattle, WA (Report: R.O.A.R. -- reduce overflight abuse on residents):

The Part 150 process gives no weight to areas outside the noise contour lines. The Part 150 area is usually confined to an area within a very few miles of the runway. The greater part of a jet's takeoff and of its approach below 8000 feet occurs outside the Part 150 area. Yet, these areas under the flight track receive a very large volume of noise from jets.

With Sea-Tac, Beacon Hill did not qualify for the Part 150 area although about 80,000 jets fly overhead per year, over 250 per day. Sea-Tac jets impair conversation, overpower television or music in homes, disconnect thought of many residents, and interrupt other activities of people on Beacon Hill. Doctors in First Hill clinics and hospitals cannot use their stethoscopes and other sensitive equipment while jets thunder overhead. Professors in universities and teachers in classrooms in schools and colleges on Capitol Hill and as far north as the University district must pause for jets to pass. People along the instrument landing system corridor and under the "east turn" report that jet noise drowns out telephone conversations, especially listening. The FAA's standards rule all of this disruption out.

The 65 dBA measure is an average. An average often obscures important details. A loud event, albeit very disturbing, gets averaged into a period of silence and hidden. Thus, a jet with a 95 dBA rating would surely wake most people. Yet, a series of such jets thundering overhead at one per hour could keep people awake all night, but not qualify as a noise-impacted area under the Part 150 standards.

People differ. Some people are insensitive to noise; others hear everything. Homes are a place of sanctuary in our society, a retreat for relaxation and sleep. The 65 dBA standard arose as a test for denial of Federal Housing Administration loan guarantees to willing buyers. The willing buyers were people insensitive to noise. It is the wrong test to use for measuring noise tolerance of an established community that was not subject to jet noise before. A preexisting community has a population mix that includes people that enjoy tranquility.

The 65 dBA standard is at least 10 dBA too high.

150-91. Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: Using 65 Ldn as if it were a valid measurement of aircraft noise. Frequency of events is only one major disturbing element not accurately included in this worthless catchall designation.

150-93. Joe Arciuch, Protect Our Property Committee, Torrance, CA: In theory, the proclaimed intent of Part 150 is to serve as a tool ostensibly to make airports compatible With surrounding communities. In practice, based on observation, Part 150 has become a political tool for increasing the capacity of existing airports. This is especially true of general aviation airports with an Ldn below 65 db.

For example, for a general aviation airport with annual operations of 200,000 and an Ldn of 55 db, a Part 150 study would likely recommend that Ldn be

increased, say by 6 db for a total of 61 db, still well below the FAA Ldn 65 db criterion used for noise control. This, of course, would allow for increased airport capacity, one of the major FAA objectives. For the community in question, however, the 6 db increase would represent quadrupling the number of operations, resulting in 800,000 operations a year, assuming the aircraft mix remains the same.

Obviously, the life in this community would become intolerable with so many operations but the Ldn metrics would not tell you this. Part 150 would say if you do not exceed 65 db Ldn you do not have a noise problem, period.

For air carrier airports, use the 65 Ldn criterion; for general aviation airports, the 55 db criterion (or allow the local authorities to set noise limits for general aviation airports), In either case allow the use of hourly and daily Ldn and of single event limits for tailoring noise control to local conditions. With the restructuring of noise metrics as discussed above, Part 150 could serve the useful purpose of airport noise compatibility planning.

150-100. George C. Bird, Chairman, Airplane Noise Committee, Community Board No. 11, The City of New York, Bayside, NY: We are directly under departing jets using full power. Your rules and regulations seem to apply to areas within the airport or immediately adjacent and we being entirely within 5 miles of the offending Runway 13 - directly under departing flight patterns have many noise complaints especially in the warm summer months when our 130,000 residents try to enjoy our lawns, yards, patios, etc., and must of necessity for comfort, open every window and door.

150-104. Betty Ann Kane, Chairman, Committee on Noise Abatement at National and Dulles Airports, Metropolitan Washington Council of Governments: At the present time, 65 Ldn is the threshold used in defining airport noise impacts and for defining noncompatible uses near airports. While our Committee understands the reasoning behind the selection of the 65 Ldn contour for these purposes, we have found in the Washington area that there is significant neighborhood annoyance toward airport noise at Ldn exposures of significantly less than 65 Ldn.

There is extensive published data showing community annoyance to aircraft noise at lower values of Ldn and primary survey data obtained from households in the Washington area in 1983-84 documenting these impacts. In short, it is the Committee's belief that the sole use of the 65 Ldn contour as the relevant "noise threshold" greatly understates the magnitude of the airport noise problem. In farther out areas, an "event based" approach to assessing airport noise impacts may also have validity, both from the point of location of impacts and time of day of impacts (particularly at night).

150-136 Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: It is EPA's belief that the present Part 150 regulation limiting noise analysis to the Ldn 65 contours does not provide adequate disclosure of all significant noise impacts. We strongly suggest that the regulation be revised to require noise analysis to lower Ldn levels, e.g., Ldn 60 or 55, and/or to include "single-event" occurrences such as sleep interruptions or speech interference. In the light of EPA's consistent position, delineated in EPA Report 550/ 9-74-004 (the "Levels Document"), we continue to support the use of the A-weighted sound level (La), and its

derivatives, as the appropriate" single metric (as required by the Aviation Safety and Noise Abatement Act (ASNA)) for measurement and description of aviation noise. Similarly, we support the use of a "single system", based on the metric Day-Night that Average Sound Level (DNL or Ldn) for determining the noise impact resulting from airport operations.

The major area of concern to EPA in the Part 150 regulation is the complete absence of consideration of possible noise impacts outside the zones encompassed within DNL values of 65 dB and above. Both from the standpoint of "highly annoyed" residents in the areas between Ldn 55 and 65 and of certain repeated disruptive single events (e.g., sleep interruptions, classroom disturbance, etc.), substantial noise impacts can occur outside the Ldn 65 contour. The criteria for annoyance above Ldn 55 are well known; the criteria for single-event impact, less well known, are delineated below.

EPA recognizes that there is a practical economic limit that may govern the extent to which mitigative measures may be required in the effort to make an airport compatible with its neighbors. We understand that the expenditure of ADAP grant funds to implement noise compatibility actions represents a mechanism for placing some of the cost burden of aviation noise on the users and operators of the national airways system, and that it is not feasible to transfer the entire cost of noise impacts to that group. Nevertheless, fairness seems to require that to the extent feasible, the full nature and scope of the noise impact from an airport should be disclosed, and maximum effort be expended to mitigate the noise impact within available funding. In particular, maximum application of "cost-free" mitigative measures should be required. Ideally, the foregoing precepts should be embodied in the Part 150 process.

There are two major facets involved in dealing with noise impacts outside the Ldn 65 contour relative to the noise exposure map and noise compatibility program. One entails computation and display of DNL contours to some value below 65 dB, e.g., 60 or 55. The other concerns analysis of repeated single-event impacts such as speech interference and sleep disruption (based on criteria delineated below). We believe that some combination of these two facets must be provided to fully characterize noise impacts on affected populations.

As regards extending the DNL analysis to contours outside the Ldn 65 contour, we have seen cases where the overall impact (based on single events) in the area between the Ldn 65 and Ldn 55 contours has <u>exceeded</u> the total impact within the Ldn 65 contour. In addition, EPA has analyzed typical cases which demonstrate that a substantial change in airplane flight tracks off a specified runway causes a trivial change in the Ldn 65 contour, but result in drastic changes in the Ldn 55 contour. Such a change results in significant impact on the surrounding population, but is completely hidden if the noise analysis extends only to 65 dB.

In summary, we believe that the noise exposure and noise impact analysis and disclosure requirements under Part 150 should include:

a) extending the DNL contour analysis lower than 65 dB, e.g., 60 or 55;

b) consideration of single events as delineated above.

150-147. Diane Summerhays, Noise Abatement Officer, Seattle-Tacoma International Airport, Seattle, WA: The FAA and airport operators are dealing more and more with perceived noise problems outside the 65 Ldn and attention needs to be focused on assisting airport operators in addressing some of these issues. It is the "far out" noise problems that erode the public's confidence in the usefulness of the Part 150 process.

150-155. Jorge H. Berkowitz, Ph.D., Director, New Jersey Department of Environmental Protection: Regardless of the type of airport, the Part 150 as presently structured does not address impacts in areas outside the 65 Ldn contour line. The great fervor that was created as a result of the implementation of the Expanded East Coast Plan (EECP) has highlighted this weakness of the Part 150 process as it now exists focusing only on changes above 65 Ldn. It is time to introduce a "Part 150" process that would examine not only the absolute noise level above 65 Ldn in an area but also the relative change in noise level regardless where the initial level is. This would then apply to areas where the Ldn of an area is 55 after a change but only 45 Ldn before. This new process would then address changes in flight paths, as well as changes close to airports.

Comment Number 16-150.

Combine/Coordinate Part 150 and Airport Master Planning

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: Airport Master Plan Updates and Part 150 studies should be done simultaneously insuring that the two studies work together towards a common airport/community noise compatibility goal.

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: Airport Master Plan Updates and Part 150 studies should be done simultaneously insuring that the two studies work together towards a common airport/community noise compatibility goal.

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): Airport Master Plan Updates and Part 150 studies should be done simultaneously insuring that the two studies work together towards a common airport/community noise compatibility goal.

150-40. Audiometrics, Puerto Rico:

The only realistic and long-term solution which appears to exist is to eventually move the airport to a location more distant from San Juan. Such a location would enable expansion to occur, providing improved air safety, and unimpeded economic development for the island and its residents. It is unlikely that such a move will occur in the immediate future, if ever.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: AC 150/5070-6A (June, 1985) suggests that Part 150 studies be conducted concurrently with Master Plan studies. Three problems have occurred with regard to this approach. First, runway extensions and/or new runways may

be required for capacity reasons. If these improvements are proposed for construction within five years, it is not clear as to how they should be treated in the five-year map. Second, due to the length of time typically required to conduct Part 150 and Master Plan studies (i.e., 12 to 18 months), phasing often gets out of sequence. It is not clear, for example, whether a proposed runway or runway extension scheduled to occur in year six of a Master Plan should be evaluated in a Part 150 study. Lastly, the role of the Part 150 study and the noise analysis in the EA or EIS should also be clarified. In a number of instances the public has requested that a Part 150 study be conducted prior to an FAA environmental finding on either a runway extension or new runway.

150-107. Judy Hoffenkamp, Co-Chairman, Bensenville Environmental Protection Coalition, IL: Airport planning and expansion maps should be done in conjunction with a Part 150 study to insure the compatibility of the programs, both within the airport and in the surrounding areas. Affected communities should be fully informed of those plans, and be present at all planning sessions.

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: Airport Master Plan Updates and Part 150 studies should be done simultaneously insuring that the two studies work together towards a common airport/community noise compatibility goal.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: Although it is important to view noise compatibility planning within the context of national air capacity planning, it is equally critical that noise programs be consistent with its associated airport master plan. The master plan and noise compatibility program for each airport should be integrated documents. The FAA should continue to promote and facilitate the Part 150 application process. Airports which create noise compatibility programs without having or updating their master plan should be encouraged to prepare a Master Plan within a reasonable period of time. AOCI recommends that Part 150 alternatives be evaluated for consistency with adopted Master Plans and that this evaluation be added to the list of FAA review criteria in Section 150.35.

150-148. Peter Englemann, Washington, DC, area: Noise analyses should be an integral part of airport development planning, not a separate exercise. (MWAA adopted its master plan for National Airport, covering $400-mi11ion in investments over the next five years, before the Part 150 studies were even completed.)

Comment Number 17-150.

Establish an Appeals Process for Airport Operators from Air Traffic's Decisions

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: An appeal process should be established to allow challenge to a Part 150 that has been submitted to the FAA for approval. This will allow minority positions to be considered even after the Part 150 sponsor has dropped an item from further consideration. The appeal process should also allow challenge to items submitted in the Part 150 but not approved by the FAA during the review process.

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): An appeal process should be established to allow challenge to a Part 150 that has been submitted to the FAA for approval. This will allow minority positions to be considered even after the Part 150 sponsor has dropped an item from further consideration. The appeal process should also allow challenge to items submitted in the Part 150 but not approved by the FAA during the review process.

150-74. Robert L. Wonder, Assistant City Manager, City of Alameda, CA: Several references are made to North Field nighttime IFR departures using Runway 9R or 9L which, as you know, is the City's adopted preference. However, in the first complete paragraph on page 6-13 and in the third paragraph on page 6-17, it states there are occasions when weather or air traffic conditions will necessitate the use of Runway 27R or 27L. It is the City's adopted position that in those instances when Runway 9L and 9R are not available for 10 p.m. to 7 a.m. departures, the alternative should be departure on Runway 29. The City is strongly opposed to the use of Runway 27L and 27R between the hours of 10 p.m. and 7 a.m. because departures overfly a large part of Alameda.

150-104. Betty Ann Kane, Chairman, Committee on Noise Abatement at National and Dulles Airports, Metropolitan Washington Council of Governments: Finally, the Committee has discussed several other issues related to the Part 150 process, including the need for an appeal process for airport proprietor recommendations to the FAA, advance Air Traffic Control sign-off" on certain airport noise mitigation procedures, and the need to verify aircraft noise exposure through monitoring programs. With respect to the first two of these points, the Committee believes that adequate procedures are currently in place to address these concerns.

Comment Number 18-150.

Revise Local vs. National Objectives/Priorities

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): The local, regional, and national FAA Part 150 format criteria should be consistent; presently they are not.

150-75. People Over Planes, Inc., Pleasant Hill, CA: Citizens living under flight paths and near airports in this area feel that the FAA FAR Part 150 program, as it currently stands, benefits airlines and airports but does nothing to protect people on the ground from excessive, intrusive noise in their homes, schools, and neighborhoods. As a result, the quality of life in airport environs is deteriorating with the increase of aircraft activity brought on by deregulation and increasing aviation needs. The irony of the situation is that the FAA's FAR Part 150 program is supposed to protect the citizen on the ground from noise. We urge the FAA to address the quality-of-life questions raised by airport neighbors, since the FAA is the ultimate governing authority for aviation in this country.

150-90. Hayward Air Terminal, CA: FAA treatment of operational procedures in Part 150 Programs to date have been less than equitable. The FAA's outright rejection of any noise abatement procedures in the Part 150 programs submitted has done damage to the FAA's and the local airports credibility. The FAA must provide some reasonableness in its review of operational noise abatement procedures.

150-91. Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: In addition, citizens cannot understand the FAA's stress on "compatible land use controls" when, with only one or two exceptions, major airports are surrounded by "built up" or residentially developed areas. Does the FAA expect local communities to bulldoze down residences to bring them into compatibility?

150-105. Thomas E. Greer, A. A. E., Director, Airport Services, Burbank-Glendale-Pasadena Airport Authority: As a starting point, we are well aware of the Congressional intent to mitigate aircraft noise, while fully preserving airport proprietor powers vis-a-vis noise liability. As a proprietor, we jealously guard our options, and believe local solutions to noise problems can be consistent with national air transportation objectives. However, we do not believe the proper balance between the national and local objectives can be satisfied through the existing Part 150 process, largely because FAA tends to emphasize form over substance in its relationship with the proprietor during the process. This criticism is especially true when it comes to FAA helping the proprietor and participating entities work their way through the legal and economic balancing that is required.

150-106. Eliot R. Cutler, Adams County, Colorado: As a general matter, the County and the Cities believe that the Part 150 process should be restructured to ensure that it is a truly cooperative effort on the part of the FAA, the sponsor and other <u>affected</u> <u>communities</u>. The process should encourage negotiation and compromise toward the goal of balancing the national interest in an efficient air transportation system with the local concern of the affected communities over the adverse impacts of noise. More particularly, the county and the cities believe that certain aspects of the Part 150 process should be revised to improve the quality and effectiveness of the resulting noise compatibility programs.

150-119. Katy Geissert, Mayor, City of Torrance, CA: During the Part 150 process, the FAA should not constrain a local airport proprietor from initiating corrective noise mitigation measures by imposing assurances that limit a proprietor's flexibilities.

It is essential that timely, direct notification (rather than notification solely via the Federal Register) be made to airport proprietors and interested parties, during the Part 150 process, and comment periods for changes in rules governing that process.

150-121. Matthew J. Gill, Jr., Director, Rhode Island Department of Transportation: The Part 150 process has allowed significant input by the public into the preparation of Noise Compatibility Programs [NCP's). Airport impacted persons have a highly visible and effective means to voice their concerns about noise issues. Through the Part 150 process, the expectations of local communities are often raised to such high levels that the real options available to mitigate noise cannot fully meet their demands. The ability of the airport operator to control noise is constrained by Federal preemption and the responsibility to provide safe and efficient service to the public.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Require mandatory noise abatement measures (however, homeowners should not be required to sell their homes because of location in a Noise Zone) applying directly to aircraft or their operations. Enticements to convert to Stage 3 airplanes should be strongly encouraged.

Growth of airports and airport operations should only be allowed after mandatory noise abatement measures are in place if surrounding want these measures. By 1995 at least 85 percent of the airline fleets should be Stage 3. Federal funding should encourage this.

At no time should the right of the airport proprietor to regulate the type of aircraft that use the airport based on noise be abrogated.

150-123. John H. LeResche, Torrance Airport Commission, Torrance, CA: The 65 Ldn criterion was set to accommodate the noise generated at major commercial airports used by large jets. GA airports are told that they don't have a noise problem and are urged to increase both their activity and their usage by larger aircraft. The Part 150 program is being used to co-opt local noise controls. If a local airport authority accepts a Part 150 study, they lose control of noise abatement to the FAA. Long Beach CA learned this to their cost.

150-138. Gabriel Phillips, Executive Vice President, Air Transport Association, of America, Washington, DC Without belaboring the issue we would simply state that it remains our belief that the FAA/DOT is fully empowered to articulate and advance a coherent defined program for managing airport noise mitigation and management efforts on a national basis. The legal analysis in support of this view has been fully set forth in our earlier petitions on this subject and need not be repeated here. Such a national aircraft noise management program would not supplant the rights of local communities to undertake appropriate measures to advance airport noise management initiatives, but would insure that those initiatives take into account the demands of an integrated national airport and airway system.

Succinctly the current Part 150 program falls short of applying the full array of FAA/DOT authority to the problem of airport noise management. In addition to the FAA/DOT process we would emphasize that more must be done at the state

and local level to assure optimum levels of compatible land use in airport environments. To an unfortunate degree, there is currently little, if any, enforceable coordination between local zoning functions and airport land use planning. Failure to provide a linkage between airport planning and zoning decisions in the vicinity of major airports has contributed immeasurably to the encroachment of incompatible land uses into airport environments. Unfortunately, such things as housing developments are sanctioned in noise impacted areas well after the completion of Part 150 studies--and in spite of careful planning to avoid and minimize adverse noise impacts.

We do not contend that the Federal Government is in a position to order or direct the use of local zoning prerogatives, but surely Congress has the authority to encourage reasonable and logical use of federal resources. Steps should be taken in our view to encourage the states, through conditioning expenditure of federal funds if necessary, to provide a direct, enforceable linkage between zoning decisions and airport noise planning and management programs. In light of the integral role of the FAA/DOT in this area it is incumbent upon those entities to take the necessary leadership to refine a workable, legislative proposal designed to resolve these conflicts to the end of providing a workable solution to airport noise problems.

Comment Number 19-150.

Improve Guidance to Airport Operators

150-9. Louise E. Miller, Salt Lake City Airport Authority, UT: Specific criteria and guidelines should be developed which outline a process and any requirements for updating Part 150 Studies. This process should include consideration for public involvement and FAA review periods.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: With regard to Interstate Commerce, guidance should be provided regarding the acceptable distance for alternate facilities, Stage 3 limitations, et cetera. Similarly, the FAA should help define a "demonstrable noise problem. We have seen wide variation in what communities consider to be a problem. Finally, additional guidance should be provided regarding what the FAA considers to be discriminatory. For example, preferential flight corridors are typically required for jet aircraft to affect major changes in noise contour. However, segregating jet aircraft from general aviation aircraft is considered discriminatory. Moreover, ATC personnel are typically unwilling to assign aircraft to tracks (or runways) based on dBA or EPNdB levels.

150-58. Andrew S. Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: Airports will start updating NEM's within 1989. There is no guidance for the process.

150-99. E. H. Haupt, Manager, Airport and Environmental Services, National Business Aircraft Association (NBAA): Since the talent, skill, and integrity of consultants vary greatly, FAA tools (including the INM) and procedures need to be easily understood. This clarity feature would also aid FAA reviewing

authorities in the regions who must first see the NEM's and NCP's prior to headquarters submission. Perhaps a guide or outline, developed under an FAA contract, describing how to conduct an NEM would be useful.

150-105. Thomas E. Greer, A. A. E., Director, Airport Services, Burbank-Glendale-Pasadena Airport Authority: Stated simply, there is only the barest guidance on how one should approach these issues, none of it from FAA. Even though these are difficult legal and economic tests, FAA has failed to provide even rudimentary standards of measurement. Moreover, it is only after a proprietor submits its program that FAA analysis is available; typically only in vague responses to alternatives being disapproved.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: In order to permit Part 150 applicants to form judgments as to the acceptability of potential mitigative measures with regard to the FAA's statutory responsibilities listed in paragraph 150.35(b)(3)(i-iv), we suggest that the regulation provide more detailed guidance on the criteria applied by the FAA in reviewing such measures.

Comment Number 20-150.

Noise Models/INM/Noisemap

150-4. Joe F. Hill, Severn, MD: Integrated Noise Model (INM) uses a yearly day-night average which gives a false numerical rating to the actual noise disturbance. This model can in theory be defeated by use of a scatter plan and by alternating arrivals and departures. Is noise more quiet by average?

150-91. Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: Using 65 Ldn as if it were a valid measurement of aircraft noise. Frequency of events is only one major disturbing element not accurately included in this worthless catchall designation.

150-99. E. H. Haupt, Manager, Airport and Environmental Services, National Business Aircraft Association (NBAA): Use of Integrated Noise Model (INM) - FAA offers the INM to persons conducting an NEM process in order to reduce costs, etc. However, two great dangers exist in this action. The INM must be kept up-to-date to truly reflect the technology advancements of new aircraft and the changes of aircraft mix at airports. Blindly using the INM as the only noise resource can seriously distort the outcome of an NEM, and therefore, the resulting NCP.

150-105. Thomas E. Greer, A. A. E., Director, Airport Services, Burbank-Glendale-Pasadena Airport Authority: The Integrated Noise Model (INM) should not be the only model used in Part 150, because there is at least one other equivalent (e.g., Noisemap) which may be important to the individual airport. At Burbank-Glendale-Pasadena Airport, the Authority has traditionally used Noisemap for all of its State mandated reports. While a shift to INM would change little, third parties might question the validity of Noisemap in litigation or in otherwise disputing past contour data. Fortunately, we were able to convince FAA at the outset of the study that Noisemap was satisfactory.

150-113. William F. Nolden, Jr., President, Parkway Citizens' Association, Arlington, VA: FAR Part 150 results are consistently flawed because of the irrational way the Ldn are computed and used. The use of "average" noise figures is viewed by the affected public as an intentional deception on the part of the FAA. Noise profiles and the resulting noise plans would be much more reasonable and impartial if single event noise statistics were the basis of planning. No one hears "average" noise, we hear takeoffs and landings.

150-124. Sandra Kelley, Noise Coordinator, Memphis-Shelby County Airport Authority, Memphis International Airport, Memphis, TN: The system is not designed to allow the user to run the INM so that ground noise such as peak hour queueing and engine runups can be accounted for in the cumulative noise exposure. At Memphis, we have some residential areas that are affected mostly by "ground noise" as described above. The current INM model does not account for the noise that affects these areas.

The system is not designed to distinguish topography, structures that block or reflect noise such as building or noise berms. While Memphis is relatively flat, there are areas of varying elevation and the residents around the airport feel they are exposed to more noise due to their elevation. I realize that often a change in elevation is insignificant in terms of relative noise exposure but the credibility of the study can be questioned without the ability to calculate the difference.

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: Distribution of the INM on microcomputers makes the model readily available, but does not insure the means to accurately interpret the output and use of the modelled results. Some users have gone so far as to take contour lines down to the individual ownership parcel level to indicate which portions of an ownership are within and outside a particular contour value, and companies are marketing services which show this kind of contour resolution. INM model output and the NEM need to qualify the use of the contours either by graphic or narrative means.

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: I recommend that the FAA certify individual's proficiency with using the Integrated Noise Model. Inasmuch as the airport sponsor is required by FAR Part 150 to certify that the NEM submitted is correct to the best of his knowledge, he should have the benefit of knowing that the individuals responsible for developing the noise contours have met a set of minimum standards established by the FAA to ensure that the contours were prepared by a knowledgeable user of the INM. (This could become important later should an NEM be challenged in court.)

The INM Input Data Files used to generate the existing and five-year future conditions contours should be included in the NEM documentation report.

Comment Number 21-150.

Fines/Penalties for Noise Offending Aircraft

150-102. Town of Salina, NY: Appropriate management and effective monitoring of takeoff and control patterns with fines for offenders.

150-114. Mrs. Louis Bova, Glen Burnie, MD: (Neighbors Against Needlessly Noisy Airports, P.O. Box 1716, Glen Burnie, MD 21061): Honest, accurate Airport noise/flight path contours should be established and adhered to.

Comment Number 22-150.

Night Curfews

150-30. Barbara Tuleja, Chairperson, Airport Safety and Noise Committee, Community of Harbor Bay Isle, Harbor Bay Isle, Alameda, CA: A nighttime curfew directing traffic on North Field to Runways 9L & 9R did not include the third option of Runway 29 which had been agreed upon. This is a very feasible way of taking planes off the residential areas during the nighttime hours.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Emphasis to decrease or eliminate operations between the hours of 10 p.m. and 8 a.m. is strongly encouraged.

Comment Number 23-150.

Defined Flight Patterns/Procedures

150-56. William B. Shermer, President, Airport Coordinating Team, Inc., Severn, MD: Procedures must be incorporated into the Part 150 process to ensure that, once an NEM is established, mandatory flight paths in the vicinity of an airport are utilized. These paths would correspond with the NEM, and would, inter alia, require use of straight in and out flight routes to/from points between four and five nautical miles from the airport, along the corresponding runway axes, in conjunction with minimum altitude versus distance (from the airport) standards for departures and arrivals. These flight procedures would not preclude those deviations which might be necessary for safety or noise abatement reasons. These requirements are necessary to ensure that (1) the NEM is accurately determined and (2) that its integrity is thence rigidly maintained.

150-114. Mrs. Louis Bova, Glen Burnie, MD: (Neighbors Against Needlessly Noisy Airports, Glen Burnie, MD: Honest, accurate Airport noise/flight path contours be established and adhered to. Flight paths and Noise Zones must properly coincide with flight paths not straying outside of the set noise zones. These paths and zones must then be widely publicized, MANDATED BY LAW, included on all zoning and real estate maps for the protection of all current and future residents. NONCOMPLIANCE must be punishable by STIFF fines paid to the OFFENDED COMMUNITY for use by its residents.

Comment Number 24-150.

Limit Airport Growth

150-2. Francis X. Flaherty, Mayor, Warwick, RI: The concept of a maximum capacity at urban airports should be adopted. Growth at these certain, select facilities in developed urban areas should have an identified ceiling. Our present policy that allows airports to continually grow despite their impacts on adjacent land uses should be modified. Limitless growth is not acceptable or reasonable.

150-35. Charles Rodriguez, Isla Verde, Puerto Rico: For your own knowledge, the increase in flights (at Luis Munoz Marin International Airport) has been more than 300 percent and the prognosis is for continued escalating flights.

150-102. Town of Salina, NY: A decisionmaking role in development of the airport, with a view towards a limit to feasible development given the location of the airport.

Comment Number 25-150.

Compensation to Airport Neighbors

150-102. Town of Salina, NY: Compensation by the airport operator for significant changes in air traffic patterns, numbers, etc.

Compensation to residents in areas labeled 65 Ldn+ until such time as the noise level is reduced to that promised by the study.

150-114. Mrs. Louis Bova, Glen Burnie, MD: (Neighbors Against Needlessly Noisy Airports, Glen Burnie, MD: ALL residents within the 60 dB Noise Zone and higher MUST BE GIVEN:

a. Complete sound insulation of their ENTIRE home meeting highest standards and quality, including air conditioning and ventilation.

   A guarantee of NO further HEALTH OR NOISE damage, given by the Federal/ State/local Governments and/or airline industry, to the resident in the form of a high quality health and life insurance policy. NO EASEMENTS.

   A 50 percent rebate of residential property taxes each year paid to the residents by the Federal/State Governments and/or airline industry for the loss of use of their out-of-doors.

b. FULL-PARITY Relocation Option--to include equivalent neighborhood, services, acreage, and home with resident incurring no more than their CURRENT mortgage commitment, with any differences to be made up by the profiting Federal, State/local Government and/or the airline industry.

c. Complete sound insulation of ALL SCHOOLS to the HIGHEST standards and quality, including air conditioning and ventilation.

School flight avoidance paths established and adhered to for landings, takeoffs and overflights and MANDATED BY LAW, with NONCOMPLIANCE punishable by STIFF fines paid to the OFFENDED SCHOOL for use by its student body.

Comment Number 26-150.

Shorten FAA Review/Approval Process

150-6. Calvin O. Carter, Commissioner of Aviation, Hartsfield Atlanta International Airport, GA: We have not found the existing process to be an encumbrance to achieving our stated goal of providing as much relief to as many people as possible. However, having submitted two (2) amendments to our program, we feel that improvement could be gained with the approval of delegation of minor program changes and/or amendment changes to the local FAA level.

150-9. Louise E. Miller, Salt Lake City Airport Authority, UT: Consideration should be given for reducing the six month review and comment period for the Noise Compatibility Program. Since the FAA, airlines, community representatives, and ALPA are all active participants in the Part 150 process as required by the regulation, the six month review and comment period seems unnecessarily long.

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): FAA should observe a six-month limit on the Part 150 document adequacy review process to either approve or disapprove.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: A time limit should be placed on FAA review of the maps, similar to the NCP.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: A time limit for FAA review and approval of the noise maps should be specified, preferably no greater than 60 days. The time limit for review of the noise compatibility program should be reduced from the current 180 days, perhaps to 120 days. During the current six-month time period (the FAA usually uses the maximum amount, plus an additional unspecified time to review the noise exposure maps), the momentum gained during preparation of the program is often lost. The long lag between the time the agreement is reached between the airport operator and the local community to recommend specific measures, and the time it takes to implement such measures, reduces the confidence of the public that many of the noise problems will be resolved and reduces the credibility of the airport operator as well.

In cases where the noise exposure maps and the noise compatibility program are submitted together, the single review period specified for the program should govern. Currently, as stated above, the review period for the program often does not begin until after the maps are approved.

150-50. Howard Stanback, Ph.D., Commissioner, Department of Aviation, The City of Chicago, IL: The 180-day review period for the Noise Compatibility Plan is too lengthy. The public expects immediate implementation after completion of the study. With the current review time period, implementation is more likely to occur well beyond a year after the study is completed. We think that the review period should be accelerated to under 90 days.

150-58. Andrew S. Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: Several aspects of the review process are unclear. Different regions provide different guidance. The following points should be clarified:

a. Describe the minimum review times, not just the maximum. For example, what is the minimum review period for the NCP?

b. What constitutes a "Public Hearing" for Part 150? (Is a verbatim transcript required?)

c. What is the meaning of "opportunity for a Public Hearing"?

150-61. Robert W. Kunkel, Director, Wisconsin Dept. of Transportation: It would be advantageous to shorten the review and adoption procedures if possible. This is of greater importance for airports with NEM's that do not have significant problems and NCP's that will not be controversial. This could be incorporated into an abbreviated process which may promote more airport sponsors to participate in Part 150 studies before significant noise problems develop.

150-69. Charles M. Salter Associates, Inc., Consultants in Acoustics, San Francisco, CA: A chronic problem with the FAR 150 studies is schedule overruns. I recommend a more formalized FAR 150 study structure, and that a definitive schedule be required from the study administrator. Perhaps the FAA should take a more active role in ensuring that the study proceeds in a timely fashion.

150-73. Maryland State Aviation Administration, Michael C. West, Baltimore/ Washington International Airport, MD: The current six-month period for FAA review and approval of a Noise Exposure Map (NEM) and NCP is a detriment to gaining public support in noise abatement efforts at airports. Direct FAA involvement during a study, using additional trained personnel as necessary, and/or streamlined procedures and formats for NEM's/NCP's, should be fully explored as part of a concerted effort to shorten review periods to 60 days or less from the date of submission. In many cases, approvals for separate elements of an NCP should be considered if implementation can be accelerated.

150-87. Regional Airport Authority, Louisville, KY: The length of time necessary for review and approval of the program, once finalized, needs to be shortened.

150-90. Hayward Air Terminal, CA: Improve the track record for approval of the Part 150 Programs. This may include a brief status report to the airport sponsor notifying them of the status of their program. Also, any improvement in decreasing the time it takes to complete FAA review would encourage more airports to conduct Part 150 Programs.

150-119. Katy Geissert, Mayor, City of Torrance, CA: It is essential that timely, direct notification (rather than notification solely via the Federal Register) be made to airport proprietors and interested parties, during the Part 150 process, and comment periods for changes in rules governing that process.

150-124. Sandra Kelley, Noise Coordinator, Memphis-Shelby County Airport Authority, Memphis International Airport, Memphis, TN: The development of a Part 150 Program can be very time consuming and involved. Once complete, the review time within the FAA is often very lengthy. At the onset of the study, noise exposure maps are developed for the "existing conditions". By the time the study and review processes are complete, often the "existing conditions" Noise Exposure Maps is not completely representative of current conditions.

Noise mitigation programs may be delayed until the program is approved making it difficult for the airport sponsor to contend with an anxious public. After public meetings held in conjunction with Part 150, the public is often expecting something to happen immediately following the completion of the study. If mitigation programs are delayed, it hurts the credibility of the program. In addition, no federal funding can be obtained until the review process is complete.

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: The current 180 days to review the aircraft mix, operations forecasts, and resulting noise contours is excessive and should be reduced to a reasonable time frame.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: AOCI is concerned about the timeliness of FAA's review of FAR Part 150 studies. AOCI believes that a two- to three-year wait is detrimental to the validity and effectiveness of the implementation procedures incorporated in the program. The long lag between the time the agreement is reached between the airport operator and the local community to recommend specific measures, and the time it takes to implement such measures, reduces the confidence of the public that many of the noise problems will be resolved and reduces the credibility of the airport operator as well. With all of the participants involved in the Part 150 process, AOCI recommends that any stage of FAA review not take more than 90 days.

150-147. Diane Summerhays, Noise Abatement Officer, Seattle-Tacoma International Airport, Seattle, WA: We would like to see a more rapid turnaround time on approval of studies and amendments to original studies.

Comment Number 27-150.

Noise Complaints

150-10. Peter Soderquist, Airport Director, City of Scottsdale, AZ: Callers usually cite noise as the reason for the call, but it is doubtful that noise is the source of calls four miles out on approaching aircraft that are 800-1200 AGL. Though they are not "genuine" noise related calls, the airport considers and handles them with the same degree of interest and enthusiasm as the single-event calls from close in neighbors.

Nearby neighbors are affected by departures of Stage 1 and Stage 2 business jets. All attempts are made to have pilots utilize accepted quiet flying procedures. There is no denying the fact, though, that this relatively quiet airport will, from time to time, experience departures by loud jets. Whether the event is aggravated by weather or poor pilot technique, it will happen.

150-11. Dick Lane, Chairman, State Planning and Community Affairs Committee, House of Representatives, State of Georgia: They are also concerned about on-going expansions at Hartsfield International Airport and future airline activity affecting their community and property value as it relates to noise and air pollution. Meadowlark Estates is located northeast of Hartsfield Airport just outside, 500 to 1500 feet, of they existing contour 65 Ldn and the residents are complaining that they are experiencing the same disturbances as those within the contour. They tell me that since the opening of the new runway on the north side of the airport, the airplane noise has become amplified and more frequent. For these reasons, they would like to be included in the Airport Noise Exposure Map and the Aviation Noise Abatement Program.

150-18. Mr. and Mrs. W. M. Markunas, Condominium Ocean Tower, Isla Verde, PR: I live two miles from Luis Munoz Marin Airport and the airplane noise is horrible. I do not think people should have to tolerate this. Government research should be directed first to today's problems: noise pollution, air and water pollution, et cetera. People are living today, and today's problems should be resolved today.

If the Air Force already has a plane noise silencer, this knowledge should be applied to civilian use immediately. I see no reason that this has to be a military secret.

150-19. John DiMase, Circolo's Chatterbox, Isla Verde, PR: A few years ago , one morning I saw a crew of men cutting down a beautiful stand of Sea Pines that acted as a natural barrier from the noises from the airport. I thought for a moment that they were going to put up a much needed sound barrier. No way, Jose, they just left after cutting down the trees and did not plant others.

This is the only metropolitan area where we have war games, The Puerto Rico National Air Guard every day practices landings, takeoffs, and other maneuvers. Now these are F-16 jets and they can sound like they are breaking the sound barrier.

If kind old Uncle Sam would fund them the money for a sound barrier we have a slight chance of getting one.

150-33. Paul Wheeler, Memphis, TN: Since 1986, I have stated in several letters to local FAA, Atlanta FAA, Washington FAA, and Washington EPA the effects to our community from the expansion of the Memphis International Airport. Noise from the airport is almost constant. There is a short period of time during the day and forepart of the night when we enjoy some quiet and peace. From approximately 11:30 p.m. until about 5:30 a.m., we are constantly aware of aircraft either arriving or departing and also engine runups from service being done by mechanics on big jets and also turboprop aircraft.

150-34. George and Cathy Wetzell, San Gabriel, CA: Our area was peaceful and quiet until 1 to 1-1/2 years ago. We had a few planes fly over/near our home. We chose our location some years back because of our love for the area's quiet, and stillness, and privacy, and peacefulness. Now we have thousands and thousands of airplanes flying over/near our home/neighborhood each week--day and night, some low, some high. There is almost constant airplane noise from large and small planes in our ears. This noise for us and our neighbors is tormenting...it is the theft of a prized possession ...peace ...quiet ...stillness.

We have overhead: large planes leaving Los Angeles International Airport; frequently, some large planes from possibly Burbank Airport; endless numbers of small aircraft on another airpath about 3,000 feet above our home/neighborhood, and never-ending small aircraft flying about 1,000 feet on visual flight paths. There are also some helicopters.

These "armies of airplanes" used to fly higher or elsewhere until 1 to 1-1/2 years ago. In residential areas such as ours, all small aircraft should fly at 5,000 to 6,000 feet so as to not disturb the quiet earth people. Large planes can fly above these levels. Airplanes have the whole sky; we have only the ground. FLY HIGH. The sheer number of small, private planes necessitates their flying higher for the sake of peace.

150-115. Jean Gaines, Memphis, TN: This letter is my own comment and is no part of the Oaklawn Civic Club's. From morning, around 11:30 a.m. until 5:30 p.m., we are constantly getting noise from aircraft. The noise is so great at night we are kept awake by the rattle of windows; pictures sometimes fall from the walls. The dust and especially fuel fumes are sometimes unbearable when you walk outside.

Our property value has greatly decreased and is constantly going down because of the uncertainty of our neighborhood. No one wants to buy these houses because of the uncertainty of the neighborhood.

We seem to get no help from any agency because no one wants the responsibility of the problem. I, along with Oakhaven residents, would like some answers about the noise study and environmental study be made a part of the study as to the answers of when they will be made.

150-116. Howard and Leslie Dugan, Memphis, TN: The noise, pollution, and general deterioration of our neighborhood is beyond belief. We are closer to the airport than any neighborhood in Memphis and yet we are the ones whose name is rarely mentioned in meetings, et cetera. Also, the few times we have had any discussion it sounds as if the M.E.A. plans to take part of the community and leave a few streets as is. This is ridiculous. Please help.

150-127A. Jane Benjamin, Memphis, TN: I'm writing again concerning the noise of the airport. Hope this letter will do some good. People I have written to before haven't. We live in Oakhaven. Both of us have heart problems. Noise wakes us up at night and every morning between 3:00 and 4:00 o'clock. I have to get up at 4:30 to go to work. We have our windows rattle a lot. The noise is a problem.

In the summer, you can't be outside and talk or visit any more because of the noise problem we are having. My husband had to retire because of health. It's not a neighborhood we can enjoy anymore.

When they complete the third runway, it's going to be worse.

If there is anything you can do, please think of the people in Oakhaven. We are not trying to stop progress in any way. We just want to be considered and would like a response from you all. Is there anything you can do for us?

150-129. Barbara Loader, Memphis, TN: I wanted to write you my comments on the expansion of the Memphis International Airport. First, the noise is almost constant, even during the night while we are trying to sleep. We are also getting dust and fuel fumes at times, plus vibration from aircraft. Secondly, and very important to most homeowners here, is the fact that the value of our houses is depreciating so rapidly, due to the above conditions. I would like to request a noise survey and environmental study be made in the Oakhaven area.

Comment Number 28-150.

Neighborhood/Airport Education

150-10. Peter Soderquist, Airport Director, City of Scottsdale, AZ: Another suggestion that may be worth looking into would be a set aside of a certain amount of funds to be used for neighborhood/airport education. As we all know, education is key to resolving noise issues. At Scottsdale it is the cornerstone of our noise abatement effort. Having the funds as well as suggested educational strategies and/or videos, produced as a byproduct of the Part 150 process, could be instrumental in easing long standing noise problems.

150-32. Gary Adams, Division Director, Arizona Department of Transportation, Aeronautics Division, Phoenix, AZ: However, funds should also be allocated for educational purposes. Many of the noise problems surrounding the airports are not within the 65 Ldn but within the 55 Ldn and lower. Even though these complaints are due to single event noise problems or are merely perceived noise problems due to residential location near the airports, these issues must be addressed. It is mandatory that airports educate the citizenry, airport users, and their local governments regarding the procedures that are currently in place in order to mitigate noise problems. These groups should also be made aware of the planning processes and the functions of the Federal Aviation Administration, Airport Sponsor, Airport Commissions, Airport Noise Abatement Committees, Airport Users, et cetera.

150-47. Julie H. Ellis, Managing Director, Senior Attorney, Federal Express Corporation, Memphis, TN: A uniform educational program on the varied issues to be addressed by the Part 150 Advisory Group must become a prerequisite prior to commencement by the consultant and the Advisory Group of its Part 150 efforts.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: Another key provision that we believe is important is a requirement that the Noise Compatibility Program include establishment of a public outreach activity by the airport. At a minimum this would comprise a "noise contact office" that would receive and be responsive to complaints from the public and otherwise be responsible for the ongoing education and information exchange with the public concerning airport noise and the Part 150 plan. We believe that the regulation should encourage major airports to install a multi-station noise monitoring system, with visual displays, in the surrounding area. Such a system can greatly enhance the airport's outreach program.

150-152. Kathleen Wortel, Mayor, Pat R. Danial, Chairman, Blue Ribbon Committee, Airport Issues, Village Trustee, Village of North Syracuse, NY: Provision should be made for the education of interested residents in regard to their rights and resources. In conducting the study, many feel that the City followed the letter of the FAA regulations, but certainly not the spirit. There seemed to be lacking an effective vehicle for making all residents aware of their rights and opportunities. Many of us who were interested enough and willing enough to put time and energy into in the project have had to be self-educated--no easy task in light of the esoteric nature of the research and reading required for worthwhile input. The public education process concerning this issue is a long one and one that needs to evolve over a long period of time, especially when information is denied citizens (we are still waiting for a copy of the Airport Traffic Record, FAA Form 7230-1). We are finding that, even in the best of circumstances and with the most cooperative of airport officials, by the time residents could gather, digest, organize, and consider information, the study would have already been completed and sent; this is frustrating, to say the least.

Comment Number 29-150.

Aviation Noise Abatement Act of 1976

150-10. Peter Soderquist, Airport Director, City of Scottsdale, AZ: Those tasked with modification of the Part 150 program be reminded that, as best that can be determined, "residents and prospective residents" are not aware of their responsibilities attendant to the Aviation Noise Abatement Policy of 1976. More reference should be made of this in the development of the study. Those that are interested in the airport and its noise problems will closely follow the Part 150 process. The process should seek to educate people that the airport <u>and</u> neighboring residents share in solving the problem.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: AOCI believes that the Part 150 process cannot be improved upon unless a larger step is taken; that being the amendment of the Airport Safety and Noise Abatement Act of 1979. Until this Act is amended to

provide a mechanism by which states provide both control and enforcement of land use activities within the noise impacted area, no noise compatibility planning program can insure that the Part 150 goal of "achieving the highest practicable degree of noise compatibility between airports and their environments while minimizing the burdens of those involved in the process" will be met.

Comment Number 30-150.

Affected Jurisdictions as Cosponsors to Part 150

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: Airports that have noise contours of Ldn 60 or greater that extend into other communities or jurisdictions should be required to have those affected jurisdictions as cosponsors to the Part 150 study. This would insure equal representation, assurance that important issues are appropriately studied, and that all noise mitigation ideas are considered. Locally elected officials in impacted communities should be notified that a Part 150 is being considered and should determine if their City will participate in the PART 150 study.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: The planning process should be made flexible enough to meet the needs of both the proprietor and the surrounding communities. This goal would best be served by cosponsorship of the Part 150 study by airports and communities alike.

150-104. Betty Ann Kane, Chairman, Committee on Noise Abatement at National and Dulles Airports, Metropolitan Washington Council of Governments: Our second point addresses the question of participation in Part 150 studies. As currently constituted, FAR Part 150 is a "proprietor's" program. It is voluntary, and regulations include very limited guidance as to the nature of community participation/consultation required. It is the sense of the Committee that the Part 150 planning process would be enhanced if airport proprietors and nearby communities were true "joint venture" partners in this process from the very beginning. A more meaningful dialogue for the resolution of issues would be achieved under such an arrangement.

150-151. Tom Burdett, AICP, Senior Planner, Planning Division, City of Colorado Springs, CO: Consider a requirement that airport's impact areas overlapping different jurisdictions be required to sign an intergovernmental agreement for implementation of the Part 150 study. This measure would promote inter-jurisdictional cooperation between cities and counties. As we all know, implementation is the key to the success of the Part 150 Program. In areas like Colorado Springs where the airport is owned by a municipality, it is important to have the county not only adopt the Part 150 noise contours but sign an intergovernmental agreement to guarantee implementation of that planning program. In the Pikes Peak Region, the county is committed to the protection of the Colorado Springs Municipal Airport as is the City of Colorado Springs. I think it is important for the Federal or State Government to encourage inter-jurisdictional cooperation. It is possible that Regional Council of Governments could be the vehicle to arbitrate, draft, and present this agreement to the party local governments.

Comment Number 31-150.

Compliance Review of Part 150 Programs

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: FAA or some other federal branch should be required to conduct a compliance review of the Part 150 plan. If proposed goals are not attained, then require the airport proprietor to pay back federal funds used, or restrict the airports ability to use other funding sources for airport expansion until compliance with Part 150 goals is accomplished.

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: FAA or some other federal branch should be required to conduct a compliance review of the Part 150 plan. If proposed goals are not attained, then require the airport proprietor to pay back federal funds used, or restrict the airports ability to use other funding sources for airport expansion until compliance with Part 150 goals is accomplished.

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: FAA or some other federal branch should conduct a compliance review of the Part 150 plan as part of the program. Compliance assurance mechanisms should be included as part of the funding for the program.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: To ensure that mitigative actions proposed in a Noise Compatibility Program actually be implemented, we recommend a requirement that an airport operator execute a legally binding agreement to carry out all mitigative actions proposed in the noise Compatibility Report. A key feature of this requirement would be establishment of a compliance monitoring (or"Report Card" system), as mentioned in the text above.

150-148. Peter Englemann, Washington, DC area: Compliance with Federal noise regulations should be mandatory, not voluntary.

Comment Number 32-150.

Active Participation of FAA Air Traffic in Part 150 Planning

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: The active participation of local FAA Air Traffic is necessary in the planning phases of the PART 150. This insures that consultant recommendations are reasonable and do-able; thus preventing sponsors or consultants from telling the public one thing knowing full well that the FAA cannot or will not comply. For example, sponsors proposing use constraints for a new runway by aircraft type, hours of operation, or flight procedures, knowing the FAA will not use the runway in that restrictive fashion.

150-58. Andrew S. Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: The success of noise compatibility planning under Part 150 will increase if all affected divisions of the FAA increase their commitment to the process. In particular, participation of FAA-ATC is vital during planning and during implementation. During planning, FAA-ATC participants should seek creative solutions to noise problems. They are in the best position to explore alternatives that involve runway use and airspace use. During implementation, FAA-ATC personnel must be committed to the success of the program. They control the noise exposure around the airport through control of runway use and departure routines. Until the FAA and the airport proprietor work as a team throughout planning and implementation, effective noise compatibility planning will fall short of its potential.

150-69. Charles M. Salter Associates, Inc., Consultants in Acoustics, San Francisco, CA: The FAA could provide additional technical assistance to FAR 150 studies. Specifically, an FAR 150 study often develops noise mitigation alternatives involving changes in instrument arrival or departure routes. The study team is reluctant to pursue these options if they believe that they might be unacceptable to the FAA. It would be most helpful if the FAA were able to lend some technical assistance in this area, specifically assessing the feasibility of alternative instrument departure and arrival routes.

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: ATC participation in the planning and implementation of the Part 150 study is vital to the success of the program. ATC must be committed to the planning efforts and control of aircraft around the airport in a means that represents the best efforts of all of the participants in the study. Without this commitment, the noise compatibility planning efforts are not worth pursuing.

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: The active participation of local FAA Air Traffic is necessary in the planning phases of the Part 150. This would insure that consultant recommendations are reasonable and do-able from the FAA's point of view.

Comment Number 33-150.

Yearly Mandatory Review/Penalties Issued for Noncompliance

150-2. Francis X. Flaherty, Mayor, Warwick, RI: Provide for program enforcement, perhaps with financial or regulatory actions. In addition, require the formation of Part 150 monitoring committees at each facility composed of opposing interests to help effect program compliance.

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: Airports should undergo a yearly mandatory review for compliance with the Part 150. Penalties, such as withholding of funds, should be levied for noncompliance. Airports should not have immunity from lawsuits if they do not conform to the Part 150.

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: Airports should undergo a yearly mandatory review for compliance with the Part 150. Penalties, such as withholding of funds, should be levied for noncompliance. Airports should not have immunity from lawsuits if they do not conform to the Part 150.

150-47. Julie H. Ellis, Managing Director, Senior Attorney, Federal Express Corporation, Memphis, TN: Further, the current program has no insurance against failure. An NCP can be approved, federal funds expended to pay for the study and the NCP, and then the local zoning board can rezone compatible airport property to noncompatible uses. The illustrating example recently reported is Islip, New York. This lack of controlled balance between airport use restrictions and land planning will continue to choke our national transportation system.

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: Airports should undergo a yearly review for compliance with the Part 150 as part of the approved Part 150 Program. Enforcement measures for program provisions should be included as part of the approved Part 150 Program.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: In addition, commitments by all appropriate participants to specific effective mitigating actions should be required before approval by the FAA. We also believe that the Part 150 regulation should include a requirement for an ongoing reporting system, so that the FAA can effectively monitor the implementation of the Noise Compatibility Program. The regulation also should address the actions to be taken by the FAA if the plan is not implemented in a timely fashion.

Comment Number 34-150.

Solve Existing Noncompatible Land Uses before Changing Zoning

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: The current Part 150 stresses changing zoning on land to bring it into compliance with "use vs noise." Airport proprietors should have to exhaust all other means of solving existing incompatible land uses before opting for zoning change as a resolution to the problem.

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: The current Part 150 stresses changing zoning on land to bring it into compliance with "use versus noise." Airport proprietors should have to exhaust all other means of solving existing incompatible land uses before opting for zoning change as a resolution to the problem.

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: Airport proprietors should be required to exhaust all other means of abating noise impact before recommending zoning changes.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: Particularly in the case of airports which are surrounded by established residential communities, all measures to control and reduce aircraft noise should be exhausted before any consideration is given to changing existing land uses. The right of airports surrounded by established communities to expand operations at the peril of the communities should not be assumed as inviolable. Overall limits on aircraft operations are legitimate noise control actions, especially in regions where alternative capacity is available or planned. Preventive land use planning should be encouraged where Part 150 programs are undertaken as part of the planning process for construction of new airports whose projected noise contours affect undeveloped land.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Require mandatory noise abatement measures (however, homeowners should not be required to sell their homes because of location in a Noise Zone) applying directly to aircraft or their operations. Enticements to convert to Stage 3 airplanes should be strongly encouraged.

150-125. Sandra J. Kelley, Coordinator, Noise Compatibility Program, Memphis-Shelby County Airport Authority, TN: More attention should be devoted to the effect of mitigation programs on the residential areas before such a program is started. Residents need assurances that problems would be addressed. Such problems include:

- Inability to sell a house in the noise affected areas.
- Maintenance of house and lot until a house can be purchased by the airport sponsor.
- Affect of acquisition programs on schools, churches and other areas that serve these residential areas.

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: The current Part 150 stresses changing zoning to bring land use into compliance. All operational alternatives should have been exhausted before zoning options are pursued in order to achieve compatibility.

Comment Number 35-150.

Airports with Noise Problems should Perform Noise Studies

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: Airports with a recognized noise problem should perform a Part 150 provided that: (a) there is a legitimate appeals process to the Part 150, and (b) the local community is a cosponsor.

Comment Number 36-150.

Annual Verification/Publication of Noise Contours

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: The largest noise contour identified and that is used as the basis for zoning, planning ordinances changes, should not be exceeded. Mitigation plans that would keep the contour in check should be a mandated part of the Part 150 study. Only then can a community be expected to control the use of land in and around noise-impacted areas. Noise contours should be verified yearly. If new contours deviate significantly from original Part 150 contours, then a Part 150 update should be undertaken.

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: Contours should be verified yearly to show the effects of the Part 150 program. If they show a significant adverse deviation from those in the original Part 150 study, an update should be undertaken.

150-56. William B. Shermer, President, Airport Coordinating Team, Inc., Severn, MD: Part 150 regulations must be revised to require annual updates of the NEM to ensure that the public is protected and that land use remains compatible. Any five year expansion of the noise zone in excess of 10 percent of projections should be grounds for curtailment of federal funding to the offending airport administrator, until the NEM is reduced through appropriate noise abatement measures other than governmental acquisition of affected residences.

150-91. Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: There is no requirement that annual or semiannual updates of these maps be made. The public has no way to compare noise conditions after the "Noise Abatement" procedures are introduced.

150-114. Mrs. Louis Bova, Glen Burnie, MD: (Neighbors Against Needlessly Noisy Airports, P.O. Box 1716, Glen Burnie, MD 21061): Flight Paths and Noise Zones must properly coincide with flight paths not straying outside of the set noise zones. These paths and zones must then be widely publicized, MANDATED BY LAW, included on all zoning and real estate maps for the protection of all current and future residents. NONCOMPLIANCE must be punishable by STIFF fines paid to the OFFENDED COMMUNITY for use by its residents.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Require uniformity in the generation of airport Noise Exposure Maps for all federally funded programs where the NEM applies. These maps should be updated annually with a predicted map for three (3) years into the future. This prediction is chosen because of its higher reliability than a five year one. BWI used a composite of 1987, 1993, and 1998 noise exposures for the generation of the 1988 Airport Noise Zone. Since BWI is participating in the Part 150 Program and the FAA requires a current and five year map, the 1988 Zone may not be acceptable. It would certainly be less expensive to require uniformity for all Federal programs. In this regard, ACT requested the SAA to provide an NEM for BWI converted into a total Stage 3

commercial airline airport for present operations. The request was denied because it was the SAA's position that this map was not useful for its programs and that funding was not available.

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: The largest present-case noise contour identified and used as the basis for zoning, planning ordinances changes, should not be exceeded. Mitigation plans that would keep the contour in check should be a mandated part of the Part 150 study. Only then can a community be expected to regulate land uses in and around noise-impacted areas.

Comment Number 37-150.

Land Use Controls

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: Airport proprietors should be required to exhaust all other means of abating noise impact before recommending zoning changes.

150-45. Vic Ellison, Mayor, City of Eagan, MN: A secondary of concern is the voluntary nature of the Part 150 Study elements. As a community which has provided a substantial area of compatible land use to absorb the impacts of the two principal runways at MSP, we are acutely aware of the relationship of operational standards to such land use if noise is to be effectively mitigated by it. Nothing within the Part 150 process requires airport or FAA consideration of the land use planning efforts of neighbor cities.

Comment Number 38-150.

Establish an Appeals Process for Minority Positions/Alternative Plans

150-12. Bill Ream, President, National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E. or NOISE), Washington, DC: An appeal process should be established to allow challenge to a Part 150 that has been submitted to the FAA for approval. This will allow minority positions to be considered even after the Part 150 sponsor has dropped an item from further consideration. The appeal process should also allow challenge to items submitted in the Part 150 but not approved by the FAA during the review process. There should also be an appeals process for Part 150 studies that have already been completed.

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: There should be an appeal process instituted so that minority positions can be considered. It should also allow challenges to items submitted but not approved by the FAA during the review process.

150-26. Keene G. Matsunaga (address?): In the event that alternative plans relating to the NEM and the NCR are not adequately incorporated in the airport operator's draft plan, then opportunity shall be given by the general public to

submit such alternative plan(s) directly to the FAA for consideration as an amendment to the airport operator's draft plan.

Finally, consideration of the interested public's view must be given to insure that the most comprehensive Airport Noise Compatibility Planning is developed. Incorporation of the interested public's view as developed and defined in an alternative NEM or a NCP is essential in this regard. Therefore, in the event that the airport operator's draft plan fails to adequately incorporate said alternative plan(s), then the interested public should be given the opportunity to submit said plan(s) directly to the FAA for consideration as an amendment to the airport operator's draft plan.

150-70. Lloyd B. Parr, Director of Aviation, Missoula Highway and Transportation Commission, Jefferson City, MO: During our observation of Part 150 studies we have noted real frustration on the part of local citizens who reside near the airport. In many cases they do not agree with all of the results of the study but feel powerless to do anything about it. Some perceive the study as nothing more than a series of applied formulas, the results of which tell them that if they are not within a 65 Ldn contour, they should not be bothered by noise. The consultant confirms this by pointing out that 65 Ldn is a Federal Aviation Administration (FAA) standard for acceptable noise. Many people cannot accept this but are simply told that's the way it is.

150-77. Citizens Air Rights, Allendale, NJ: To confiscate property without due warning, input and planned monetary compensation is a poor plan indeed, and also if I may, unconstitutional. To implement a plan with such severity, intensity, and enormous impact on thousands of people and numerous communities is an Airport Noise Compatibility Planning Program that needs to be reassessed.

150-88. Paul E. Tauer, Mayor, City of Aurora, CO: An appeal process should be established to allow affected communities and persons to challenge or modify a Part 150 noise compatibility plan prior to its final approval by the FAA.

150-90. Hayward Air Terminal, CA: FAA treatment of operational procedures in Part 150 Programs to date have been less than equitable. The FAA's outright rejection of any noise abatement procedures in the Part 150 Programs submitted has done damage to the FAA's and the local airports credibility. The FAA must provide some reasonableness in its review of operational noise abatement procedures.

150-107. Judy Hoffenkamp, Co-Chairman, Bensenville Environmental Protection Coalition, IL: Once a Part 150 has been undertaken, and the results are given to the FAA, the right of appeal should be granted. Too often a list of suggestions or recommendations is submitted and then summarily turned down by the FAA. Either that, or the FAA selects one or two of many recommendations, dismisses the rest, and no further options are left.

150-108. Carl Jacobson, Mayor, City of El Segundo, CA: The City of El Segundo suffered from this capricious action by the Airport Board and found ourselves under the FAA FAR Part 150 rules and regulations with no rights of appeal except legal action. (It may be worthwhile to note that we did, in fact, take legal action against both the FAA and Department of Airports to communicate our dissatisfaction with the current procedures.)

150-134. Joyce I. Babicz, City Planner, Co-Administrator for the Study, Ontario Planning Department, City of Ontario, CA: An appeal process should be established to allow challenges to a Part 150 that has been submitted to the FAA for approval. This will allow minority positions to be considered even after the Part 150 sponsor has removed an item from consideration. The appeal process should also allow challenges to items submitted in the Part 150 but not approved by the FAA during the review process. There should also be an appeals process for Part 150 studies that have already been completed.

150-140. Kathleen E. Stein-Hudson, Principal, Howard, Stein-Hudson, Boston, MA: An appeals process should be specified whereby affected parties, whether users, neighbors, or others who think their inputs and interests were improperly considered by the airport operator in the NCP can stop the FAA review and approval process and have the NCP returned for reconsideration.

150-146. Jack C. Green, Studio City, California: As long as these reports meet the form, format, and technical requirements established by the FAA, it appears that the Regional Administrator can approve the Part 150 study as submitted. This seems to be the case even though recommended items are not in the report (such as noise abatement) and public comments to the point accompany the reports. If this is true, is there a higher level that this can be appealed by affected, concerned citizens? If not, there should be.

Comment Number 39-150.

Have Sanctions on Airports that don't Comply with their Approved Part 150's

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: FAA or some other federal branch should be required to conduct a compliance review of the Part 150 plan. If proposed goals are not attained, then require the airport proprietor to pay back federal funds used, or restrict the airports ability to use other funding sources for airport expansion until compliance with Part 150 goals is accomplished.

150-25. Town-Village Aircraft Safety & Noise Abatement Committee, NY: Withholding of funds from airports that do not comply with the approved Part 150 program and there should be no immunity from lawsuits in such a case.

150-75. People Over Planes, Inc., Pleasant Hill, CA: The FAR Part 150 Program, as it currently exists, does not require the airport proprietor who sponsors such a program to implement any of the suggestions for noise mitigation which result from the Part 150 study. We recommend that the FAA determine which recommendations are feasible in each airport situation and impose sanctions on the airport proprietor who does not implement the FAA-approved plans within a predetermined timeframe. It is well known that a FAR Part 150 study imposes a measure of immunity from litigation by airport neighbors. To allow this immunity without implementation of protective measures recommended by the study is unfair to the public.

In addition, since the FAA is the authority for establishing noise standards, it must assume the responsibility for enforcing its standards as to airport proprietors and aircraft operators.

150-92. D. P. Letterman, Delta Airlines, Inc., Hartsfield Atlanta International Airport, Atlanta, GA: While it is understood that the Part 150 process is voluntary, Delta strongly believes some form of sanctions should be incorporated into the process. These would be intended solely to preclude airports which are involved in a Part 150 program from enacting local noise regulations which:

a. become effective prior to completion of the Part 150 process, or

b. include measures found unacceptable by the FAA.

Both have occurred and both make a sham of the Part 150 process.

150-109. Kenneth J. DeLino, Executive Assistant, City of Newport Beach, CA: The second suggestion is to provide some format for a binding commitment between the airport and its neighbors. The court approved Settlement Agreement between Newport Beach, affected homeowner's groups, and the operator of JWA has proved very successful not only in eliminating the acrimony normally found between such groups, but also in creating very real reductions in noise impacts as well as large increases in air service capacity. The long term and enforceable commitments embodied in such agreements provide a level of comfort to all parties, and insure that changing conditions or personnel will not undo hard fought compromises. Agreements of this type can eliminate the drawn out, running battles that typically accompany airport improvement projects. In our case, Newport Beach gained dramatic noise reductions and JWA gained an unhindered path for a fast track completion of a new terminal and a quadrupling of air service. Also, City tax revenues have been diverted to noise insulation and land acquisition programs for high noise impact areas near the airport. Similar arrangements at other airports might include any number of items normally included in Airport Noise Compatibility Planning. Accordingly, it is suggested that FAR 150 and its accompanying guidelines include an FAA-sanctioned format for implementing such agreements.

150-125. Sandra J. Kelley, Coordinator, Noise Compatibility Program, Memphis-Shelby County Airport Authority, TN: In addition, airports that did not comply with this would not be eligible for federal funding. (Comment stemmed from a concern over lack of land use controls near airports and a desire to ensure that additional incompatible land uses are not allowed to be developed once noise levels have been determined. In addition, it was felt that there need to be some pressure to require the establishment of local land use controls that would consider aircraft noise levels to alleviate continued development of incompatible land uses.)

Comment Number 40-150.

Other Environmental Problems: Fumes, Dust, Drainage, Smoke, Etc.

150-33. Paul Wheeler, Memphis, TN: Also, we are getting dust and fuel fumes a good part of the time due to being on the east side of Runway 36L-18R 18L-36R and on the south side of Runway 9-27. Prevailing wind being for the most part from south to west to north certainly is not in our favor. Also, vibration from aircraft is a big factor.

Comment Number 41-150.

Property Values

150-3. Carol Rita McGrath, Arlington Heights, IL: A hearty thanks for your Part 150 study. Back in August 1966 we moved into our home at 2657 Scott Street, Des Plaines, IL. As the years went by, air traffic at O'Hare increased, and increased, and increased. Well, you know that. I know I don't have to tell you that. But until you have had to live under planes taking off over your house every minute or so from 7 a.m. until 10 p.m., you really haven't experienced true suburban living.

Over the years I spent a lot of time attending various meetings on airplane noise. We filed numerous complaints with the noise hotline. But through it all we stayed in our house. We loved our home, our neighbors, our neighborhood, and our school system. We were close to our jobs.

And then came the Part 150 study. Newspaper articles emphasized the fact that once the noise map that was part of this study was published property values would go down as much as 30 percent. The fact that our house was under a runway made it almost certain to be in the devalued zone. We felt we HAD NO CHOICE but to move before that map was published. This was not a happy decision.

I had lived in Des Plaines since I was in second grade. I had no desire to leave it. After all, 2657 Scott Street was there long before O'Hare Airport. But we felt we had to move. And as long as we were moving, we decided to find a home much farther from the airport. So now I have a 30-35 minute rush hour commute and my husband's commute is up to 45-60 minutes. The interest rate on our new mortgage is double that of our old.

Do you know what you can do with your Part 150 study?

150-33. Paul Wheeler, Memphis, TN: The conditions in our community are not improving and the value of our property has constantly depreciated, much less what the noise, dirt, dust, fumes, vibration and loss of sleep has done to our health.

150-43. Lee Daniels, Illinois State Representative, 46th House District, and House Minority Leader, O'Hare airport area, IL: Federal Aviation Administration studies acknowledge that excessive airport noise affects

property values 1-3 percent per Ldn level above 65. The Part 150 stipulation regarding the filing of a contour map and the subsequent prohibition in seeking damages due to the noise for buyers of property concerns my constituents. In effect, the map "redlines" homeowners' property.

150-77. Citizens Air Rights, Allendale, NJ: To confiscate property without due warning, input, and planned monetary compensation is a poor plan indeed, and also if I may, unconstitutional. To implement a plan with such severity, intensity and enormous impact on thousands of people and numerous communities is an Airport Noise Compatibility Planning Program that needs to be reassessed.

Comment Number 42-150.

Accuracy of Noise Exposure Maps

150-33. Paul Wheeler, Memphis, TN: We believe the Ldn lines are in favor of the airport and have been unable to get the Health Department to give us any consideration for an environmental study of this area. We have been shifted from one agency to another as each disclaims responsibility for handling these problems. I would like to have some answers we could rely on so we could make some decisions for our future.

Comment Number 44-150.

Major Changes in the Airport or its Operations, without necessarily constricting aviation, but requiring significant to major economic outlays

150-44. D. M. Biddison, Des Plaines, IL: Develop more equitable usage of the two runways, disregarding the distance for taxiing, or the need for noise abatement.

Construct a solid, reflective barrier wall between the airport runways and the nearby residential areas of Isla Verde. The present, "natural" barrier of pine trees provides effective noise reduction.

Restrict airport usage of military aircraft, not equipped with noise reduction mechanisms.

Comment Number 45-150.

Guidelines on FAA Approval Process

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: There is a lot of ambiguity about the standards FAA applies in approving or disapproving a Part 150 study. Guidelines on the FAA approval process which clarifies the approval standards and public hearing process would be very useful for airport sponsors.

Comment Number 46-150.

Validity and Use of Ldn Noise Metric

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: The day-night noise level (Ldn) is much more sensitive to the aircraft mix--specifically to the noisiest aircraft in the mix--than to the number of operations. Consideration of the "annoyance factor" caused by increases in operations should be taken into account when interpreting Ldn values and determining the impacts on noise-sensitive land uses and population.

150-75. People Over Planes, Inc., Pleasant Hill, CA:
The Ldn measurement is inappropriate and unacceptable as a measurement of impact on surrounding neighborhoods. It does not take into account seasonal changes, heavy traffic times weighed against light traffic times, weather, land contours, etc. The FAA should choose another measurement system--either single event measurements or CNEL.

150-93. Joe Arciuch, Protect Our Property Committee, Torrance, CA: In theory, the proclaimed intent of Part 150 is to serve as a tool ostensibly to make airports compatible With surrounding communities. In practice, based on observation, Part 150 has become a political tool for increasing the capacity of existing airports. This is especially true of General Aviation Airports with an Ldn below 65 db.

150-96. J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: The Department recommends that language be included which will ensure that the Community Noise Equivalent Level (CNEL) used in California will continue to be recognized as an approved equivalent to the FAA's selected metric DNL (yearly day/night average sound level). Both noise descriptor methodologies are derived from the A-weighted sound level and are identical except for an evening hour penalty applied to the CNEL. The difference is typically less than one decibel, within the expected accuracy of measurement.

The Department is in the rulemaking process of amending the State Airport Noise Standards. Public hearings were held throughout the State and comments were solicited. Based on comments received, it was determined that the CNEL methodology represents a more accurate sensitivity to noise, particularly as it affects the California lifestyle, and will continue to be used. CNEL was developed in 1970, prior to Ldn, and has been used as
the California standard since that time. It should continue to be recognized and approved by the FAA, as it applies to funding of implementation of the compatibility programs through the Airport and Airway Safety and Capacity Expansion Act of 1987.

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: There is a substantial lack of public confidence in the use of the Ldn noise metric and noise contours as being representative of the noise effects that people will experience from airport operations. More validation is needed on the psychological effects of noise and the reasonableness on the Ldn contours in representing these concerns.

150-142. Gerald D. Patten, Associate Director, Planning and Development, U.S. Dept. of Interior, National Park Service: The data indicates that yearly day-night average sound is an inappropriate metric for use to categorize aircraft sound levels over units of the National Park System. Many visitors, especially those who go to more remote national park areas, expect to be able to escape the sights and sounds of modern life. Moreover, the Ldn metric as currently used fails to account for the very low ambient noise levels characteristic of most national park settings. Our research suggests that a far more appropriate metric would be deductibility.

It is our understanding that the Aviation Safety and Noise Abatement Act of 1979 was focused on impacts to communities. However, in 14 CFR 150, an Ldn level of 75 is stated as compatible with "parks" and other outdoor activities. We are not aware of any studies that support this assertion, and, in fact, our research indicates that Ldn of 75 is inappropriate for remote park areas. The Federal Aviation Administration (FAA) and the National Park Service (NPS) have both agreed to adopt much lower Ldn levels at Grand Teton National Park.

150-148. Peter Englemann, Washington, DC area: A major research effort should be initiated to reassess and, if necessary, modify the system currently used for determining the exposure of individuals to aircraft noise. (Selection of the Ldn metric limits in use seems both arbitrary and overly simple, apparently lacking in analytical basis by medical, psychological, or sociological professions.)

150-155. Jorge H. Berkowitz, Ph.D., Director, New Jersey Department of Environmental Protection: The FAA should review the use of the Ldn methodology as the tool of establishing noise annoyance. Some way should be found to massage the data when repetitive single events occur. Strategies should be investigated that use various Ldn timeframes such as hourly, 4-hour, 8-hour, Ldn, etc. These should be linked to public annoyance and ones chosen that most closely represent this annoyance.

Comment Number 47-150.

Require Community Assurances as a Condition to Receiving Federal Funding

150-121. Matthew J. Gill, Jr., Director, Rhode Island Department of Transportation: The inability of the airport operator to assure that compatible land use measures are undertaken. Zoning and modification of building codes to address airport noise concerns are outside the purview of the airport operator. Recommendations developed in the NCP relating to land use control cannot be implemented without the cooperation of local communities.

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO:

Communities need to be encouraged to avoid repeating the problems for which federal funding is sought to cure. Funding should be made conditional on assurances that past incompatibilities will not be repeated in the airport environs.

Comment Number 48-150.

Establish Guidelines as to the Economic and Other Consequences of the NCP

150-126. George F. Doughty, Director of Aviation, Stapleton International Airport, City and County of Denver, CO: Guidelines and examples need to be defined regarding what may or may not unduly burden interstate commerce, unjustly discriminate, or otherwise effect the legal standing of the noise compatibility program. Part 150 studies need guidance in this area if an effective program is to be developed. Guidelines on "economic impacts" need to be promulgated, as this is a very open-ended aspect of the Part 150 process.

Clarification is needed as to the extent to which economic impacts are a factor to be used in evaluating the effects of the noise abatement alternatives. The extent of the economic impact needs to be quantified as to when it becomes a consideration.

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: I recommend that, as part of the NEM/NCP planning process, airport sponsors be encouraged (and funding provided) to perform an economic benefit analysis-type study or to update a previous study in order to present the airport in a positive light as a valuable asset to the community and to the traveling public it serves. This type of study, with associated brochures, slide/video presentations, etc., documenting the results would be extremely helpful in putting the noise issue into a more balanced perspective before beginning to discuss the liabilities associated with airport activity.

Comment Number 49-150.

No Tightening of Restrictions on any Airport or Aircraft

150-13. Michael Truffer, [address?]: Here's one citizen that is concerned that operations at some airports are being unnecessarily curtailed by the complaints of nearby residents who moved into homes that were built long after the airport began functioning. If I lived near a freeway, train station, or busy harbor, I would expect to be bothered at times by the noise created by those modes of transportation. Airports are no different. In other words, I do not support the idea of tightening the restrictions put on airports--or the aircraft that use them--in such circumstances.

Comment Number 50-150.

Part 150 should address one time and unscheduled noise events

150-30. Barbara Tuleja, Chairperson, Airport Safety and Noise Committee, Community of Harbor Bay Isle, Alameda, CA: Part 150 did not address the single event noise levels generated by such supersonic flights as the Concorde which flies into Oakland Airport on an unscheduled time table, although both the City of Alameda and its citizens strongly object to this noise unnecessary encroachment.

150-89. City of Saint Paul, Office of the City Council, MN: The FAA should include in its Part 150 rules that local airport operators may not implement changes in runway use patterns at the airport as a noise mitigation effort unless such runway use changes were included as a noise mitigation strategy as part of the operator's Part 150 study. This change is necessary to prevent politically motivated and ill-conceived "runway use tests" of the kind most recently implemented at the Minneapolis-Saint Paul International Airport, without adequate consideration, environmental study or input from affected communities.

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: The metrics used to define aircraft noise (SEL) and cumulative noise impacts (Ldn) are generally accepted measures among the professional community involved in the Part 150 planning process. However, it is very difficult if not impossible to discuss noise metrics and the dynamics of aircraft noise in a meaningful manner to the general public without encountering some hostility based on a distrust of something not understood. I recommend that the FAA fund the purchase of enough aircraft Noise Demonstration Systems (in addition to those already acquired) and travel expenses for operators of the system in order to make them available to any airport sponsor with current or proposed involvement in the Part 150 process. This equipment has the proven ability to demonstrate various noise levels and other characteristics of aircraft noise to both large and small audiences in ways the layperson can understand.

Comment Number 51-150.

Perform Wind Direction Velocity Study for Runway Use Analysis

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: Wind Study for Runway Use Analysis--A primary weakness in the accuracy of many Noise Exposure Maps is the determination of how an airport's runways were used over the study period. A common technique used to determine runway utilization is to perform a brief survey (2-3 weeks) in conjunction with interviews of ATC personnel. This technique can often result in less than accurate assumptions for runway use in developing the INM input file than is otherwise available. I recommend that, as a uniform format for presenting this information, a wind direction/velocity study, based on National Weather Service Data or other sources, be performed and combined with established runway use practices to determine estimated runway utilization. Information from other sources (e.g., ATC flight strips, ATC logs, flight tracking, etc.,) could be used to supplement or substitute wind data if it is available.

Comment Number 52-150.

Have Uniform Measure of Population Impacts

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: Uniform Measure of Population Impacts--A uniform method for determining population impacts should be required for evaluating

NEM's. I recommend that households (or residential units) be physically located, counted and a population per household factor derived by census tract data be applied to households within a specified noise contour to determine impacted population.

Comment Number 53-150.

Independent Submittal of Noise Exposure Maps

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: As noted earlier, we believe that the NEM's should be submitted separately from the NCP's.

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: Independent Submittal of NEM's--The existing Conditions Noise Exposure Map should be reviewed and accepted by the FAA before any tasks associated with the Noise Compatibility Program could begin. This is recommended to protect the sponsor from delays associated with the review and consultation processes of the NCP phase of the Part 150 process that could render the existing conditions NEM out-of-date. The future conditions NEM should be submitted with the NCP and should reflect the anticipated results of the implementation of recommended elements of the NCP.

Comment Number 54-150.

Airport Sponsors should Determine Which Alternatives Should be Evaluated to Address Noise Problems

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: No set list of alternatives required for analysis should be kept with the revision of Part 150. Airport sponsors should have the latitude to determine what measures can and should be evaluated to address specific noise problems. Recommended alternatives would remain subject to the FAA's evaluation criteria. Guidelines for evaluating certain alternatives based on particular noise problems can be recommended by the FAA through an Advisory Circular.

Comment Number 55-150.

Noise Compatibility Plans Should Not Require Approval by the FAA

150-88. Paul E. Tauer, Mayor, City of Aurora, CO: Any noise compatibility plans which arise from the Part 150 studies should <u>not</u> require approval by the Federal Aviation Administration.

150-90. Hayward Air Terminal, CA: Establish uniform procedures regarding airport established and FAA-approved noise abatement operational procedures. These already approved procedures should not be jeopardized and should remain in effect regardless of the status of the Part 150 program.

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: Supplemental/Accelerated Funding--Without a federal policy on the retirement/retrofit of Stage 2 aircraft, there is no national incentive for air carriers to remove these aircraft from their fleets. Unfortunately, Stage 2 aircraft are the primary cause of current airport noise problems as were Stage 1 aircraft before their desire. It would be fair for Stage 2 aircraft operators to bear the major burden of the Part 150 program costs and to pay this cost, an Environmental Impact Fee should be assessed against Stage 2 aircraft operations (e.g., takeoffs). The fees collected can be used to supplement regular NCP discretionary funds. Nighttime operations (10 p.m. to 7 a.m.) would be assessed a fee 10 times the regular fee as weighted by the Ldn calculation. This impact fee would serve a twofold purpose by 1) encouraging the use of Stage 3 aircraft, particularly at night and 2) supplementing and/or accelerating the funding of approved NCP projects.

Comment Number 56-150.

Part 150 Should Require Better Analysis of General Aviation Operations Impacts

150-74. Robert L. Wonder, Assistant City Manager, City of Alameda, CA: We disagree "that general aviation operations "contribute very little to the cumulative noise exposure" near the airport (page 6-19). Nighttime operations off North Field are particularly troublesome.

Comment Number 57-150.

Part 150 Should Require Noise Budgets

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): A noise budget should be accepted as a legitimate noise mitigation measure in a Part 150 submittal.

150-74. Robert L. Wonder, Assistant City Manager, City of Alameda, CA: Finally, we disagree that the establishment of a noise budget is unwarranted if that means no funds will be sought for the purchase and installation of permanent noise monitoring devices.

150-107. Judy Hoffenkamp, Co-Chairman, Bensenville Environmental Protection Coalition, IL: Once the largest noise contour has been identified, the burden of staying within that contour must rest with the owner of the airport. We have been told repeatedly that, with technology as we know it today, aircraft <u>will</u> not become any quieter. Knowing this, airports can and should restrict their growth and expansion so as not to further impact areas surrounding them. Some cities, such as Boston and Chicago, have long established residential areas surrounding them which have been in existence since before the time of air <u>travel</u>. Since we find it morally objectionable to ask these communities to rezone long standing residential areas, there should be some alternative, such as soundproofing of homes, heavily funded by the FAA, to compensate these people for the inconvenience they have suffered as a result of the "new" technology that gave them an airport.

Comment Number 58-150.

Require Part 150's to be Updated in a Timely Manner

150-75. People Over Planes, Inc., Pleasant Hill, CA: The current program lacks requirements for updating the FAR Part 150 Program. This oversight should be corrected, and each FAA-approved plan should be scheduled for update in an appropriate timeframe--for example, every five years. It is especially important to look into how noise contours have changed during the intervening years.

Comment Number 59-150.

The Noise Model Should Consider Human Response to Aviation Noise.

150-75. People Over Planes, Inc., Pleasant Hill, CA: Computer programs must take into account land contours, types of aircraft mixes, seasonal demands on airport use, frequency of overflights, and other characteristics of each individual airport. The human response to noise and annoyance (generated by factors like pitch, ambient noise, frequency of aircraft overflights, etc.) should be given due consideration in the process.

Comment Number 60-150.

Part 150 Should More Specifically Address "Quality of Life" Issues

150-43. Lee Daniels, Illinois State Representative, 46th House District, and House Minority Leader, O'Hare airport area, IL: In conclusion, I believe that the Part 150 process should be revamped to identify the concerns of the citizens rather than the airport operators' and be more considerate of the balance sheets of the local homeowners rather than those of the airlines'.

150-75. People Over Planes, Inc., Pleasant Hill, CA: Citizens living under flight paths and near airports in this area feel that the FAA FAR Part 150 Program, as it currently stands, benefits airlines and airports, but does nothing to protect people on the ground from excessive, intrusive noise in their homes, schools, and neighborhoods. As a result, the quality of life in airport environs is deteriorating with the increase of aircraft activity brought on by deregulation and increasing aviation needs. The irony of the situation is that the FAA's FAR Part 150 program is supposed to protect the citizen on the ground from noise. We urge the FAA to address the quality-of-life questions raised by airport neighbors, since the FAA is the ultimate governing authority for aviation in this country.

150-77. Citizens Air Rights, Allendale, NJ: Prior to the implementation of the Expanded East Coast Plan, most residents in this area had very little reason to be considered an airport neighborhood, the air traffic was almost nonexistent. Since implementation these communities, although at least 23

miles or more from any major airport, and without prior input, are now subjected to all of the health hazards, stress, and loss of property values one would expect when moving into an area close to an airport. Airport Noise Compatibility Program? We doubt that very much.

150-78. Natalie Provo-Thompson, Halim Provo-Thompson, Timothy James Ruth: My family and I reside in Meadowlark Estates which is impacted by the increased use of Hartsfield International Airport. Because of the decreasing quality of life here we have joined the community's petition to be included in the Airport Noise Exposure Map and the Aviation Noise Abatement Policy. We are also soliciting support from the Mayor of East Point, our State and U.S. Representatives.

150-125. Sandra J. Kelley, Coordinator, Noise Compatibility Program, Memphis-Shelby County Airport Authority: More attention should be devoted to the effect of mitigation programs on the residential areas before such a program is started. Residents need assurances that problems would be addressed. Such problems include:

- Inability to sell a house in the noise affected areas.
- Maintenance of house and lot until a house can be purchased by the airport sponsor.
- Affect of acquisition programs on schools, churches and other areas that serve these residential areas.

Comment Number 61-150.

Extend the Compatibility Planning Process to All Areas Affected by Aviation Noise, Beyond Areas Normally Considered to be Airport Neighborhoods.

150-77. Citizens Air Rights, Allendale, NJ: Prior to the implementation of the Expanded East Coast Plan, most residents in this area had very little reason to be considered an airport neighborhood, the air traffic was almost nonexistent. Since implementation these communities, although at least 23 miles or more from any major airport, and without prior input, are now subjected to all of the health hazards, stress, and loss of property values one would expect when moving into an area close to an airport. Airport Noise Compatibi1ity Program? We doubt that very much.

Comment Number 62-150.

Some Aspects of Part 150 can be Disruptive and may Cause the Avoidance of the Part 150 Process, While the Airport's Noise Problems could be Significantly Addressed by Other Means.

150-81. American Association of Airport Executives, Charles M. Barclay, Executive Vice President: The Part 150 process also provides the opportunity for a potentially disruptive and counterproductive review of issues that, while related to noise mitigation, may be peripheral to the goals outlined above. For example the City of Houston does not have local zoning ordinances. Airport

officials are hesitant to undertake a Part 150 process on the grounds that zoning would become the focus of the process--and an enormously disruptive and expensive review of that issue would result.

If Houston were to seek federal funds for noise mitigation purposes, however, aviation officials are nonetheless willing to demonstrate a substantial noise evaluation process with appropriate actions toward noise mitigation--thereby addressing the concerns that the Part 150 requirement is designed to address.

A Part 150 study should not be the only means for a community to demonstrate the assurances that the Federal Government rightfully insists upon before committing federal dollars to noise mitigation efforts. We believe that if an airport can demonstrate a substantial noise evaluation process with appropriate actions toward a noise mitigation or reduction program then federal funds should be made available for its implementation.

Comment Number 63-150.

Incorporate the State's Enabling Legislation into Part 150 and Make the Follow-Through Provisions Eligible for Federal Funding.

150-84. State of Michigan, Department of Michigan, Robert E. Addy, Administrator, Airport Development Division, Bureau of Aeronautics: The existing Part 150 program does an excellent job in identifying noncompatible land use problems, but not a good job in helping to prevent land use compatibility problems from occurring. We believe a better approach would be to incorporate state's enabling legislation provisions within the Part 150 Program as preventive and followup measures and make them eligible for federal participation. This would be a full circle coordinated effort at the Federal, State, and local levels.

150-109. Kenneth J. DeLino, Executive Assistant, City of Newport Beach, CA: Provide some format for a binding commitment between the airport and its neighbors. The court approved Settlement Agreement between Newport Beach, affected homeowner's groups and the operator of JWA has proved very successful not only in eliminating the acrimony normally found between such groups, but also in creating very real reductions in noise impacts as well as large increases in air service capacity. The long-term and enforceable commitments embodied in such agreements provide a level of comfort to all parties, and insure that changing conditions or personnel will not undo hard fought compromises. Agreements of this type can eliminate the drawn out, running battles that typically accompany airport improvement projects. In our case, Newport Beach gained dramatic noise reductions and JWA gained an unhindered path for a fast track completion of a new terminal and a quadrupling of air service. Also, City tax revenues have been diverted to noise insulation and land acquisition programs for high noise impact areas near the airport. Similar arrangements at other airports might include any number of items normally included in Airport Noise Compatibility Planning. Accordingly, it is suggested that FAR 150 and its accompanying guidelines include a FAA sanctioned format for implementing such agreements.

Comment Number 64-150.

Incorporate Other Computer Programs Into Part 150

150-84. State of Michigan, Department of Michigan, Robert E. Addy, Administrator, Airport Development Division, Bureau of Aeronautics: Incorporate the use Landrum-Trak (Land Use Compatiblity Computer Program) into Land Use and Noise Compatibility Section.

Comment Number 65-150.

The ISIS System Should Be Integrated Into the Part 150 process.

150-84. State of Michigan, Department of Michigan, Robert E. Addy, Administrator, Airport Development Division, Bureau of Aeronautics: In order to give residents clear examples of the types of aircraft noises that they are exposed to and to provide a comparative analysis with other types of noises; the Interactive Sound Information System (ISIS) developed by Dr. David Dubbink should be implemented as a part of the Noise Compatibility Program.

Comment Number 66-150.

Part 150 Programs Should Include Estimates of the Costs of Hush Houses and Estimates of Structural Soundproofing.

150-84. State of Michigan, Department of Michigan, Robert E. Addy, Administrator, Airport Development Division, Bureau of Aeronautics:

More examples of "hush houses" and the costs.

Cost estimates for soundproofing by type of structure.

Comment Number 67-150.

Identification should be made of sources of ground runup noises.

150-84. State of Michigan, Department of Michigan, Robert E. Addy, Administrator, Airport Development Division, Bureau of Aeronautics: Clear identification early in the process of sources of ground runup noises.

Comment Number 68-150.

Delete Provisions for an Airport to Receive Immunity from Suit after Publication of its NEM unless it is to be Followed up with an NCP.

150-85. City of Brighton, CO, Samuel V. Gos'ez, Mayor: Airports with existing noise problems should continue to receive FAA Grant Funds, but as a

condition of award, a percentage of these funds should be earmarked specifically for noise mitigation and correction of existing noise problems. These noise problems should be addressed through the Part 150 and no immunities granted as a result of publishing a Noise Exposure Map without specific performance standards to be complied with. These performance standards and accomplishments of same would be utilized to determine continued eligibility for future FAA Grant Funds.

150-91. Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: Publishing so called "Noise Maps" without any commitment by either the FAA or the Airport operator to make noticeable reductions in noise levels.

150-108. Carl Jacobson, Mayor, City of El Segundo, CA: The City of El Segundo has taken exception to the FAA's granting of nuisance suite immunity to the airport operator upon submittal of a Part 150 Map. Given these circumstances, we feel the airport operator should have an obligation to explain the implications of filing the map to the local community.

Comment Number 69-150.

Have Expedited Funding for Residences which are and will Remain within the DNL 75 Contour.

150-85. City of Brighton, CO, Samuel V. Gos'ez, Mayor: Any FAA grant funds should be tied to airport performance in addressing or mitigating noise issues raised through comment by local government.

150-87. Regional Airport Authority, Louisville, KY: While areas inside the 65 or 70 Ldn contours are undoubtedly affected by the airport noise, it is those residences inside the 75 Ldn contour which should have the highest priority. A separate, expedited method of dealing with these most severely affected residences is desperately needed. The funding for the purchasing of these properties should receive the highest priority for the limited FAA dollars available for noise related purchases. This expedited process should be based on Noise Exposure Maps prepared using FAA-approval methods without having to complete a full-blown Part 150 study.

150-124. Sandra Kelley, Noise Coordinator, Memphis-Shelby County Airport Authority, Memphis International Airport, Memphis, TN: Noise mitigation programs may be delayed until the program is approved making it difficult for the airport sponsor to contend with an anxious public. After public meetings held in conjunction with Part 150, the public is often expecting something to happen immediately following the completion of the study. If mitigation programs are delayed, it hurts the credibility of the program. In addition, no federal funding can be obtained until the review process is complete.

Comment Number 70-150.

Refunding Stalled Part 150 Planning Projects

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: Consideration should be given toward allowing sponsors who have had Part 150 planning projects "go sour" and yet desire to complete the study to submit grant application for additional funds to finish the project.

Comment Number 71-150.

Consideration of Frequency of Noise Events.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: This annoyance from increases in aircraft operations is certain to magnify in the future as more Stage 3 aircraft are incorporated into the airlines' fleet. Although aircraft operations at a particular airport may increase substantially over the years, it is expected that the noise exposure area, as based on Ldn values, will decrease with more Stage 3 aircraft in the mix. Therefore, "frequency" of overflights, rather than specific Ldn values, will probably take on much greater importance in the future. The FAR Part 150 process should provide the flexibility to measure and assess this upcoming issue.

150-135. Robert N. Broasbent, Director of Aviation, Clark County Dept. of Aviation, Las Vegas, NV: Upon review of our noise exposure maps for 1987 and 1992, there was very little difference between the two maps. This is primarily because the increase in aircraft operations is offset by an increase in the percentage of Stage 3 aircraft. While this has also been happening in the past, we have noticed an increase in the number of noise complaints. This indicates that residents located around the airport are concerned with the frequency of aircraft overflights as well as overall noise levels. They notice the quieter aircraft, but are concerned about the number of operations.

Existing regulations do not allow for the consideration of frequency of noise events. This problem will increase as the national Stage 3 fleet increases, with the theoretical result of less noise impacts.

Comment Number 72-150.

Revise Definition of "Significant" to Mean an Increase of 3 dB Ldn or More.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: Section 150.21(f) provides limitations for people to recover noise damages unless certain significant changes occur. In Section 150.21(d), "significant" is defined as, "A change in the operation of an airport [which] creates a substantial new noncompatible use if that change results in an increase in the yearly day-night average sound level of 1.5 dB or greater in either a land area which was formerly compatible but is

thereby made noncompatible under Appendix A (Table 1), or in a land area which was previously determined to be noncompatible under that Table and whose noncompatibility is now significantly increased."

Research in acoustics has shown that most people cannot perceive a change in noise levels of less than 2 decibels (dBA) and more probably, 3 dBA. Moreover, (a) without a permanent noise-monitoring system in place, it would be difficult, if not impossible, for an airport operator or an affected resident, to determine if a 1.5 Ldn increase has occurred; (b) noise exposure maps, as developed through the INM, are probably within a tolerance of +1.5 Ldn; (c) variations in daily operations could cause a 1.5 Ldn difference or more from one day to the next; and (d) flight tracks used in the INM are averages and deviations from those tracks from one day to the next could also result in 1.5 Ldn or more differences.

Therefore, it is suggested that "significant" be defined in FAR Part 150 to mean an increase of 3 Ldn or more. It is also suggested that FAA Order 5050.4A be amended as well.

150-135. Robert N. Broasbent, Director of Aviation, Clark County Dept. of Aviation, Las Vegas, NV: Upon review of our noise exposure maps for 1987 and 1992, there was very little difference between the two maps. This is primarily because the increase in aircraft operations is offset by an increase in the percentage of Stage 3 aircraft. While this has also been happening in the past, we have noticed an increase in the number of noise complaints. This indicates that residents located around the airport are concerned with the frequency of aircraft overflights as well as overall noise levels. They notice the quieter aircraft, but are concerned about the number of operations.

Existing regulations do not allow for the consideration of frequency of noise events. This problem will increase as the national Stage 3 fleet increases, with the theoretical result of less noise impacts.

Comment Number 73-150.

When Appropriate, the Part 150 Process and any NEPA Processing should be Done Jointly.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: In general, we believe that more effective noise compatibility could be achieved if the regulation were tied into the National Environmental Policy Act (NEPA) process. We have encountered cases in which the Part 150 process and the NEPA process, as implemented with an Environmental Impact Statement (EIS) seem almost to be at odds with each other. For example, in one instance, we were advised by an airport consulting contractor that the alternative analysis in the EIS analysis was limited in order to avoid "preempting" certain mitigative actions that were expected to be addressed later in a Part 150 study. We find that many Part 150 actions are undertaken without any reference to, or consideration of, the NEPA requirements; and conversely, for many airport changes that entail an environmental document (EA or EIS), the airport operator either ignores the potential utility of invoking a Part 150 action or hinges the entire proposed mitigation activity on the subsequent development of a Part 150 Airport Noise Compatibility Program.

EPA contends that, in a situation of this sort, the two processes must be performed concurrently. Similarly, we strongly maintain that a commitment to do a Part 150 plan is not, of itself, sufficient mitigation in the NEPA process in connection with an airport expansion project.

By requiring an EIS for any significant change in an airport's facilities or operations (including implementation of mitigative actions under a Noise Compatibility Program) in the context of a mandatory Part 150 plan for all commercial carrier airports, the FAA would ensure coordination of these two key processes aimed at protecting the public from excessive aviation noise.

Comment Number 74-150.

Proposed NCP's Should Present Discussions of All Noise Mitigation Actions Proposed.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: As a result of reviewing a number of Part 150 Noise Compatibility Reports, we also would suggest that the regulation clearly state that each proposed Noise Compatibility Program present a detailed discussion of all noise mitigation actions proposed. The proposed program of "mitigation" must not consist only of "considering" actions, but must commit to appropriate actions. In addition, commitments by all appropriate participants to specific effective mitigating actions should be required before approval by the FAA.

Comment Number 75-150.

Airport Operators Should be Required to Execute Legally Binding Agreements to Carry Out All Approved Mitigative Actions.

150-96. J. F. Maloney, Chief Deputy Director, State of California, Dept. of Transportation: The Department is interested in offering any assistance possible in improving the Part 150 process in order to achieve the highest degree of noise compatibility between airports and their environs. Completion of a Part 150 study has been a condition of granting a variance from the California Airport Noise Standards at several airports.

150-109. Kenneth J. DeLino, Executive Assistant, City of Newport Beach, CA: Provide some format for a binding commitment between the airport and its neighbors. The court approved Settlement Agreement between Newport Beach, affected homeowner's groups and the operator of JWA has proved very successful not only in eliminating the acrimony normally found between such groups, but also in creating very real reductions in noise impacts as well as large increases in air service capacity. The long term and enforceable commitments embodied in such agreements provide a level of comfort to all parties, and insure that changing conditions or personnel will not undo hard fought compromises. Agreements of this type can eliminate the drawn out, running battles that typically accompany airport improvement projects. In our case, Newport Beach gained dramatic noise reductions and JWA gained an unhindered path for a fast track completion of a new terminal and a quadrupling of air service. Also, City tax revenues have been diverted to noise insulation and

land acquisition programs for high noise impact areas near the airport. Similar arrangements at other airports might include any number of items normally included in Airport Noise Compatibility Planning. Accordingly, it is suggested that FAR 150 and its accompanying guidelines include a FAA sanctioned format for implementing such agreements.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: To ensure that mitigative actions proposed in a Noise Compatibility Program actually be implemented, we recommend a requirement that an airport operator execute a legally binding agreement to carry out all mitigative actions proposed in the noise Compatibility Report. A key feature of this requirement would be establishment of a compliance monitoring system.

150-146. Jack C. Green, Studio City, CA: Part 150 studies are participated in by local concerned citizens, representatives of the surrounding political jurisdictions, employees of the company hired to provide technical support and staff members of the airport authority. During the Burbank Airport Part 150 study, the people involved (excepting employees) contributed their time for a period of approximately 36 months. They did so with the sincere purpose of trying to improve the area.

Comment Number 76-150.

Provide Funding for Soundproofing Non-Public Buildings.

150-136. Richard E. Sanderson, Director, Office of Federal Activities, EPA, Washington, DC: In order to provide some measure of relief to residents of noise-impacted areas, we suggest that the regulation provide for funding for soundproofing of significantly-impacted noise-sensitive receptors, even though they may not be public buildings (including, in particular, residential structures).

Comment Number 77-150.

Part 150 Should Clarify that its Standards do not Apply to National Parks.

150-142. Gerald D. Patten, Associate Director, Planning and Development, U.S. Dept. of Interior, National Park Service: The FAA should indicate that the standards identified in 14 CFR 150 do not apply to national parks. The NPS looks forward to participating with the FAA in studies mandated by Public Law 100-91, as well as in the potential development of new standards that will help mitigate the impacts of aircraft sound on national parks.

Comment Number 78-150.

FAA Should Approve Part 150 NEM's Simultaneously with the NCP.

150-15. Harry E. Mitchell, Mayor, City of Tempe, AZ: The FAA should approve Part 150 noise contour maps simultaneously with the recommendations for the

Part 150 plan. Tempe disagrees with the current policy of approving the contour maps ahead of time.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: The airport proprietor and cosponsors should be required by the FAA to develop the noise reduction plan simultaneously with the drawing of the baseline noise contour map. Maps should not be submitted for approval until a concrete plan to achieve and enforce noise reduction is complete and approved by all affected communities.

150-91. Loren J. Simer, President, National Airport Watch Group, Minneapolis, MN: We make strenuous objections to publishing so called "Noise Maps" without any commitment by either the FAA or the airport operator to make noticeable reductions in noise levels.

Comment Number 79-150.

Move from "Consultation Process" to a Philosophy of Joint Development and Operation of Part 150 Programs.

150-16. T. Michael McDowell, City Manager, City of College Park, GA: The philosophy of FAA in improving the Part 150 planning process should move from a "consultation process" between the airport sponsor and neighboring communities to a philosophy of joint development and operation of Part 150 programs. This would eliminate the approach that is taken so often whereby the airport sponsor feels that they are "doing their neighbors a favor" by moving forward with a Part 150 program implementation rather than an acknowledgement that the airport sponsor is merely meeting basic environmental obligations to its neighbors. A community which is adjacent to an airport is much better able to understand the needs, aspirations, and concerns of its constituents and should be able to exercise the option of direct administration of a Part 150 program including direct administration of program activities and funding. We would suggest that should the airport sponsor and a neighboring community agree to choose these options, that an airport neighbor be given the opportunity to directly administer an airport acquisition, relocation, soundproofing, air easement acquisition, or other type of program rather than requiring the program to be administered directly by the airport sponsor as the only option. This would increase the credibility and effectiveness of a Part 150 program treatment.

150-106. Eliot R. Cutler, Adams County, Colorado: As a general matter, the County and the Cities believe that the Part 150 process should be restructured to ensure that it is a truly cooperative effort on the part of the FAA, the sponsor and other <u>affected</u> <u>communities</u>. The process should encourage negotiation and compromise toward the goal of balancing the national interest in an efficient air transportation system with the local concern of the affected communities over the adverse impacts of noise. More particularly, the County and the Cities believe that certain aspects of the Part 150 process should be revised to improve the quality and effectiveness of the resulting noise compatibility programs.

150-109. Kenneth J. DeLino, Executive Assistant, City of Newport Beach, CA: The second suggestion is to provide some format for a binding commitment between the airport and its neighbors. The court approved Settlement Agreement

between Newport Beach, affected homeowner's groups and the operator of JWA has proved very successful not only in eliminating the acrimony normally found between such groups, but also in creating very real reductions in noise impacts as well as large increases in air service capacity. The long-term and enforceable commitments embodied in such agreements provide a level of comfort to all parties, and insure that changing conditions or personnel will not undo hard fought compromises. Agreements of this type can eliminate the drawn out, running battles that typically accompany airport improvement projects. In our case, Newport Beach gained dramatic noise reductions and JWA gained an unhindered path for a fast track completion of a new terminal and a quadrupling of air service. Also, City tax revenues have been diverted to noise insulation and land acquisition programs for high noise impact areas near the airport. Similar arrangements at other airports might include any number of items normally included in Airport Noise Compatibility Planning. Accordingly, it is suggested that FAR 150 and its accompanying guidelines include a FAA-sanctioned format for implementing such agreements.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: SFO is located entirely within San Mateo County. It is owned and operated by the City and County of San Francisco. Airport noise has been a major issue in the vicinity of the airport for many, many years. For the past seven years, the County, through its Board of Supervisors and Planning staff, has been an active member of the Airport/Community Roundtable, an organization created to address airport noise impacts and related airport issues (see attachment). In this role the County has had ample opportunity to participate in issues associated with the implementation of effective noise mitigation measures.

150-125. Sandra J. Kelley, Coordinator, Noise Compatibility Program, Memphis-Shelby County Airport Authority, TN: More attention should be devoted to the effect of mitigation programs on the residential areas before such a program is started. Residents need assurances that problems would be addressed. Such problems include:

- Inability to sell a house in the noise affected areas.
- Maintenance of house and lot until a house can be purchased by the airport sponsor.
- affect of acquisition programs on schools, churches and other areas that serve these residential areas.

150-152. Kathleen Wortel, Mayor, Pat R. Danial, Chairman, Blue Ribbon Committee, Airport Issues, Village Trustee, Village of North Syracuse, NY: FAA regulations should provide communities with a meaningful role, a decisionmaking voice in regard to the development and noise abatement measures of neighboring airports, including control of monies available for these purposes.

Comment Number 80-150.

Restudy of Noise Contours due to Changing Conditions.

150-9. Louise E. Miller, Salt Lake City Airport Authority, UT: Each Noise Compatibility Program that is developed should include INM contours that reflect the changes in compatibility that are expected as a result of the noise mitigation actions contained in the NCP. Approval of an NCP should also include approval of INM contours that reflect the mitigation efforts of the

NCP. The contours that are developed in the NEM documentation for the five-year future conditions may not always be appropriate. This is because the NCP recommends new procedures and noise abatement measures that when implemented will change both the base case and future case contours that were developed in the NEM documentation phase of the Part 150 process.

150-16. T. Michael McDowell, City Manager, City of College Park, GA: Our experience indicates that the Noise Contour Maps developed pursuant to a Part 150 planning process have little credibility as Part 150 efforts continue to evolve and grow over a period of years. The FAA philosophy seems to be that Noise Contour Maps and Contour Measurements are "carved in stone" once they are originally established by airport sponsors. The regulations, as currently established, discourage efforts by independent citizen groups, neighboring community governments, or others to establish contrary noise measurement techniques and reports that could invalidate or at least call into serious question noise measurements that are originally established as the basis for the Part 150 planning process. Noise measurements and noise contours do change according to numerous factors that are well known to FAA. Those changes are not always to the benefit to the airport sponsor in terms of enlarging the scope or intensity of a Part 150 Noise Mitigation Program. We believe that a consideration needs to be given to establishing and implementing a mechanism whereby community governments and citizen groups have the opportunity to normally question or protest noise contours, perhaps within as early as a time period of two years of their original establishment, in order to implement the process of a restudy of noise contours due to changing conditions. Of course, the citizen group or neighboring government should have some tangible evidence of the invalidity of established noise contours, however, an airport neighbor should not be required to conduct a full blown noise study in order to question the validity of noise contours. The requirement of a specific methodology in order to even question the validity of Part 150 Noise Contours represents a system that is totally biased in favor of the airport operator. FAA is familiar with the history of independent noise studies undertaken on behalf of the City of College Park which called into serious question the validity of noise contours at Hartsfield Airport; even though the studies did not follow the preordained methodology prescribed by FAA through the Part 150 process. We believe that this obstacle to questioning established noise contours should be changed in order to give airport neighbors the opportunity to effectively challenge the environmental noise measurements within their community. We have no specific recommendations for the mechanisms under which this can be undertaken but we do believe FAA should seriously consider providing the opportunity for a challenge to establish noise contours by airport neighbors.

Comment Number 81-150.

Once FAA Approves an NEM, They Should Not be Able to Make Permanent Airspace Changes that would Eventually Change the Boundaries of the Contours.

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): Because local communities base their land use decisions on noise exposure contours, once FAA approves noise exposure contours, they should not be able to make permanent airspace changes that would eventually change the boundaries of the contours.

150-89. City of Saint Paul, Office of the City Council: The FAA should include in its Part 150 rules that airport operators may not implement changes in runway use patterns at the airport as a noise mitigation effort unless such runway use changes were included as a noise mitigation strategy as part of the operator's Part 150 study. This change is necessary to prevent politically motivated and ill-conceived "runway use tests" of the kind most recently implemented at the Minneapolis-Saint Paul International Airport, without adequate consideration, environmental study or input from affected communities.

Comment Number 82-150.

Air Conditioning Should be Included as a Part 150 Noise Mitigation Item.

150-20. Walter H. Rockenstein II, Chairman, Metropolitan Aircraft Sound Abatement Council (MASAC): Air conditioning should be included as a Part 150 noise mitigation item.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: Despite a recent FAA interpretation of current guidelines, it is not clear whether air conditioning is eligible for federal funding.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: Expand the definition of soundproofing to include residential and other noise-sensitive uses, not just public buildings. In order for soundproofing to be effective, central air conditioning, in addition to a mechanical ventilation system, should be included and be eligible for Airport Improvement Program (AIP) funding. Without air conditioning, windows must be left open for long periods, thus defeating much of the benefit to be derived from the soundproofing. To date, there has not been consistency in regard to the eligibility of air conditioning in the various FAA regions. A single policy should be adopted and consistently applied throughout the country.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: Expand the definition of soundproofing to include residential and other noise-sensitive uses, not just public buildings. In order for soundproofing to be effective, central air conditioning, in addition to a mechanical ventilation system, should be included and be eligible for Airport Improvement Program (AIP) funding. Without air conditioning, windows must be left open for long periods, thus defeating much of the benefit to be derived from the soundproofing. To date, there has not been consistency in regard to the eligibility of air conditioning in the various FAA regions. A single policy should be adopted and consistently applied throughout the country.

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defeating much of the benefit to be derived from the soundproofing. To date, there has not been consistency in regard to the eligibility of air conditioning in the various FAA regions. A single policy should be adopted and consistently applied throughout the country.

Comment Number 83-150.

FAA has Denied Approval of Use Restrictions; If FAA Does Not Want Use Restrictions, Remove Them from Consideration.

150-23. William F. Morgan, [address?]: The FAA states that the Part 150 process is a balanced approach for mitigating the noise impacts of airports on their neighbors while protecting or increasing both airport access and capacity. The FAA action to date has consistently denied approval of those elements of Noise Compatibility Plans which include restrictions on the use of the airport even though these alternatives must be considered to comply with paragraph B150.7(b)(5).

If these alternatives are viable in concept, the FAA should include detailed examples of the methods for justifying the Use Restriction portions of the Noise Compatibility Plan.

If they are not viable, the whole purpose and intent of the Part 150 process is lopsided in that it deals with land use conversion as the sole means of achieving compatible land uses. Let's call a spade a spade; if the FAA does not want to include Use Restrictions in the process, then remove them from consideration and rename it, more appropriately, the Airport Land Use Conversion Plan.

Use Restrictions dealing with fleet mix and night operations can actually increase noise based capacity at airports. The number of complying flights could be increased without increasing the noise impacted areas. In all probability, these areas would actually be reduced.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: FAR Part 150 and the FAA checklist contain noise compatibility program alternatives that <u>must</u> be reviewed and analyzed, but if recommended in the program, they are typically rejected by the FAA as being inconsistent with FAA policy, interfering with interstate commerce, discriminatory, etc. The three most notable examples are curfews, differential landing fees, and preferential runway use programs. The alternatives to be reviewed should be a suggested list and not mandatory. Intuitively, many of the alternatives would either be legally, politically, or operationally unacceptable at a particular airport, and it is inefficient and not cost effective to evaluate such alternatives. Also, at smaller airports or in airport environs that are sparsely populated, many of the alternatives are irrelevant to the situation and need not be considered.

Comment Number 84-150.

Part 150 Must be Subordinate to Part 36.

150-5. Jack Shannon, President, Shannon Engineering, Inc., [address?]: It greatly concerns me that the stated purpose of Part 150 is noise compatibility "between airports and their environs." Part 36, a costly and rigorous regulation to assure noise standards for aircraft, is not mentioned. Lest we create a utopia of litigation as to whether dBA's determined by a community under the guidelines of Part 150 offend EPNL's determined by the Federal Government under Part 36, it seems logical that Part 150 must he subordinate to Part 36; and that should be so stated.

150-50. Howard Stanback, Ph.D., Commissioner, Department of Aviation, The City of Chicago, IL: The FAA should indicate which noise mitigation measures are considered unacceptable relative to interstate commerce and air service considerations. By obtaining such a listing in advance of reviewing all noise mitigation measures, the airport operator can avoid costly and time consuming review of measures that ultimately would be rejected by the FAA.

150-107. Judy Hoffenkamp, Co-Chairman, Bensenville Environmental Protection Coalition, IL: Once a Part 150 has been undertaken, and the results are given to the FAA, the right of appeal should be granted. Too often a list of suggestions or recommendations is submitted and then summarily turned down by the FAA. Either that, or the FAA selects one or two of many recommendations, dismisses the rest, and no further options are left.

150-119. Katy Geissert, Mayor, City of Torrance, CA: During the Part 150 process, the FAA should not constrain a local airport proprietor from initiating corrective noise mitigation measures by imposing assurances that limit a proprietor's flexibilities.

Comment Number 85-150.

An Airport Proprietor Which Has Received Federal Funds Should Not Allow Local Airport Restrictions Unless All procedures of Part 150 are Complied With.

150-82. Robert P. Silverberg, Condon & Forsyth, Attorneys for Airborne Express: To date, Airborne's experience with the Part 150 process has been less than satisfactory. Despite the fact that the FAA has authority to fund the preparation of a Part 150 program (S 103(b)(1) and [2) of the Aviation Safety and Noise Abatement Act of 1979 ("ANSA")) consisting of an FAA-approved Noise Exposure Map (NEM) and an approved Noise Compatibility Program (NCP), airport sponsors of such program often seek to avoid the rigors of the regulatory process. Specifically, Airborne finds most unsettling the practice of some airport proprietors to obtain federal funds to initiate a Part 150 program only to adopt airport noise restrictions which impair carrier operations (and often nighttime cargo operations) based on elements of an NCP prior to FAA acknowledgement that the airport's NEM is in compliance with Part 150 (FAR # 150.21(c)); or that the airport's proposed NCP is evaluated and determined to meet the requirements of Part 150 (FAR # 150.31; @ 150.33; @ 150.35]. These airport operators intentionally short-circuit the Part 150

approval process despite the often extensive community and carrier involvement in the program. Of course, carrier participation and assistance is provided with the understanding that a proposed NEM and NCP will be submitted for FAA concurrence and another round of public comment. This FAA review is integral to the entire process. Airborne strenuously objects to this increasingly widespread airport practice and urges Part 150 be amended to preclude an airport proprietor, which has received federal funds or has an approved grant application under # 103(b)(2) of ANSA, from adopting local airport restrictions unless all of the procedures of Part 150 are complied with, including, but not limited to, FAA review of the NEM and NCP.

Comment Number 86-150.

Federal Funds Should Not Await Final FAA Approval of an NCP

150-88. Paul E. Tauer, Mayor, City of Aurora, CO: Adoption and implementation of a noise compatibility plan by an airport proprietor/operator, which plan has not been approved by the Federal Aviation Administration, should not result in deprivation of any federal funds to the involved airport. While Part 150 Program contains an excellent procedural mechanism to study noise impacts of airports, and to implement noise compatibility plans, but the implementation of such plans should not be subject to a veto by the Federal Aviation Administration.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: Performance based noise programs are often a key factor in the adoption of the NCP. Because control of this type of program depends on locally imposed noise abatement regulations, they are regularly "disapproved" when the FAA reviews the NCP. The ability to control existing and future noise levels is vital to the assurance of the following:

- That the analysis and assumptions used in the technical study work are, in fact, achieved.

- That the future technology delivers the noise relief that is sought.

- That increases in aviation activity or changes in operating procedures do not result in ever increasing noise exposure.

150-119. Katy Geissert, Mayor, City of Torrance, CA: During the Part 150 process, the FAA should not constrain a local airport proprietor from initiating corrective noise mitigation measures by imposing assurances that limit a proprietor's flexibilities.

Comment Number 87-150.

Part 150 Should Approvals and Disapprovals Should be Accompanied by Specific Reasons.

150-9. Louise E. Miller, Salt Lake City Airport Authority, UT: When an NCP has been submitted for review, and the FAA concludes that "no action" will be

taken concerning a specific element of the proposed program, the FAA should be required to explain why "no action" was taken and detail the specific information or additional analysis that must be undertaken to change the status from "no action" to either "approved" or "not approved." Once an NCP is submitted for review, every proposed element should have a final determination of "approved" or "not approved" and not be left with a final determination of "no action."

150-90. Hayward Air Terminal, CA: Establish uniform procedures regarding airport established and FAA-approved noise abatement operational procedures. These already approved procedures should not be jeopardized and should remain in effect regardless of the status of the Part 150 program.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: AOCI recommends that FAA, in its response to an airport's NCP, explain why "no action" was taken and detail the specific changes that must be made to change the status from "no action" to either "approved" or "not approved."

Comment Number 88-150.

Add Another Land-use Classification, such as "Qualified Compatible."

150-9. Louise E. Miller, Salt Lake City Airport Authority, UT: Consideration should be given to add another classification of land use compatibility such as "qualified compatible" to the existing categories of "compatible" and "noncompatible." Since the Part 150 regulation requires that all noncompatible land uses within the noise contours be identified, (Appendix A, Part B, A150.101 (e) (5)), it is necessary to know whether each structure has the appropriate noise level reduction (between 20-35 dB) in those portions of buildings where the public is received, offices or other noise-sensitive areas (see Appendix A, Table 2). Since it is not the intent, nor within the scope of the Part 150, process to examine the structural make up of each building, it is not always possible to conclude whether a structure is, or is not, compatible.

Comment Number 89-150.

Regional Airport Authorities which Control Two or More Airports Should Address Part 150 Matters in Terms of Joint Resources Available to Them.

150-145. Eric Cronquist, President, Citizens for the Abatement of Aircraft Noise. Inc., (CAAN), Washington, DC: Because of the additional flexibility which regional airport authorities, which control two or more airports, are likely to have, they should be required to address Part 150 matters in terms of the joint resources available to them. Not only can they address the "access and capacity" concerns of their metropolitan areas with additional leverage by reason of the variable nature of their multiple airports, but they can rigorously steer the solution to their overall noise problems in the direction of those air facilities which are best capable of absorbing them, and away from

those facilities with special sensitivities and limitations. This would be in line with the instruction by Congress, as reported to us, "to take into account special circumstances at certain airports."

Comment Number 90-150.

High Volume Traffic Airports in Urban Areas Should be Subjected to More Rigorous Noise Control Criteria.

150-145. Eric Cronquist, President, Citizens for the Abatement of Aircraft Noise. Inc., (CAAN), Washington, DC: CAAN would underscore the "special circumstances" likely to be found at high volume traffic airports in urban areas. These could be defined as airports with over 10,000,000 passengers annually and with any of the following peculiarities of site location, which should subject them to more rigorous noise control criteria (such as use of 55 Ldn, rather than 65) than would be justified at state-of-the-art airports with lower traffic densities. Such site particulars would include:

a. the airport is located so close to the center of the urban area that the extremity of any jet runway is less than four miles from the acknowledged geographical "point zero" of that metropolitan area.

b. the airport has no crosswind or secondary jet runways to assist in a reasonable dispersion of sound by the dispersion of takeoffs and landings.

c. a more normal pattern of flight dispersion is restricted within 10 miles of takeoff or landing by reasons of building heights, other geographical hazards, or airspace restrictions because of security restricted zones.

d. the airport is adjacent to areas where land use is already so developed that retroactive improvement of any importance is simply economically impractical.

e. the airport is in the immediate vicinity of major public institutions incapable of protection from noise pollution such as first-rank national memorials with heavy public traffic use factor incapable of diversion.

Comment Number 91-150.

Develop Standards for Noise Produced by Aircraft Engaged in Reverse Thrust While on the Ground.

150-27. Sherman Landfield, Arlington County Civic Federation: Reverse thrust is a bad problem here (National Airport), especially at night, and not even measured.

150-145. Eric Cronquist, President, Citizens for the Abatement of Aircraft Noise. Inc., (CAAN), Washington, DC: Furthermore, CAAN submits that, while aircraft are monitored and rated for noise levels on takeoff and landing by published standards, there appears to be no standard for handling noise produced by aircraft engaged in reverse thrust while on the ground. This source of urban noise pollution is especially conspicuous during sleeping hours and ignored enough in routine noise control procedures to require additional attention in the current review.

Comment Number 92-150.

Part 150 Study Should be Appropriate for the Airport.

150-154. Honorable Jon R. Zappola, Village of Liverpool, NY: As we come to consider the Part 150 study and its stated purpose more deeply, some residents have raised some very basic questions about its application here at Hancock. We have come to understand the study as "the primary Federal regulation guiding and controlling planning for aviation noise compatibility on and around airports" (as stated in the Federal Register). This description suggests that the study is used to facilitate land use patterns bordering airports in order to avoid and to lessen noise problems. We are suggesting that the use made of the study at Hancock was a misapplication of the Part 150 regulations, and for this reason: for many of the neighborhoods, there is nothing that can be done to avoid or lessen the noise problem. Many of the homes in these neighborhoods predate the airport; virtually all of them predate the 'airport explosion' over the past four years. No one probably will be able to provide any substantial land use control change to make these areas more compatible!" The stated intention of the Part 150 process is to influence land use problems. In the case of Syracuse's Hancock, the Part 150 study appears misdirected.

Comment Number 93-150.

Part 150 should ensure that noise impacts to wildlife resources are minimized.

150-153. Director, Fish and Wildlife Service, Washington, DC: The Part 150 regulations should include provisions to ensure that noise impacts to important wildlife resources and lands administered by the Service are minimized or avoided to the greatest extent practical. These regulations should make reference to the Service's compatibility determination requirements under 50 CFR 29, whenever right-of-way easements are required or adverse impacts, such as noise, could occur to a national wildlife refuge.3. The regulations should reference the l984 Interagency Agreement and incorporate the principles of that agreement into the regulations.

Comment Number 94-150.

Ratification and Implementation

150-2. Francis X. Flaherty, Mayor, Warwick, RI: In addition to the FAA and proprietor, require the host community to ratify the final Part 150 program and commit to its timely implementation.

150-121. Matthew J. Gill, Jr., Director, Rhode Island Department of Transportation: Zoning and modification of building codes to address airport noise concerns are outside the purview of the airport operator. Recommendations developed in the NCP relating to land use control cannot be implemented without the cooperation of local communities.

Comment Number 95-150.

Methodology for Determining Whether an Increase in Operations is Significant.

150-43. Lee Daniels, Illinois State Representative, 46th House District, and House Minority Leader, O'Hare airport area, IL: I believe that the methodology for determining whether an increase in operations is significant and requires a new contour map with a new set of prohibitions against seeking damages due to noise may have the tendency to be capricious. My past experiences in dealing with a biased airport operator have shown this to be true.

Comment Number 96-150.

Need for Flexibility for Mitigative Efforts Outside the NEM contours.

150-45. Vic Ellison, Mayor, City of Eagan, MN: The preceding items raise a third concern which pertains to the need for flexibility within the Part 150 process for targeted mitigative efforts outside of the noise exposure map contours if it can be demonstrated that such efforts would serve the purposes of the Part 150 Study. In particular, the City of Eagan has an isolated neighborhood of 108 homes which lies between the extended centerlines of the principal runways at MSP. Because the neighborhood is surrounded by commercial land use, it receives the bulk of all traffic at MSP, including virtually all late night traffic. The combination of its distance from the airport and the peculiarities of the Ldn metric leave it just outside of the area which may receive funding for land use correction or mitigative expenditures.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: FAR Part 150 requires that the alternatives and the recommended measures be "quantified" in terms of the benefits expected. In many cases the benefits, which are typically expressed in the reduction of incompatible land uses or the number of people exposed to Ldn 65+, may be small or cannot be accurately quantified. Although such measures may be perceived by the public as important, they are sometimes disapproved by the FAA because of lack of evidence of significant benefit. The criteria need to be changed to allow greater flexibility in defining benefit, especially with respect to public relations value.

Comment Number 97-150.

Different Types of Part 150 Programs for Air Carrier and General Aviation Airports.

150-90. Hayward Air Terminal, CA: Establish separate and distinct Noise Compatibility Programs depending on the Airports Classification in the National Transportation System. For example, a greater degree of input and study would be required of an air carrier airport as opposed to a general aviation airport. This would expedite the time required to complete a Part 150 program and encourage more airports to participate.

150-119. Katy Geissert, Mayor, City of Torrance, CA: Establish two distinct Part 150 Noise Control Programs, one for commercial carrier airports and another for general aviation airports. Set differing Ldn levels for commercial carrier airport and lower Ldn standards for general aviation airports.

Comment Number 98-150.

States Land Use Control within the 65 Ldn Aarea.

150-98. Industry Task Force on Airport Capacity, Improvement and Delay Reduction: Until a mechanism is devised which will lead to control by the states of land use within the 65 Ldn area, no noise compatibility planning program can insure that the Part 150 goal of "achieving the highest practicable degree of noise compatibility between airports and their environments while minimizing the burdens of those involved in the process" will be met. The Working Group Report, presented to the Administrator on September 25, 1987, recognized this fact and recommended that the Federal Government: (1) Encourage the states to accept responsibility for creating Airport Environmental Protection Areas (AEPA) which would become responsible for implementing and enforcing compatible land use and noise mitigation measures for non-airport property within the 65 Ldn, (2) Provide the guidelines for the operation of such areas, and (3) Tie a state's transportation funding to its timely implementation of the AEPA.

Comment Number 99-150.

INM Timeliness.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: Consideration should be given to expanding the Integrated Noise Model (INM) data base to include more types of general aviation and military aircraft. Many of the noisier general aviation aircraft, such as Beavers, Otters, AOCATS, etc., are not in the INM and, therefore, noise exposure maps prepared for general aviation airports may not have the same degree of accuracy as those prepared for air carrier airports. Similarly, the noise exposure maps prepared for civil or joint-use airports with a high percentage of military operations (particularly training) may not be as accurate as they should be.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD:

Require uniformity in the generation of airport Noise Exposure Maps for all federally funded programs where the NEM applies. These maps should be updated annually with a predicted map for three (3) years into the future. This prediction is chosen because of its higher reliability than a five year one. BWI used a composite of 1987, 1993, and 1998 noise exposures for the generation of the 1988 Airport Noise Zone. Since BWI is participating in the Part 150 Program and the FAA requires a current and five year map, the 1988 Zone may not be acceptable. It would certainly be less expensive to require uniformity for

all Federal programs. In this regard, ACT requested the SAA to provide a NEM for BWI converted into a total Stage 3 commercial airline airport for present operations. The request was denied because it was the SAA's position that this map was not useful for its programs and that funding was not available.

Comment Number 100-150.

Approval of Airport Use Restrictions Criteria.

150-47. Julie H. Ellis, Managing Director, Senior Attorney, Federal Express Corporation, Memphis, TN: Federal approval of any aircraft use restriction should be based on a review of whether the restriction:

a. constitutes a burden on interstate commerce;
b. is unjustly discriminatory;
c. reduces the level of aviation safety;
d. adversely affects the efficient use of the navigable airspace;
e. adversely affects any process of responsibility of the Administrator
f. regulates the rates, routes, and services of any air carrier.

Comment Number 101-150.

Part 150 Should Allow for an Estimated Noise Exposure Map.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: The Noise Exposure Maps prepared under FAR Part 150 are for the last full calendar year before submission and for the calendar year five years following submission. In addition to the last full calendar year, the process should allow for an estimated map for the year of submission, especially if it is being submitted late in the year or if there were significant changes (number of operations, day/night split, runway use, fleet mix, etc.) in the interim.

For airports that have substantial conflicts with the neighboring communities, completion of an FAR Part 150 program can take two years or more and the base noise exposure map can be obsolete by that time.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Require uniformity in the generation of airport Noise Exposure Maps for all federally funded programs where the NEM applies. These maps should be updated annually with a predicted map for three (3) years into the future. This prediction is chosen because of its higher reliability than a five year one. BWI used a composite of 1987, 1993, and 1998 noise exposures for the generation of the 1988 Airport Noise Zone. Since BWI is participating in the Part 150 Program and the FAA requires a current and five year map, the 1988 Zone may not be acceptable. It would certainly be less expensive to require uniformity for all Federal programs. In this regard, ACT requested the SAA to provide a NEM for BWI converted into a total Stage 3 commercial airline airport for present operations. The request was denied because it was the SAA's position that this map was not useful for its programs and that funding was not available.

Comment Number 102-150.

Use of the Five Year NCP Map Should be Defined.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: We recognize that FAA permits existing population estimate on future maps. However, there should be additional clarification regarding the five-year recommended program contour (when developed). That is, should individuals/households be subtracted if they are sound-insulated, purchased, in a purchase-guarantee program, et cetera?

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: The five-year noise exposure map should be defined in FAR Part 150 as the map which may, together with other appropriate maps as described above, be used in developing noise mitigation programs, such as land acquisition and soundproofing. The "official" five-year map (which may be a revision of the original map, assuming an earlier version was previously submitted to and approved by the FAA) should also reflect the recommended noise abatement procedures as recommended in the noise compatibility program.

Comment Number 103-150.

Use of detailed street base maps.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: There is inconsistency among the FAA regions with respect to the detail to be portrayed on the base maps used for the noise exposure maps. According to FAR Part 150, land uses must be shown and incompatible uses identified. In highly urbanized areas, it is difficult and expensive to depict a detailed street base, land uses, and noise values on one map that is readable. Some airport operators have used U.S.G.S. maps as a base and they have been accepted by the FAA, although the map may be 10 or more years out of date and is often generalized in subdivisions.

If a detailed street base is to be required, it is suggested that (a) a current street base be used and (b) only contours be displayed on the base. A separate, more generalized base with land uses and noise contours would supplement the detailed map. In lieu of a detailed street map, consideration could be given to depicting the contours on a current aerial photo map.

Comment Number 104-150.

Designating Noise Exposure Areas and Interpreting Incompatible Land Uses.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: Table 1 in Appendix A of FAR Part 150 states, "The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise

contours rests with the local authorities." Nevertheless, attempts by airport operators to develop programs based on noise of less than Ldn 65 or on single event data are often met with great resistance by the FAA. Alternately, in communities where there has been no perceived problem by residents living in an area exposed to noise of Ldn 65 to 70 and the recommended programs are based on the Ldn 70 area, the FAA may object that the program is insufficient because it did not deal with the "entire" noise exposure area as defined in FAR Part 150.

It is suggested that airport operators and affected communities be given greater latitude in interpreting incompatible land uses and in designating noise exposure areas. A uniform standard is impractical. For example, in the southwest where windows are kept open much of the year and outdoor activity occurs year round, a lower Ldn value may be more appropriate than around an airport in a northern climate where houses are well insulated and people spend more time indoors. Another critical guideline is the density of surrounding development. In low density rural areas, people are often much more sensitive to aircraft noise intrusions than in high density urban areas where the ambient noise level is equal to or greater than the Ldn created by aircraft operations.

In conjunction with the above, it is also suggested that greater latitude be given to airport operators in implementing noise abatement measures for general aviation operations. At air carrier airports, the noise created by general aviation is usually overridden by the air carrier operations in the INM. Nevertheless, in some communities, the "annoyance" caused by these general aviation operations (particularly early morning, nighttime, and weekend training) far outweigh the problems associated with the air carrier aircraft noise. Recommendations to reduce this annoyance are often met with resistance by the FAA because (a) the people reside in areas exposed to noise levels of less than Ldn 65, (b) the noise exposure area is not reduced, and (c) there are no perceived benefits as defined in terms of compatible uses as used in Table 1 of Appendix A of FAR Part 150.

Comment Number 105-150.

FAA Should Address Issue of Avigation Easements and Make a Determination on the Compatibility of Properties Where Easements are Obtained.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: The FAA should address the issue of avigation easements and make a determination on the compatibility of properties where easements are obtained. In locations where remedial programs are called for to mitigate the noise problem, some structures may not be suitable for soundproofing, already contain sufficient insulation, do not meet code requirements, or the owner does not elect to participate in the program. In such cases, as well as for those where the granting of easements is required as part of the zoning, subdivision, or building permit process, avigation easements should be considered a suitable remedy for achieving compatibility.

In addition, the FAA should establish a policy in regard to the granting of avigation easements to airport operators in return for the cost of providing remedial programs, such as soundproofing. It is questionable whether an airport operator should spend public money on private property without receiving some assurances that its liability in any future litigation has been significantly reduced.

Comment Number 106-150.

Reviews Should be Done at the Regional Level.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: Review and tentative approval should be done at the regional level where involved FAA personnel are more familiar with the particular airport situation. Final headquarters approval should continue to be required, but that review should be based on confirming that the recommendations in the program are consistent with national policy and are legally sound. Headquarters personnel should only be involved in the review of the recommended program and not the analysis of the alternatives.

Comment Number 107-150.

There Should be Greater Involvement by FAA Regional and/or District Office Personnel During Part 150 Map and Program Development.

150-49. Ronald L. Tulis, Senior Manager, KPMG Peat Marwick, Airport Consulting Services, San Francisco, CA: There should be greater involvement during the map and program development by FAA region and/or district office personnel. Attendance at public information sessions and advisory committee meetings can provide FAA personnel with insight into the local issues and the public fervor that cannot be adequately conveyed in a report.

150-58. Andrew S. Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: The checklist is useful guidance, but it is not sufficiently complete to assure that regions provide consistent review. Regions might provide more consistent review if the checklist were supplemented by descriptions of the items on it.

150-64. Francis P. Kulka, Senior Airport Planner, Calocerinos & Spina Engineers, P.C., [address?]: Third, the FAA needs to take a more active role in NCP development. Like any other study participant, the FAA needs to provide technical advice, in addition to technical information, in putting together the noise compatibility program. Too much time is lost going through formal review channels, after the fact, when early suggestions could have prevented an abatement measure from being considered or having abatement measures included. The FAA's input into this process is untimely, it's too late.

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, The City of Long Beach, CA: FAA should be a more active participant in the development of Part 150 studies. It should provide informative evaluation and participation in all of the studies. FAA officials should be present and prepared to provide guidance at all meetings carried out in the

course of developing the Part 150 study. FAA cannot decline to participate vigorously in the study, then review the study later and claim that it was not done properly.

150-73. Maryland State Aviation Administration, Michael C. West (contact), Baltimore/Washington International Airport, MD: Part 150 establishes a noise compatibility planning process with the principle burden placed on airport operators. Although the FAA and airport users may participate in a noise compatibility study, the airport operator is the party that must respond to public noise concerns and attempt to implement noise abatement policies and procedures that often are not under the airport's control. Active and official FAA involvement during the course of major airport noise abatement studies and in follow-up activities, is a necessary element to identify adequately and evaluate meaningful noise abatement measures that can be approved for implementation. Submission of a Noise Compatibility Program (NCP) for a long review by FAA prior to learning that a recommended flight procedure or other noise abatement measure will not be approved for safety or other reasons is not efficient, and demoralizes the public and other parties participating in an airport's noise abatement activities, thereby undermining the institutional credibility of both the airport operator and the FAA. Active FAA participation throughout a study by direct and ongoing FAA participation, by representatives who can speak for the agency, is both needed, and required to promote programmatic efficiency and effectiveness. Some meaningful degree of FAA coordination and review of flight procedures should be initiated during an airport's noise compatibility study, perhaps using a task force approach.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: AOCI recommends that there should be greater involvement during the map and program development by FAA region and/or district office personnel. FAA officials should be present and prepared to provide guidance at all meetings carried out in the course of developing the Part 150 study. FAA cannot decline to participate vigorously in the study, then review the study later and claim that it was not done properly.

Comment Number 108-150.

The FAA Role in Part 150 Review Should be Limited to Those Areas Which are Assigned by Law as Being the Responsibility of the FAA.

150-54. Martin J. Butler, Chairman, Suburban O'Hare Commission, Chicago, IL: The FAA role in review should be strictly limited to those areas which are specifically designated by law as being the responsibility of the FAA. The FAA must recognize that its review of noise control plans is limited by law. The proprietor of an airport, rather than the FAA, is responsible for the mitigation of airport noise. See Griggs v. County of Allegheny, 369 U.S. 84 (1962); City of Burbank v. Lockheed Air Terminal, Inc., 411 U.S. 624 (1973). The FAA has itself acknowledged that the proprietors of airports are responsible for noise mitigation. See FAA and DOT Noise Abatement Policy Statement, pages 5, 18 (November 18, 1976); Report and Recommendations of the Airport Access Task Force Pursuant to PL-97-248, pages 26, 36-37 (March 10, 1983).

The FAA may reject noise control actions contained in noise reduction plans only if they compromise safety at the airport, unreasonably burden interstate commerce, or discriminate against certain users. The FAA does not have the authority to reject a noise control action which is within the control of the proprietor simply because the FAA does not favor the action.

Certain Part 150 programs may contain noise control actions which are not the favored choice of the FAA, but which are within the authority of the airport proprietor. These actions are chosen by the parties involved in the program because they believe that the actions are best suited to solving the problems at the particular airport. The FAA must follow the law and exercise its authority to reject actions only in those limited circumstances which the law permits.

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, the City of Long Beach, CA: In Part 150, FAA's role in developing the study should be clearly defined. Part 150 which requires the FAA to review programs by airports designed to limit the noise of aircraft exacerbates an inherent conflict within the FAA itself. The Federal Aviation Act requires the FAA to promote air commerce. Part 150 requires FAA to review environmental control measures. In many cases these roles conflict with each other. Certainly the controls necessary for environmental mitigation may in many cases conflict with a goal of absolute promotion of aviation. As such, FAA must either be schizoid in its approach to review of environmental documents, either by attempting not to promote aviation, or using that review process to so limit the environmental controls as to effectively promote aviation. It appears that the two hats cannot comfortably be worn at the same time by the same party. It is appropriate for the FAA to rethink its role in the Part 150 process. If approval of environmental regulations is inconsistent with FAA's views on promotion of aviation, the FAA should not be the entity which reviews and approves environmental documents such as Part 150. If they are consistent, that consistency should be made explicit and FAA should undertake very clearly to review, consider, and approve matters which do not necessarily comport with its view of the promotion of aviation. To do otherwise, creates a conflict which is impossible to permit. Perhaps environmental reviews should be conducted by some other agency, such as EPA.

Comment Number 109-150.

The Effects of Future Amendments to Part 150.

150-50. Howard Stanback, Ph.D., Commissioner, Department of Aviation, The City of Chicago, IL: We suggest that a procedural change be made in the method that the FAA uses to process Part 150 studies. Presently, airport operators are required to revise their work program to adapt to changing study guidelines. Several of the changes recently required by the FAA and Congress require consultant contract modifications. No concerted effort was made by the FAA to advise airports conducting these studies of changes to the study and review process. Therefore, we feel that the guidelines must remain fixed. A Part 150 study must be allowed to proceed using the applicable regulations and checklist at the time that the grant was awarded. In the event that revised procedures must be incorporated into an existing study, the FAA should provide the airport operator with grant amendments to absorb any additional costs.

150-58. Andrew Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: FAA-ATC sometimes considers changes in airport operating procedures which will affect noise exposure. Past instances have occurred in which ATC has instituted changes in procedures and caused changes in noise exposure after the proprietor has completed an ANCLUC study or a Part 150 study and negotiated compatible land use with affected jurisdictions. One result of such actions is that the neighboring jurisdictions question the validity of the planning process as well as the veracity of the proprietor and the FAA.

At airports with NEM's and NCP's, Part 150 should require FAA to amend the NEM and NCP if the change in exposure would be significant. Under this proposal, the FAA would have responsibilities similar to those of the proprietor under Section 150.21(d).

150-59. John P. Newell, Manager, Noise Program/Special Projects, Port of Portland, Portland, OR: An airport operator, who voluntarily submits an NEM and NCP in accordance with Part 150, and obtains FAA approval, should not be penalized by later revisions of the regulation or change in policy.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: AOCI recommends a grandfathering clause be added to the regulation providing protection for participating airports against future policy changes. Airport operators voluntarily submitting NEM's and NCP's should not be penalized by later revisions/changes to regulation/policy. For example, one airport received approval of a soundproofing program for dwellings within 70 Ldn (exterior) contour; after submission of the plan but before approval, FAA changed its policy on sound insulation and would then fund only those dwellings with interior noise levels of 50 Ldn or greater. This type of change during the comment period severely degrades the credibility and cooperative efforts of the airport operator (and FAA) within the community.

Comment Number 110-150.

The Second Noise Exposure Map Should be Prepared for a 10 year Forecast Rather than the 5 year Forecast.

150-61. Robert W. Kunkel, Director, Wisconsin Dept. of Transportation: We recommend that the second noise exposure map be prepared for a 10-year forecast rather than the present 5-year forecast. With a longer range forecast the document would provide more adequate long range protection for the airport. The forecast period would be consistent with the forecast period used to complete noise analysis for airport development projects. A key objective is to anticipate and prevent incompatible land use development.

Comment Number 111-150.

Improve Distribution of Information on Noise Abatement Flight Procedures.

150-99. E. H. Haupt, Manager, Airport and Environmental Services, National Business Aircraft Association (NBAA): NBAA also recommends that a method be established to use approved noise associated flight actions. These actions,

within a Noise Compatibility Program might be published in the airport remarks section of FAA's data provided for the Airport Facility Directory. At this time there are few conduits of information which inform aircraft operators about noise oriented flight considerations. A spreading of such information could alert aircraft operators of noise-sensitive areas, thus reducing community annoyance as well as emphasizing quiet flying procedures.

Comment Number 112-150.

Partial Approvals.

150-106. Eliot R. Cutler, Adams County, Colorado: Moreover, the FAA should seek to avoid approving certain elements of a Part 150 program while disapproving others. Programs submitted to the FAA often are--and certainly should be--the result of negotiations with affected communities and reflect important compromises among serious interests. Indeed, as suggested above, the Part 150 process should encourage negotiation and compromise and be restructured to accomplish better that goal. IF the FAA finds certain program elements objectionable, then it should explore with the sponsor and the other interested parties alternative means of solving the identified problem. The FAA should be extremely reluctant to upset the balance struck as a result of local negotiations.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: Performance based noise programs are often a key factor in the adoption of the NCP. Because control of this type of program depends on locally imposed noise abatement regulations, they are regularly "disapproved" when the FAA reviews the NCP. The ability to control existing and future noise levels is vital to the assurance of the following:

- That the analysis and assumptions used in the technical study work are, in fact, achieved.

- That the future technology delivers the noise relief that is sought.

- That increases in aviation activity or changes in operating procedures do not result in ever increasing noise exposure.

150-119. Katy Geissert, Mayor, City of Torrance, CA: During the Part 150 process, the FAA should not constrain a local airport proprietor from initiating corrective noise mitigation measures by imposing assurances that limit a proprietor's flexibilities.

150-121. Matthew J. Gill, Jr., Director, Rhode Island Department of Transportation: The Part 150 process has allowed significant input by the public into the preparation of Noise Compatibility Programs [NCP's). Airport impacted persons have a highly visible and effective means to voice their concerns about noise issues. Through the Part 150 process, the expectations of local communities are often raised to such high levels that the real options available to mitigate noise cannot fully meet their demands. The ability of the airport operator to control noise is constrained by Federal preemption and the responsibility to provide safe and efficient service to the public.

Comment Number 113-150.

Operational Changes and Safety.

150-106. Eliot R. Cutler, Adams County, Colorado: The FAA should clarify that operational changes which do not adversely affect safety and which do not impose significant burdens on interstate commerce are at least as acceptable to the FAA as are land use controls or property acquisition measures which would impact existing communities. It is often possible to reduce or eliminate adverse noise impacts by instituting operational changes, such as a preferential runway system, thereby obviating the need for more expensive and difficult land use control or property acquisition alternatives.

150-119. Katy Geissert, Mayor, City of Torrance, CA: During the Part 150 process, the FAA should not constrain a local airport proprietor from initiating corrective noise mitigation measures by imposing assurances that limit a proprietor's flexibilities.

Comment Number 114-150.

Expansion versus New Facilities.

150-107. Judy Hoffenkamp, Co-Chairman, Bensenville Environmental Protection Coalition, IL: Airports with known noise or capacity problems should be compelled to do a Part 150 study. If it can be determined, following all the guidelines set forth herein, that the airport in question cannot be expanded without extensive damage to the surrounding communities, then a study of the feasibility of a new air facility must begin without delay.

Comment Number 115-150.

Continue Provisions for Independent Funding for Implementation of Part 150's Directly to the Airport's Neighboring Communities.

150-36. Nicolas Papadakis, Executive Director, Association of Monterey Bay Area Governments, Monterey, CA: As the designated Metropolitan Planning Organization (MPO) by the U.S. Department of Transportation for Monterey and Santa Cruz Counties, we believe that MPO's should be eligible subrecipients of funds from the airport operators, if the airport operators deem desirable to use MPO's for conducting parts of noise planning compatibility studies.

150-108. Carl Jacobson, Mayor, City of El Segundo, CA: We have currently pending a $28 million funding request to implement a seven-year soundproofing project recommended in the Part 150 study. We are exercising the opportunity to apply directly to the FAA for these funds without the interference of other local, State or Federal agencies. We recommend this procedure continue.

Overall, the City of El Segundo is supportive of the federal policy to make public funds available for airport noise control and land use compatibility.

150-155. Jorge H. Berkowitz, Ph.D., Director, New Jersey Department of Environmental Protection: There should be an easier way that funding can be made available to other than airport proprietors. This is particularly true for sound insulation at schools, churches, and residential properties. This could come into play where certain airport proprietors are insensitive to the use of sound insulation in areas where extremely high noise levels exist. For example, where a proprietor fails to exercise his ability to seek grants, a community surrounding this airport can seek and receive the grants directly to soundproof certain properties.

Comment Number 116-150.

Include Consideration of Natural Noise Buffers.

150-111. Resident: Marlin D-14, Marlin D-14, Marlin D-15, and Marlin No. 1503, Luis Munoz Marin International Airport Area, San Juan, Puerto Rico: Reforestation with thick bamboo, the entire eastern area of the southern runway, located between it's end and the access road to the air cargo terminal "Base Muniz."

Comment Number 117-150.

Make Provision for Performance Based Noise Programs in Part 150 Noise Compatibility Programs.

150-118. Mary Griffin, President, Board of Supervisors, San Mateo County, CA: Performance based noise programs are often a key factor in the adoption of the NCP. Because control of this type of program depends on locally imposed noise abatement regulations, they are regularly "disapproved" when the FAA reviews the NCP. The ability to control existing and future noise levels is vital to the assurance of the following:

- That the analysis and assumptions used in the technical study work are, in fact, achieved.

- That the future technology delivers the noise relief that is sought.

- That increases in aviation activity or changes in operating procedures do not result in ever increasing noise exposure.

Comment Number 119-150.

Growth of Airports and Airport Operations Should Only be Allowed After Mandatory Noise Abatement Measures are In Place.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Growth of airports and airport operations should only be allowed after mandatory noise abatement measures are in place if surrounding areas want these measures. By 1995 at least 85 percent of the airline fleets should be Stage 3. Federal funding should encourage this.

Comment Number 120-150.

NEM's Should be Generated Specifically for Peak Hours in Addition to Annual Maps.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Noise generated during peak operations should be factored in as a consideration in noise abatement. A mandate for Stage 3 during peak hour operations and particular flight path configurations for peak hours could be effective. NEM's should be generated specifically for peak hours in addition to annual maps.

Comment Number 121-150.

Property Acquisition Programs

150-125. Sandra J. Kelley, Coordinator, Noise Compatibility Program, Memphis-Shelby County Airport Authority: The Committee feels that more public input should be considered in developing acquisition programs particularly regarding the selection of acquisition boundaries. It would be more efficient to buy in one neighborhood at a time. (In Memphis, all neighborhoods exposed to 75 Ldn and above are included in the buyout, or about 1200 houses.) This would eliminate long-term waiting to be purchased, need for priority systems, hardship programs and facilitates the house removal efforts and cleanup. Before new airport facilities are constructed that would increase noise in residential areas, affected areas should be purchased or provided with sound insulation.

Focus attention on efforts to speed up mitigation actions--this would eliminate or reduce problems which stem from programs that drag on for years while people wait their turn to be bought. This causes a great deal of uncertainty.

Airport should appraise houses before announcing a mitigation program. This appraisal can then be used as a baseline for existing conditions versus when a house is "treated" for noise. There should be some standardization among airports with large jet traffic for determining areas affected by aircraft noise. Suggestion was to establish a sponsor/citizen committee to determine standard distances from the airport that would be "treated" for noise relief. These areas could be then condemned for residential development to ensure that no residential development could be allowed on this land in the future. Standard distances for airports could be derived using an average of the distances developed at all major airports by this sponsor/citizen committee.

Comment Number 122-150.

FAA Should Establish Administrative Priorities for Allocating AIP Funds to Noise Compatibility Programs.

150-122. Dennis Stevens, President, Linthicum-Shipley Improvement Association, Inc., Linthicum Heights, MD: Given the likelihood that there will

always be a greater demand for noise compatibility programmatic funding than funds available, including such purposes as acquisition and soundproofing, the FAA should establish administrative priorities for allocating non-entitlement Airport Improvement Program (AIP) funds to these programs. The SAA feels priority should be given to those airports that have an approved Part 150 program, and especially those that have established an effective land use control mechanism for new incompatible land uses. Without effective land use controls at airports, funding for noise compatibility programs may never catch up with new demands. Additionally, priority should be given to older communities with significantly increased noise levels, rather than to newer communities with similar or decreased noise levels.

Comment Number 123-150.

Good Faith Issues

150-117. J. O. Phillip Lindahl, P.E., Environmental officer for the City of Des Plaines, Des Plaines, IL: One problem with the voluntary nature of the Part 150 study is that the airport operator refuses to address noise mitigating measures yet intends to publish the Noise Exposure Map without completing their obligations to reduce the impact of jet aircraft noise.

Comment Number 124-150.

The Federal Government should delegate to the states the responsibility of creating airport environmental protection areas.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: AOCI concurs with the Industry Task Force on Airport Capacity Improvement and Delay Reduction, Aircraft Noise/Airport Capacity Working Group's recommendations that the Federal Government should delegate to the states the responsibility of creating Airport Environmental Protection Areas (AEPA). These AEPA's would become responsible for implementing and enforcing compatible land use measures for non-airport property impacted by aircraft operations as defined by an approved Part 150 study, and provide the guidelines for the development and operation of such areas. This process should provide a mechanism for positive incentives to local communities to comply with the intent of the AEPA.

Very few airport operators have the requisite power to ensure that those noise impacted areas surrounding their airports will be protected from the addition of new noncompatible uses. The establishment of the AEPA will secure for the local community the intentions of the Part 150 process. Under the current posture of the regulation, the entire Part 150 process can be implemented, a noise compatibility map and program approved, and federal trust funds expended to pay for the program, only to have a local zoning board or other local government entity rezone noise impacted non-airport property located within noise impacted areas to permit noncompatible uses. The present lack of a

procedure to control the introduction of additional noncompatible uses within the noise impacted areas surrounding airports prevents any assurance that Part 150 or other airport planning conducted can be implemented and enforced.

Comment Number 125-150.

Noise Reduction versus Land Use Compatibility.

150-64. Francis P. Kulka, Senior Airport Planner, Calocerinos & Spina Engineers, P.C., [address?]: The Part 150 needs to become as much a noise reduction program as land use compatibility program. Here lies the basic and fundamental difference of opinion between sponsors and users and affected communities and citizens. In numerous public meetings the question is "what are you doing to reduce the noise?" Not, "what are you doing to make the land use compatible?" This is the keystone to understand the basic difference of opinion, the pleading for more public participation, and not accepting the Ldn metric among citizen groups. They do not want compatible land use, they want quiet neighborhoods.

To accentuate this point, please examine the FAA's report to the Congress in response to House Appropriations Committee Report No. 100-202. The six (6) Part 150 Standards of Review do not directly consider the extent to which a noise compatibility program reduces noise when a sponsor is seeking to gain approval of its Part 150 program. To this end, the FAA can consider making mandatory certain proven measures for noise abatement. For example, the noise abatement departure profile, see AC 91-53, could be used when it is practical all the time. No studies, no environmental assessments, no extended evaluations, just noise reduction and if the INM is accurate, significant noise reductions. This is what people want, not noise procedures, refinements, and everything else that will make the process more sophisticated, efficient, and defensible.

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, The City of Long Beach, CA: In it's review of Part 150 studies, the FAA appears to be looking for land use measures, rather than regulatory measures. FAA apparently believes that what should be done about about aircraft noise is to make the areas around airports compatible with the noise made by the aircraft rather than making the aircraft noise more compatible with the areas around the airport. Consequently, it appears that the FAA's review of Part 150 studies leans heavily toward land use methods which would have this result. It appears that such review tends to look unfavorably on regulatory approaches which would tend to minimize the impact of airport operators on the surrounding communities if those regulations at all limit the options of the aviation industry. If it is correct that FAA's primary concern is land use, and that is really the only approach to noise mitigation which the FAA will permit, that fact should be made explicit in Part 150. If only those things which FAA is going to fund, such as noise attenuation, should be included in Part 150, that should be made explicit. If regulatory actions by the airport proprietors which do not require action by FAA and which are not something that FAA feels it can approve as part of the Part 150 process are not something that FAA wants to see in the Part 150 process, that should be made clear.

If the FAA is to be arbiter as to what regulatory approaches may or may not be used, it is clear that FAA has moved a long distance from the role which it originally appeared to hold under Part 150, and may be attempting to change the entire relationship between the Federal Government and the airport proprietors without taking the preemptive step which would really be required to do that.

150-73. Maryland State Aviation Administration, Michael C. West (contact), Baltimore/Washington International Airport, MD: Because of the effective Federal preemption in the areas of aircraft noise certification and control of navigable airspace, the FAA must become more responsive and responsible in undertaking Federal actions to control and abate aircraft noise. Many of the most effective methods to abate aircraft noise, vis-a-vis impacts on communities surrounding airports, are within the FAA's purview, rather than the airport operator's. The credibility of the Part 150 planning process, and of noise abatement in general, can be achieved only if FAA takes greater action where it has the responsibility and preemptive authority.

Comment Number 126-150.

Part 150 Should State Explicitly What Review Criteria Will be Used

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, The City of Long Beach, CA: One of the significant difficulties for an airport operator preparing a noise compatibility program under FAA Part 150 at the present time, is that the airport operator has no clear idea what the FAA is looking for, what it's basis of review will be, and what areas the FAA will review. The operator does not presently know what the standards and criteria which will be applied by the FAA are or what the burdens of proof or technical accuracy there will be.

The first question which must be answered is the legal basis upon which the FAA will review the Part 150 Programs. Presumably, FAA is looking for compliance with the law as the FAA understands it. In this context, it is important to know whether that understanding its burden on positions advocated by FAA as to what the law is, or the plain meaning of the court decisions as they exist. If the FAA is going to engage in a legal review, what subjects of legal review will there be? Is the review by FAA limited to preemption?

It is clear from existing rules that the FAA will attempt to determine whether it believes there is an undue burden on interstate commerce. The legal rules which the FAA presently looks to are set out in very general terms in FAA Part 150, requiring the program to be reasonable and nondiscriminatory. These are very broad parameters. Not only are the parameters broad, but there are only a few cases which have considered some of the relevant issues. It is not clear whether the courts have ruled at all, much less uniformly on those issues. There is certainly disagreement between FAA and many airport proprietors as to the meaning of the rules of law governing local noise regulation. This presents a substantial problem. As an example, when the City of Long Beach submitted its proposed noise compatibility program developed under FAA Part 150, that program was based on the City's understanding of what the law required and permitted.

In its review of that program, the FAA applied, in many instances, different standards, or took different views as to what the cases meant, than had the City. In all cases where the law was not clear, the FAA either applied a standard of review which resolved any doubts against the City and the proposed program, or based its decision on positions advocated by the FAA, which either had not been adopted by courts or had been specifically held to be inappropriate standards of legal review by courts.

It is recommended that the FAA take the following steps in order to permit those entities submitting Part 150 noise compatibility programs to the FAA for review to know what needs to be submitted:

(1) Amend Part 150 to state explicitly what types of legal review will be conducted by FAA, including all areas of law to be reviewed.

(2) Revise Part 150 to state explicitly what legal tests and analyses will be used by FAA in its review of these programs in each area of potential legal review.

This is necessary so that a proprietor submitting a noise compatibility program will not be surprised by the matters reviewed by FAA or the tests applied.

150-137. Deborah Lunn, Acting Executive Director, Airport Operators Council International, Washington, DC: Section 150.33 identifies the criteria whereby the FAA may evaluate a noise compatibility program, including undue burden on interstate or foreign commerce, consistency with the goal of reducing noncompatible land uses, and impact on flight procedures. Stated simply, there is only the barest guidance on how one should approach these issues, none of it from FAA. Even though these are difficult legal and economic tests, FAA has failed to provide even rudimentary standards of measurement. Moreover, it is only <u>after</u> a proprietor submits its program that FAA analysis is available, typically only in vague responses to alternatives being disapproved. AOCI recommends that Part 150 be revised to state explicitly what types of review will be conducted by FAA and what tests and analyses will be used.

Comment Number 127-150.

Part 150 Should Include Explicit Descriptions of the Areas of Technical Review.

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, The City of Long Beach, CA: The FAA may also conduct a technical review of Part 150 submissions. In this area, the FAA might examine a Part 150 study to determine whether the conclusions were based on technically accurate information and analyses, whether the studies and projections which might have been done were done within scientifically accepted standards, and whether the proposed program seemed likely within the range of accepted technical and scientific knowledge to achieve the results set out for the program by the local proprietor.

It is open to question whether the FAA should conduct these technical reviews at all. What might be most appropriate is for the proprietors, as they presently do, to attach their technical data and analyses to the program. The FAA's review might most appropriately be to determine whether that was complete and done within accepted norms rather than substituting its judgment.

In any event, it appears over the course of time that FAA has modified its standards of technical review. It appears to the City of Long Beach that in its early Part 150 studies, the FAA applied a standard of review that might be best described as a "no harm, no foul" standard of review. That is to say, that it appears that all things being equal, the FAA concluded that if there was not some significant adverse effect of the study, that it would be approved. By 1987, when the FAA was reviewing the Part 150 submissions made by the City of Long Beach, it appears that the FAA had established a standard of technical review which might best be described as requiring that all technical conclusions be proved by the proprietor in advance of their implementation to be correct to an exact scientific and technical certainty. Beyond the fact that this standard is impossible to meet, it is also a major change in policy which, of course, affected that which was submitted by the City of Long Beach and may have created similar problems for other proprietors.

If the FAA is going to conduct technological reviews, it should revise Part 150 to include the following:

(1) An explicit description of the areas of technical review which the FAA is going to conduct.

(2) An explicit description of the standards which the FAA will apply in making those technical reviews.

(3) An explicit description of the documentation required by FAA for such submissions.

It is imperative that airport operators preparing something as complicated as a Part 150 study know in advance what it is that FAA is going to review, upon what basis that review is going to be conducted, and what information the FAA believes it needs in order to conduct that review. It is only fair that an airport proprietor making such a submission know what the FAA wants.

Section 150.33 identifies the criteria whereby the FAA may evaluate a noise compatibility program, including undue burden on interstate or foreign commerce, consistency with the goal of reducing noncompatible land uses, and impact on flight procedures. Stated simply, there is only the barest guidance on how one should approach these issues, none of it from FAA. Even though these are difficult legal and economic tests, FAA has failed to provide even rudimentary standards of measurement. Moreover, it is only <u>after</u> a proprietor submits its program that FAA analysis is available, typically only in vague responses to alternatives being disapproved. AOCI recommends that Part 150 be revised to state explicitly what types of review will be conducted by FAA and what tests and analyses will be used in this review.

Comment Number 128-150.

Public Comment by FAA Officials.

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, The City of Long Beach, CA: It should be made clear to FAA officials that if they are not active participants in developing the study, that they should have no public comment until they have completed their review of the study. In contrast much of the Long Beach Part 150 study was conducted in response to public comments made in newspapers about the Long Beach Part 150 study and its processes by FAA officials in Washington, DC who had never been

to or participated in any part of the process. One relatively low ranking FAA official sat at the meetings of the Long Beach Part 150 study committee, but did not make many comments or supply any useful guidance. Procedures should be established to change both of these things.

Comment Number 129-150.

FAA Should Report Annually to Congress on Part 150 Results.

150-72. John R. Calhoun, City Attorney, Roger P. Freeman, Deputy City Attorney, The City of Long Beach, CA: In any event, whether FAA adopts some or all of the reforms specified or proposed in this comment, FAA should report annually to Congress on all of the matters outlined in this document. FAA should report upon the procedures of Part 150, its standards of review of Part 150, its funding of Part 150 plans, and how it is balancing between the environmental concerns of airport operators and communities near airports, and the FAA's charge to promote aviation.

Comment Number 130-150.

The NEM Should Include the Imprint of Any Runway Clear Zone.

150-130. David A. Byers, AICP, Principal Planner, Brady, Byers and Associates, Sarasota, FL: To maximize the use of the Noise Exposure Map (NEM), we recommend that the map include the imprint of the Runway Clear Zone. This should not be difficult since all airports have identified clear zones as part of FAA regulations at 14 CFR Part 152.

Comment Number 131-150.

The NEM Should Use a Map Scale Similar to that Used in the military AICUZ program.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: Although the regulations require that maps be at a scale of at least 1" = 8,000', we believe that scale to be totally unrealistic. A scale of 1" = 2,000' is more appropriate, and, if a U.S.G.S. base is used, more accurate.

Standards should be developed regarding "acceptable" scaling error (e.g., an aerial photograph may have a scaling error of 300 to 500 feet over a 20 square mile area).

The thickness of the contour line (based on the scale of the map) should be specified by the FAA.

As CAD systems become more prevalent, the FAA should consider requiring digitized base maps as the standard map.

In many instances, an "official land use base map" does not exist [ref. A150.101(e) and A150.103(b)(1)], is not to scale or at an appropriate scale, or is outdated. In such instances land uses must typically be verified through field investigation, with land use types aggregated--particularly in multi-jurisdictional settings.

150-139. Richard H. Broun, Director, Office of Environment and Energy, U.S. Department of Housing and Urban Development, Washington, DC: We recommend that a larger scale map be printed similar to the scale used by the military for its AICUZ program. This scale would permit easier copying and distribution to individuals or groups needing the data to comply with Federal regulations. For example, HUD relies upon Fee Appraisers to complete the environmental assessment for some housing programs, including a determination of compliance with our noise and airport hazards policy.

Comment Number 132-150.

References to Development and Construction Standards Should be Updated Regularly.

150-32. Gary Adams, Division Director, Arizona Department of Transportation, Aeronautics Division, Phoenix, AZ: The existing Part 150 has established numerous elements of the program that are not only being utilized in the Part 150 studies but are also routinely used in airport master plans. The integrated Noise Model (INM) and the new Heliport Noise Model have proven to be excellent tools which assist public/reliever airports in working with their communities to establish compatible land uses and protection of their facilities. The standard reference for land uses compatible with various levels of airport noise has further assisted communities in implementing these programs. The existing standards should be reviewed periodically in order to insure that new types of development and construction are included and that existing standards are still applicable.

Comment Number 133-150.

NEM's Should Show Property Zoning and Population Densities of affected areas.

150-4. Joe F. Hill, Severn, MD: Airport Noise Exposure Maps (NEM) should show property zoning and population densities of the affected areas to give a clearer picture of the total effect of the airport noise. These maps should show the future expansion of this zone in terms which clearly show the net effect of its expansion. The map should also show the total noise production as produced by other entities such as military aircraft facilities, trains, interstate highways, et cetera, and this zone compared by means of overlays.

Comment Number 134-150.

When Maps and Programs are Developed Simultaneously, They Should Have a Processing Sequence.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: When maps and programs are developed simultaneously, the recommended processing sequence should be as follows:

- Sponsor should submit NEM for existing condition and five-year baseline scenario.
- FAA accepts maps within prescribed time limits.
- Sponsor should submit recommended NCP for five-year period.
- FAA accepts all program elements or selected program elements.
- Sponsor updates five-year NEM based on program elements approved by FAA. Recommended program elements should be included on the NEM.

Comment Number 135-150.

Amendment of Approved NEM's.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: There should be a mechanism for amending the NEM's without having the sponsor sign them again, or having the FAA accept them again. For example, FAA's review may result in changes to the map, or the sponsor may want to update land uses on the map as they change. We understand that the FAA uses a 15 percent criteria (or 1.5 dBA increase on noncompatible uses) in determining the currentness of the maps (i.e., if the map is based on CY 1987 data, submitted to the FAA in the fall of 1988, reviewed by FAA in mid-1989, it may not be considered "current" if activity has increased by 15 percent during this time period). There are several problems with this:

- If the maps and programs are submitted at the same time, the length of the process (i.e., a 12- to 18-month study and a year-long FAA review) results in maps that are no longer "current".

- By requiring maps to be certified as "true and complete", airport operators are forced to rely on historical data rather than forecasting the year. This is particularly true at the newer connecting facilities where airlines continue to add complexes (pushes) during the year. In some instances, the fleet mix may have changed over the time period in question. For example, average daily operations might have increased from 100 to 115, with the increase composed of Stage 3 aircraft. The resultant impact on the noise contour, in this scenario, would be negligible.

Comment Number 136-150.

There Should be Public Hearings for the NEM Also.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: We believe that there should be a public hearing for the Noise Exposure Maps in addition to the hearing required for the Noise Compatibility Program.

Comment Number 137-150.

More Specific Coordination Guidelines Should be Identified.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: Although FAA regional coordination is required (ref. 150.23(c)), there are distinct differences in the level of participation among the various regions and districts. More specific coordination guidelines should be identified.

Comment Number 138-150.

FAA Regional Airspace Coordination.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: FAA regional airspace coordination should be required during Part 150 studies (as opposed to relying solely on ATC participation or ADO participation) to evaluate the potential for changes to flight corridors, runway use, or Stage 3 limitations. In addition, the FAA should relax its restrictions on providing ARTS IIIA data to airport sponsors.

All FAA Control Towers should be required to collect a sample of flight strips/ARTS data for each month, and should maintain this information for the preceding twelve calendar months. Currently, towers are required to keep data for the last fifteen days. This is inadequate for airport sponsors requiring statistically accurate data on runway use, fleet mix, and day/night split.

Comment Number 139-150.

The Airport Operator's Discretion Should be Relied Upon Regarding Appropriate Program Boundaries.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: The 65 Ldn contour should not be viewed as a strict delimiter for the purpose of federal funding. Many times, the 65 Ldn transects a neighborhood. In such instances, a natural boundary would be more desirable. In addition, the INM does not take into account hills, valleys, etc. Therefore, the airport proprietor's discretion should be relied upon regarding appropriate program boundaries.

Comment Number 140-150.

Airports Should Automatically Update Their Part 150 Programs When Surrounding Communities Develop/Update Their Comprehensive Plans.

150-48. David A. Schlothauer, Aviation Planning Associates, Inc., Cincinnati, OH: With regard to zoning, it is recognized that zoning should be based upon a comprehensive plan. There should be a requirement for those airports electing to undertake Part 150 studies to automatically update their programs when surrounding communities develop/update their comprehensive plans.

Comment Number 141-150.

Optional Analyses.

150-147. Diane Summerhays, Noise Abatement Officer, Seattle-Tacoma International Airport, Seattle, WA: We would like to see options available to the airport operator for presenting additional contour and impact analysis in support of mitigation measures that are targeted at specific operational patterns. In this way, support and recognition could be provided for mitigation measures that will have a significant benefit under certain circumstances, but whose benefits would be masked in annual averaging. At Sea-Tac, for example, the summer pattern is significantly different from the other 75 percent of the year. Yet the impact of the pattern cannot be recognized using the annual averaging.

Comment Number 142-150.

Improve Availability of ARTS Data.

150-58. Andrew Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: Accurate noise contours are essential elements of the FAR Part 150 planning process. They are also the primary tool to evaluate the effectiveness of program implementation. Accurate descriptions of airport operating parameters are essential if accurate noise contours are to be prepared. The information required includes: operations by aircraft type, by runway, and by time of day; flight tracks; altitude profiles; and speed profiles.

Normally, this information must be estimated from a variety of sources and it is rarely based on actual data. Radar records, generally from ARTS systems, are the best potential source of the data. Computer systems exist that can extract from the radar data virtually all of the information required to develop noise contours. Airport proprietors have had varying degrees of success in obtaining the data from the FAA. At some airports, FAA-ATC managers have provided easy access to the data. At others, the FAA-ATC managers have refused to grant access and the proprietor has been forced to submit requests under the Freedom of Information Act. The data can be made available without compromising the security of the ARTS systems. The FAA should maximize the accessibility of ARTS data to airport proprietors.

Comment Number 143-150.

Provide ATIS Messages About Noise Control Procedures.

150-58. Andrew Harris, Harris Miller Miller & Hanson Inc., Lexington, MA: Airport compatibility program elements are most successful when pilots know about them. Information is particularly vital for itinerant pilots. ATIS messages at airports with noise compatibility programs should include messages informing pilots of the existence of the programs. This might be as follows: "Procedures in Noise Abatement Notice to Airmen [Notice No.] are in use."

APPENDIX 3. FAR, Part 150, Airport Noise Compatibility Planning

Part 150—Airport Noise Compatibility Planning

Subpart A—General Provisions

§ 150.1 Scope and purpose.

This part prescribes the procedures, standards, and methodology governing the development, submission, and review of airport noise exposure maps and airport noise compatibility programs, including the process for evaluating and approving or disapproving those programs. It prescribes single systems for—(a) measuring noise at airports and surrounding areas that generally provides a highly reliable relationship between projected noise exposure and surveyed reaction of people to noise; and (b) determining exposure of individuals to noise that results from the operations of an airport. This part also identifies those land uses which are normally compatible with various levels of exposure to noise by individuals. It provides technical assistance to airport operators, in conjunction with other local, State, and Federal authorities, to prepare and execute appropriate noise compatibility planning and implementation programs.

§ 150.3 Applicability.

This part applies to the airport noise compatibility planning activities of the operators of "public use airports," [including heliports] , as that term is used in Section 101(1) of the ASNA Act as amended (49 U.S.C. 2101) and as defined in § 503(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2202).

§ 150.5 Limitations of this Part.

(a) Pursuant to the ASNA Act (49 U.S.C. § 2101 et seq.), this part provides for airport noise compatibility planning and land use programs necessary to the purposes of those provisions. No submittal of a map, or approval or disapproval, in whole or part, of any map or program submitted under this part is a determination concerning the acceptability or unacceptability of that land use under Federal, State, or local law.

(b) Approval of a noise compatibility program under this part is neither a commitment by the FAA to financially assist in the implementation of the program, nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA.

(c) Approval of a noise compatibility program under this part does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action, pursuant to the National Environmental Policy Act (42 U.S.C. § 432 *et seq.*) and applicable regulations, directives, and guidelines.

(d) Acceptance of a noise exposure map does not constitute an FAA determination that any specific parcel of land lies within a particular noise contour. Responsibility for interpretation of the effects of noise contours upon subjacent land uses, including the relationship between noise contours and specific properties, rests with the sponsor or with other state or local government.

§ 150.7 Definitions.

As used in this part, unless the context requires otherwise, the following terms have the following meanings:

"Airport" means any public use airport, [including heliports], as defined by the ASNA Act, including: (a) Any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned; (b) any privately owned reliever airport; and (c) any privately owned airport which is determined by the Secretary to enplane annually 2,500 or more passengers and receive scheduled

passenger service of aircraft, which is used or to be used for public purposes.

"Airport noise compatibility program" and "program" mean that program, and all revisions thereto, reflected in documents (and revised documents) developed in accordance with Appendix B of this part, including the measures proposed or taken by the airport operator to reduce existing noncompatible land uses and to prevent the introduction of additional noncompatible land uses within the area.

"Airport Operator" means, the operator of an airport as defined in the ASNA Act.

"ASNA Act" means the Aviation Safety and Noise Abatement Act of 1979, as amended (49 U.S.C. § 2101 et seq.).

"Average sound level" means the level, in decibels, of the mean-square, A-weighted sound pressure during a specified period, with reference to the square of the standard reference sound pressure of 20 micropascals.

"Compatible land use" means the use of land that is identified under this part as normally compatible with the outdoor noise environment (or an adequately attenuated noise level reduction for any indoor activities involved) at the location because the yearly day-night average sound level is at or below that identified for that or similar use under Appendix A (Table 1) of this part.

"Day-night average sound level" (DNL) means the 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m., and midnightQ local time." The symbol for DNL is L_{dn}.

"Noise exposure map" means a scaled, geographic depiction of an airport, its noise contours, and surrounding area developed in accordance with Section A150.101 of Appendix A of this part, including the accompanying documentation setting forth the required descriptions of forecast aircraft operations at the airport during the fifth calendar year beginning after submission of the map, together with the ways, if any, those operations will affect the map (including noise contours and the forecast land uses).

"Noise level reduction" (NLR) means the amount of noise level reduction in decibels achieved through incorporation of noise attenuation (between outdoor and indoor levels) in the design and construction of a structure.

"Noncompatible land use" means the use of land that is identified under this part as normally compatible with the outdoor noise environment (or an adequately attenuated noise reduction level for the indoor activities involved at the location) because the yearly day-night average sound level is above that identified for that or similar use under Appendix A (Table 1) of this part.

[*"Regional Airports Division Manager" means the Airports Division manager having responsibility for the geographic area in which the airport in question is located.*]

"Restriction affecting flight procedures" means any requirement, limitation, or other action affecting the operation of aircraft, in the air or on the ground.

"Sound exposure level" means the level, in decibels, of the time integral of squared A-weighted sound pressure during a specified period or event, with reference to the square of the standard reference sound pressure of 20 micropascals and a duration of one second.

"Yearly day-night average sound level" (YDNL) means the 365-day average, in decibels, day-night average sound level. The symbol for YDNL is also L_{dn}.

§ 150.9 Designation of noise systems.

For purposes of this part, the following designations apply:

(a) The noise at an airport and surrounding areas covered by a noise exposure map must be measured in A-weighted sound pressure level (L_A) in units of decibels (dBA) in accordance with the specifications and methods prescribed under Appendix A of this part.

(b) The exposure of individuals to noise resulting from the operation of an airport must be established in terms of yearly day-night average sound level (YDNL) calculated in accordance with the specifications and methods prescribed under Appendix A of this part.

(c) Uses of computer models to create noise contours must be in accordance with the criteria prescribed under Appendix A of this part.

§ 150.11 Identification of land uses.

For the purposes of this part, uses of land which are normally compatible or noncompatible with various noise exposure levels to individuals around airports must be identified in accordance with the criteria prescribed under Appendix A of this part. Determination of land use must be based on professional planning criteria and procedures utilizing comprehensive, or master, land use planning, zoning, and building and site designing, as appropriate. If more than one current or future land use is permissible, determination of compatibility must be based on that most adversely affected by noise.

§ 150.13 Incorporations by reference.

(a) *General.* This part prescribes certain standards and procedures which are not set forth in full text in the rule. Those standards and procedures are hereby incorporated by reference and were approved for incorporation by reference by the Director of the Federal Register under 5 U.S.C. § 552(a) and 1 CFR Part 51.

(b) *Changes to incorporated matter.* Incorporated matter which is subject to subsequent change is incorporated by reference according to the specific reference and to the identification statement. Adoption of any subsequent change in incorporated matter that affects compliance with standards and procedures of this part will be made under 14 CFR Part 11 and 1 CFR Part 51.

(c) *Identification statement.* The complete title or description which identifies each published matter incorporated by reference in this part is as follows:

International Electrotechnical Commission (IEC) Publication No. 179, entitled "Precision Sound Level Meters," dated 1973.

(d) *Availability for purchase.* Published material incorporated by reference in this part may be purchased at the price established by the publisher or distributor at the following mailing addresses:

IEC publications:

(1) The Bureau Central de la Commission Electrotechnique, Internationale, 1, rue de Varembe, Geneva, Switzerland.

(2) American National Standards Institute, 1430 Broadway, New York, NY 10018.

(e) *Availability for inspection.* A copy of each publication incorporated by reference in this part is available for public inspection at the following locations:

(1) FAA Office of the Chief Counsel, Rules Docket, [AGC-10], Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591.

(2) Department of Transportation, Branch Library, Room 930, Federal Aviation Administration Headquarters Building, 800 Independence Avenue, SW., Washington, DC. 20591.

(3) The respective Regional Offices of the Federal Aviation Administration as follows:

(i) New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts 01803.

(ii) Eastern Regional Office, Federal Building, John F. Kennedy (JFK) International Airport, Jamaica, New York 11430.

(iii) Southern Regional Office, 3400 Norman Berry Street, East Point, Georgia (P.O. Box 20636, Atlanta, Georgia) 30320.

(iv) Great Lakes Regional Office, 2300 East Devon, Des Plaines, Illinois 60018.

(v) Central Regional Office, 601 East 12th Street, Kansas City, Missouri 64106.

(vi) Southwest Regional Office, 4400 Blue Mound Road, (P.O. Box 1689), Fort Worth, Texas 76101.

(vii) Northwest Mountain Regional Office, 17900 Pacific Highway, South, C–68966, Seattle, Washington 98168.

(viii) Western Pacific Regional Office, 15000 Aviation Boulevard, Hawthorne, California (P.O. Box 92007, Worldway Postal Center, Los Angeles) 90009.

(ix) Alaskan Regional Office, 701 "C" Street, Box 14, Anchorage, Alaska 99513.

(xi) European Office, 15, Rue de la Loi (3rd Floor) B1040 Brussels, Belgium.

(4) The Office of the Federal Register, Room 8401, 1100 "L" Street, NW, Washington, D.C.

Subpart B—Development of Noise Exposure Maps and Noise Compatibility Programs

§ 150.21 Noise exposure maps and related descriptions.

(a) Each airport operator may after completion of the consultations and public procedure specified under paragraph (b) of this section, submit to the [Regional Airports Division Manager] five copies of the noise exposure map (or revised map) which identifies each noncompatible land use in each area depicted on the map, as of the date of submission, and five copies of a map each with accompanying documentation setting forth—

(1) The noise exposure based on forecast aircraft operations at the airport for the fifth calendar year beginning after the date of submission (based on reasonable assumptions concerning future type and frequency of aircraft operations, number of nighttime operations, flight patterns, airport layout including any planned airport development, planned land use changes, and demographic changes in the surrounding areas); and

(2) The nature and extent, if any, to which those forecast operations will affect the compatibility and land uses depicted on the map.

(b) Each map, and related documentation submitted under this section must be developed and prepared in accordance with Appendix A of this part, or an FAA approved equivalent, and in consultation with states, and public agencies and planning agencies whose area, or any portion of whose area, of jurisdiction is within the L_{dn} 65 dB contour depicted on the map, FAA regional officials, and other Federal officials having local responsibility for the area depicted on the map. This consultation must include regular aeronautical users of the airport. The airport operator shall certify that it has afforded interested persons adequate opportunity to submit their views, data, and comments concerning the correctness and adequacy of the draft noise exposure map and descriptions of forecast aircraft operations. Each map and revised map must be accompanied by documentation describing the consultation accomplished under this paragraph and the opportunities afforded the public to review and comment during the develment of the map. One copy of all written comments received during consultation shall also be filed with the [Regional Airports Division Manager].

(c) The [Regional Airports Division Manager] acknowledges receipt of noise exposure maps and descriptions and indicates whether they are in compliance with the applicable requirements. The [Regional Airports Division Manager] publishes in the FEDERAL REGISTER a notice of compliance for each such noise exposure map and description, identifying the airport involved. Such notice includes information as to when and where the map and related documentation are available for public inspection.

(d) If, after submission of a noise exposure map under paragraph (a) of this section, any change in the operation of the airport would create any "substantial, new noncompatible use" in any area depicted on the map beyond that which is forecast for the fifth calendar year after the date of submission, the airport operator shall, in accordance with this section, promptly prepare and submit a revised noise exposure map. A change in the operation of an airport creates a substantial new noncompatible use if that change results in an increase in the yearly day-night average sound level of 1.5 dB or greater in either a land area which was formerly compatible but is thereby made noncompatible under Appendix A (Table 1), or in a land area which was previously determined to be noncompatible under that Table and whose noncompatibility is now significantly increased. Such updating of the map shall include a reassessment of those areas excluded under Sec. A150.101(e) (5) of Appendix A because of high ambient noise levels. If the five-year forecast map is based on assumptions involving recommendations in a noise compatibility program which are subsequently disapproved by the FAA, a revised map must be submitted if revised assumptions would create a substantial, new noncompatible use not indicated on the initial five-year map. Revised noise exposure maps are subject to the same requirements and procedures as initial submissions of noise exposure maps under this part.

(e) Each map, or revised map, and description of consultation and opportunity for public comment, submitted to the FAA, must be certified as true and complete under penalty of 18 U.S.C. § 1001.

(f) (1) The ASNA Act provides, in Section 107(a) (49 U.S.C. 2107(a)), that: no person who acquires property or an interest therein after the date of enactment of the Act in an area surrounding an airport with respect to which a noise exposure map has been submitted under Section 103 of the Act shall be entitled to recover damages with respect to the noise attributable to such airport if such person had actual or constructive knowledge of the existence of such noise exposure map unless, in addition to any other elements for recovery of damages, such person can show that—

(i) A significant change in the type or frequency of aircraft operations at the airport; or

(ii) A significant change in the airport layout; or

(iii) A significant change in the flight patterns; or

(iv) A significant increase in nighttime operations; occurred after the date of the acquisition of such property or interest therein and that the damages for which recovery is sought have resulted from any change or increase.

(2) The Act further provides in Section 107(b), (49 U.S.C. 2107(b)): That for this purpose, "constructive knowledge" shall be imputed, at a minimum, to any person who acquires property or an interest therein in an area surrounding an airport after the date of enactment of the Act if—

(i) Prior to the date of such acquisition, notice of the existence of a noise exposure map for such area was published at least three times in a newspaper of general circulation in the country in which such property is located; or

(ii) A copy of such noise exposure map is furnished to such person at the time of such acquisition.

(g) For this purpose, the term "significant" in paragraph (f) of this section means that change or increase is one or more of the four factors which results in a "substantial new noncompatible use" as defined in § 150.21(d), affecting the property in issue. Responsibility for applying or interpreting this provision with respect to specific properties rests with local government.

§ 150.23 Noise compatibility programs.

(a) Any airport operator who has submitted an acceptable noise exposure map under § 150.21 may, after FAA notice of acceptability and other consultation and public procedure specified under paragraphs (b) and (c) of this section, as applicable, submit to the [Regional Airports Division Manager] five copies of a noise compatibility program.

(b) An airport operator may submit the noise compatibility program at the same time as the noise exposure map. In this case, the [Regional Airports Division Manager] will not begin the statutory 180-day review period (for the program) until after FAA reviews the noise exposure map and finds that it and its supporting documentation are in compliance with the applicable requirements.

(c) Each noise compatibility program must be developed and prepared in accordance with Appendix B of this part, or an FAA approved equivalent, and in consultation with FAA regional officials, the officials of the state and of any public agencies and planning agencies whose area, or any portion of whose area, of jurisdiction within the L_{dn} 65 dB noise contours is depicted on the noise exposure map, and other Federal officials having local responsibility for land uses depicted on the map. Consultation with FAA regional officials shall include, to the extent practicable, informal agreement from FAA on proposed new or modified flight procedures. For air carrier airports, consultation must include any air carriers and, to the extent practicable, other aircraft operators using the airport. For other airports, consultation must include, to the extent practicable, aircraft operators using the airport.

(d) Prior to and during the development of a program, and prior to submission of the resulting draft program to the FAA, the airport operator shall afford adequate opportunity for the active and direct participation of the states,

and public agencies and planning agencies in the areas surrounding the airport, aeronautical users of the airport, and the general public to submit their views, data, and comments on the formulation and adequacy of that program.

(e) Each noise compatibility program submitted to the FAA must consist of at least the following:

(1) A copy of the noise exposure map and its supporting documentation as found in compliance with the applicable requirements by the FAA, per § 150.21(c).

(2) A description and analysis of the alternative measures considered by the airport operator in developing the program, together with a discussion of why each rejected measure was not included in the program.

(3) Program measures proposed to reduce or eliminate present and future noncompatible land uses and a description of the relative contribution of each of the proposed measures to the overall effectiveness of the program.

(4) A description of public participation and the consultation with officials of public agencies and planning agencies in areas surrounding the airport, FAA regional officials and other Federal officials having local responsibility for land uses depicted on the map, any air carriers and other users of the airport.

(5) The actual or anticipated effect of the program on reducing noise exposure to individuals and noncompatible land uses and preventing the introduction of additional noncompatible uses within the area covered by the noise exposure map. The effects must be based on expressed assumptions concerning the type and frequency of aircraft operations, number of nighttime operations, flight patterns, airport layout including planned airport development, planned land use changes, and demographic changes within the L_{dn} 65 dB noise contours.

(6) A description of how the proposed future actions may change any noise control or compatibility plans or actions previously adopted by the airport proprietor.

(7) A summary of the comments at any public hearing on the program and a copy of all written material submitted to the operator under paragraphs (c) and (d) of this section, together with the operator's response and disposition of those comments and materials to demonstrate the program is feasible and reasonably consistent with obtaining the objectives of airport noise compatibility planning under this part.

(8) The period covered by the program, the schedule for implementation of the program, the persons responsible for implementation of each measure in the program, and, for each measure, documentation supporting the feasibility of implementation, including any essential governmental actions, costs, and anticipated sources of funding that will demonstrate that the program is reasonably consistent with achieving the goals of airport noise compatibility planning under this part.

(9) Provision for revising the program if made necessary by revision of the noise exposure map.

Subpart C—Evaluations and Determinations of Effects of Noise Compatibility Programs

PART A—GENERAL

§ 150.31 Preliminary review: acknowledgments.

(a) Upon receipt of a noise compatibility program submitted under § 150.23, the [Regional Airports Division Manager] acknowledges to the airport operator receipt of the program and conducts a preliminary review of the submission.

(b) If, based on the preliminary review, the [Regional Airports Division Manager] finds that the submission does not conform to the requirements of this part, he disapproves and returns the unacceptable program to the airport operator for reconsideration and development of a program in accordance with this part.

(c) If, based on the preliminary review, the [Regional Airports Division Manager] finds that the program conforms to the requirements of this part, the [Regional Airports Division Manager] publishes in the FEDERAL REGISTER a notice of receipt of the program for comment which indicates the following:

(1) The airport covered by the program, and the date of receipt.

(2) The availability of the program for examination in the offices of the [Regional Airports Division Manager] and the airport operator.

(3) That comments on the program are invited and, will be considered by the FAA.

(d) The date of signature of the published notice of receipt starts the 180-day approval period for the program.

§ 150.33 Evaluation of programs.

(a) The FAA conducts an evaluation of each noise compatibility program and, based on that evaluation, either approves or disapproves the program. The evaluation includes consideration of proposed measures to determine whether they—

(1) May create an undue burden on interstate or foreign commerce (including unjust discrimination);

(2) Are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses; and

(3) Include the use of new or modified flight procedures to control the operation of aircraft for purposes of noise control, or affect flight procedures in any way.

(b) The evaluation may also include an evaluation of those proposed measures to determine whether they may adversely affect the exercise of the authority and responsibilities of the Administrator under the Federal Aviation Act of 1958, as amended.

(c) To the extent considered necessary, the FAA may—

(1) Confer with the airport operator and other persons known to have information and views material to the evaluation;

(2) Explore the objectives of the program and the measures, and any alternative measures, for achieving the objectives.

(3) Examine the program for developing a range of alternatives that would eliminate the reasons, if any, for disapproving the program.

(4) Convene an informal meeting with the airport operator and other persons involved in developing or implementing the program for the purposes of gathering all facts relevant to the determination of approval or disapproval of the program and of discussing any needs to accommodate or modify the program as submitted.

(d) If requested by the FAA, the airport operator shall furnish all information needed to complete FAA's review under (c).

(e) An airport operator may, at any time before approval or disapproval of a program, withdraw or revise the program. If the airport operator withdraws or revises the program or indicates to the [Regional Airports Division Manager], in writing, the intention to revise the program, the [Regional Airports Division Manager] terminates the evaluation and notifies the airport operator of that action. That termination cancels the 180-day review period. The FAA does not evaluate a second program for any airport until any previously submitted program has been withdrawn or a determination on it is issued. A new evaluation is commenced upon receipt of a revised program, and a new 180-day approval period is begun, unless the [Regional Airports Division Manager] finds that the modification made, in light of the overall revised program, can be integrated into the unmodified portions of the revised program without exceeding the original 180-day approval period or causing undue expense to the government.

§ 150.35 Determinations; publication; effectivity.

(a) The FAA issues a determination approving or disapproving each airport noise compatibility program (and revised program). Portions of a program may be individually approved or disapproved. No conditional approvals will be issued. A determination on a program acceptable under this part is issued within 180 days after the program is received under § 150.23 of this part or it may be considered approved, except that this time period may be exceeded for any portion of a program relating to the use of flight procedures for noise control purposes. A determination on portions of a program covered by the exceptions to the 180-day review period for approval will be issued within a reasonable time after receipt of the program.

Determinations relating to the use of any flight procedure for noise control purposes may be issued either in connection with the determination on other portions of the program or separately. Except as provided by this paragraph, no approval of any noise compatibility program, or any portion of a program, may be implied in the absence of the FAA's express approval.

(b) The Administrator approves programs under this part, if—

(1) It is found that the program measures to be implemented would not create an undue burden on interstate or foreign commerce (including any unjust discrimination) and are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and of preventing the introduction of additional noncompatible land uses;

(2) The program provides for revision if made necessary by the revision of the noise map; and

(3) Those aspects of programs relating to the use of flight procedures for noise control can be implemented within the period covered by the program and without—

(i) Reducing the level of aviation safety provided;

(ii) Derogating the requisite level of protection for aircraft, their occupants and persons and property on the ground;

(iii) Adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems; or

(iv) Adversely affecting any other powers and responsibilities of the Administrator prescribed by law or any other program, standard, or requirement established in accordance with law.

(c) When a determination is issued, the [Regional Airports Division Manager] notifies the airport operator and publishes a notice of approval or disapproval in the FEDERAL REGISTER identifying the nature and extent of the determination.

(d) Approvals issued under this part for a program or portion thereof become effective as specified therein and may be withdrawn when one of the following occurs:

(1) The program or portion thereof is required to be revised under this part or under its own terms, and is not so revised;

(2) If a revision has been submitted for approval, a determination is issued on the revised program or portion thereof, that is inconsistent with the prior approval.

(3) A term or condition of the program, or portion thereof, or its approval is violated by the responsible government body.

(4) A flight procedure or other FAA action upon which the approved program or portion thereof is dependent is subsequently disapproved, significantly altered, or rescinded by the FAA.

(5) The airport operator requests rescission of the approval.

(6) Impacts on flight procedures, air traffic management, or air commerce occur which could not be foreseen at the time of approval.

A determination may be sooner rescinded or modified for cause with at least 30 days written notice to the airport operator of the FAA's intention to rescind or modify the determination for the reasons stated in the notice. The airport operator may, during the 30-day period, submit to the [Regional Airports Division Manager] for consideration any reasons and circumstances why the determination should not be rescinded or modified on the basis stated in the notice of intent. Thereafter, the FAA either rescinds or modifies the determination consistent with the notice or withdraws the notice of intent and terminates the action.

(e) Determinations may contain conditions which must be satisfied prior to implementation of any portion of the program relating to flight procedures affecting airport or aircraft operations.

(f) Noise exposure maps for current and five year forecast conditions that are submitted and approved with noise compatibility programs are considered to be the new FAA accepted noise exposure maps for purposes of Part 150.

*U.S. Government Printing Office : 1990 - 261-336/20004

Appendix A

Noise Exposure Maps

PART A—GENERAL

§ A150.1 Purpose.

(a) This Appendix establishes a uniform methodology for the development and preparation of airport noise exposure maps. That methodology includes a single system of measuring noise at airports for which there is a highly reliable relationship between projected noise exposure and surveyed reactions of people to noise along with a separate single system for determining the exposure of individuals to noise. It also identifies land uses which, for the purpose of this Part are considered to be compatible with various exposures of individuals to noise around airports.

(b) This Appendix provides for the use of the the FAA's Integrated Noise Model (INM) or an FAA approved equivalent, for developing standardized noise exposure maps and predicting noise impacts. Noise monitoring may be utilized by airport operators for data acquisition and data refinement, but is not required by this Part for the development of noise exposure maps or airport noise compatibility programs. Whenever noise monitoring is used, under this Part, it should be accomplished in accordance with Sec. A150.5 of this Appendix.

§ A150.3 Noise descriptors.

(a) *Airport Noise Measurement.* The A-Weighted Sound Level, measured, filtered and recorded in accordance with Sec. A150.5 of this Appendix, must be employed as the unit for the measurement of single event noise at airports and in the areas surrounding the airports.

(b) *Airport Noise Exposure.* The yearly day-night average sound level (YDNL) must be employed for the analysis and characterization of multiple aircraft noise events and for determining the cumulative exposure of individuals to noise around airports.

§ A150.5 Noise measurement procedures and equipment.

(a) Sound levels must be measured or analyzed with equipment having the "A" frequency weighting, filter characteristics, and the "slow response" characteristics as defined in International Electrotechnical Commission (IEC) Publication No. 179, entitled "Precision Sound Level Meters" as incorporated by reference in Part 150 under § 150.11. For purposes of this Part, the tolerances allowed for general purpose, type 2 sound level meters in IEC 179, are acceptable.

(b) Noise measurements and documentation must be in accordance with accepted acoustical measurement methodology, such as those described in American National Standards Institute publication ANSI 51.13, dated 1971 as revised 1979, entitled "ANS—Methods for the Measurement of Sound Pressure Levels"; ARP No. 796, dated 1969, entitled "Measurement of Aircraft Exterior Noise in the Field"; "Handbook of Noise Measurement," Ninth Ed. 1980, by Arnold P. G. Peterson; or "Acoustic Noise Measurement," dated Jan., 1979, by J. R. Hassell and K. Zaveri. For purposes of this Part, measurements intended for comparison to a State or local standard or with another transportation noise source (including other aircraft) must be reported in maximum A-weighted sound levels (L_{AM}); for computation or validation of the yearly day-night average level (L_{dn}), measurements must be reported in sound exposure level (L_{AE}), as defined in Sec. A150.205 of this Appendix.

PART B—NOISE EXPOSURE MAP DEVELOPMENT

§ A150.101 Noise contours and land uses.

(a) To determine the extent of the noise impact around an airport, airport proprietors developing noise exposure maps in accordance with this Part must develop L_{dn} contours. Continuous contours must be developed for YDNL levels of 65, 70, and 75 (additional contours may be developed and depicted when appropriate). In those areas where YDNL values are 65 YDNL or greater, the airport operator shall identify land uses and determine land use compatibility in accordance with the standards and procedures of this Appendix.

(b) Table 1 of this Appendix describes compatible land use information for several land uses as a function of YDNL values. The ranges of YDNL values in Table 1 reflect the statistical variability for the responses of large groups of people to noise. Any particular level might not, therefore, accurately assess an individual's perception of an actual noise environment. Compatible or noncompatible land use is determined by comparing the predicted or measured YDNL values at a site with the values given. Adjustments or modifications of the descriptions of the land-use categories may be desirable after consideration of specific local conditions.

(c) Compatibility designations in Table 1 generally refer to the major use of the site. If other uses with greater sensitivity to noise are permitted by local government at a site, a determination of compatibility must be based on that use which is most adversely affected by noise. When appropriate, noise level reduction through incorporation of sound attenuation into the design and construction of a structure may be necessary to achieve compatibility.

(d) For the purpose of compliance with this Part, all land uses are considered to be compatible with noise levels less than L_{dn} 65 dB. Local needs or values may dictate further delineation based on local requirements or determinations.

(e) Except as provided in (f) below, the noise exposure maps must also contain and identify:

(1) Runway locations.

(2) Flight tracks.

(3) Noise contours of L_{dn} 65, 70, and 75 dB resulting from aircraft operations.

(4) Outline of the airport boundaries..

(5) Noncompatible land uses within the noise contours, including those within the L_{dn} 65 dB contours. (No land use has to be identified as noncompatible if the self-generated noise from that use and/or the ambient noise from other nonaircraft and nonairport uses is equal to or greater than the noise from aircraft and airport sources.)

(6) Location of noise sensitive public buildings (such as schools, hospitals, and health care facilities), and properties on or eligible for inclusion in the National Register of Historic Places.

(7) Locations of any aircraft noise monitoring sites utilized for data acquisition and refinement procedures.

(8) Estimates of the number of people residing within the L_{dn} 65, 70, and 75 dB contours.

(9) Depiction of the required noise contours over a land use map of a sufficient scale and quality to discern streets and other identifiable geographic features.

(f) Notwithstanding any other provision of this Part, noise exposure maps prepared in connection with studies which were either Federally funded or Federally approved and which commenced before October 1, 1981, are not required to be modified to contain the following items:

(1) Flight tracks depicted on the map.

(2) Use of ambient noise to determine land use compatibility.

(3) The L_{dn} 70 dB noise contour and data related to the L_{dn} 70 dB contour. When determinations on land use compatibility using Table 1 differ between L_{dn} 65–70 dB and the L_{dn} 70–75 dB, determinations should either use the more conservative L_{dn} 70–75 dB column or reflect determinations based on local needs and values.

(4) Estimates of the number of people residing within the L_{dn} 65, 70, and 75 dB contours.

TABLE 1

LAND USE COMPATIBILITY* WITH YEARLY DAY-NIGHT AVERAGE SOUND LEVELS

Land Use	*Yearly Day-Night Average Sound Level (L_{dn}) in Decibels*					
	Below 65	*65-70*	*70-75*	*75-80*	*80-85*	*Over 85*
Residential						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N(1)	N	N
Public Use						
Schools	Y	N1)1	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail—building materials, hardware and farm equipment	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade—general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
Manufacturing And Production						
Manufacturing, general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Numbers in parentheses refer to notes.

* The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

KEY TO TABLE 1

SLUCM	Standard Land Use Coding Manual.
Y (Yes)	Land Use and related structures compatible without restrictions.
N (No)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, or 35	Land used and related structures generally compatible; measures to achieve NLR or 25, 30, or 35 dB must be incorporated into design and construction of structure.

NOTES FOR TABLE 1

(1) Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.

(2) Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

(3) Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

(4) Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.

(5) Land use compatible provided special sound reinforcement systems are installed.

(6) Residential buildings require an NLR of 25.

(7) Residential buildings require an NLR of 30.

(8) Residential buildings not permitted.

Sec. A150.103 Use of computer prediction model.

(a) The airport operator shall acquire the aviation operations data necessary to develop noise exposure contours using an FAA approved methodology or computer program, such as the Integrated Noise Model (INM) [for airports or the Heliport Noise Model (HNM) for heliports]. In considering approval of a methodology or computer program, key factors include the demonstrated capability to produce the required output and the public availability of the program or methodology to provide interested parties the opportunity to substantiate the results.

(b) [Except as provided in paragraph (c) of this section,] the following information must be obtained for input to the calculation of noise exposure contours:

(1) A map of the airport and its environs at an adequately detailed scale (not less than 1 inch to 8,000 feet) indicating runway length, alignments, landing thresholds, takeoff start-of-roll points, airport boundary, and flight tracks out to at least 30,000 feet from the end of each runway.

(2) Airport activity levels and operational data which will indicate, on an annual average-daily-basis, the number of aircraft, by type of aircraft, which utilize each flight track, in both the standard daytime (0700– 2200 hours local) and nighttime (2200–0700 hours local) periods for both landings and takeoffs.

(3) For landings—glide slopes, glide slope intercept altitudes, and other pertinent information needed to establish approach profiles along with the engine power levels needed to fly that approach profile.

(4) For takeoffs—the flight profile which is the relationship of altitude to distance from start-of-roll along with the engine power levels needed to fly that takeoff profile; these data must reflect the use of noise abatement departure procedures and, if applicable, the takeoff weight of the aircraft or some proxy for weight such as stage length.

(5) Existing topographical or airspace restrictions which preclude the utilization of alternative flight tracks.

(6) The government furnished data depicting aircraft noise characteristics (if not already a part of the computer program's stored data bank).

(7) Airport elevation and average temperature.

[(c)] For heliports, the map scale required by paragraph (b)(1) of this section shall not be less than 1 inch to 2,000 feet and shall indicate heliport boundaries, takeoff and landing pads, and typical flight tracks out to at least 4,000 feet horizontally from the landing pad. Where these flight tracks cannot be determined, obstructions or other limitations on flight tracks cannot be determined, obstructions or other limitations on flight tracks in and out of the heliport shall be identified within the map areas out to at least 4,000 feet horizontally from the landing pad. For static operation (hover), the helicopter type, the

number of daily operations based on an annual average, and the duration in minutes of the hover operation shall be identified. The other information required in paragraph (b) shall be furnished in a form suitable for input to the HNM other FAA approved methodology or computer program.]

Sec. A150.105 Identification of public agencies and planning agencies.

(a) The airport proprietor shall identify each public agency and planning agency whose jurisdiction or responsibility is either wholly or partially contained within the L_{dn} 65 dB boundary.

(b) For those agencies identified in (a) that have land use planning and control authority, the supporting documentation shall identify their geographic area of jurisdiction.

PART C—MATHEMATICAL DESCRIPTIONS

Sec. A150.201 General.

The following mathematical descriptions provide the most precise definition of the yearly day-night average sound level (L_{dn}), the data necessary for its calculation, and the methods for computing it.

Sec. A150.203 Symbols.

The following symbols are used in the computation of L_{dn};

Measure (in dB)	*Symbol*
Average Sound Level, During Time T	L_T
Day-Night Average Sound Level (individual day)	L_{dni}
Yearly Day-Night Average Sound Level	L_{dn}
Sound Exposure Level	L_{AE}

Sec. A150.205 Mathematical computations.

(a) Average sound level must be computed in accordance with the following formula:

$$L_T = 10 \log_{10} \left[\frac{1}{T} \int_0^T 10^{L_A(t)/10} \, dt \right] \quad (1)$$

where T is the length of the time period, in seconds, during which the average is taken; $L_A(t)$ is the instantaneous time varying A-weighted sound level during the time period T.

(1) Note: When a noise environment is caused by a number of identifiable noise events, such as aircraft flyovers, average sound level may be conveniently calculated from the sound exposure levels of the individual events occurring within a time period T:

$$L_T = 10 \log_{10} \left[\frac{1}{T} \sum_{i=1}^{n} 10^{L_{AEi}/10} \right] \quad (2)$$

where L_{AEi} is the sound exposure level of the i-th event, in a series of n events in time period T, in seconds.

(2) Note: When T is one hour, L_T is referred to as a one-hour average sound level.

(b) Day-night average sound level (individual day) must be computed in accordance with the following formula:

$$L_{dn} = 10 \log_{10} \left[\frac{1}{86400} \left(\int_{0000}^{0700} 10^{[L_A(t)+10]/10} \, dt + \int_{0700}^{2200} 10^{L_A(t)/10} \, dt + \int_{2200}^{2400} 10^{[L_A(t)+10]/10} \, dt \right) \right] \quad (3)$$

Time is in seconds, so the limits shown in hours and minutes are actually interpreted in seconds. It is often convenient to compute day-night average sound level from the one-hour average sound levels obtained during successive hours.

(c) Yearly day-night average sound level must be computed in accordance with the following formula:

$$L_{dn} = 10 \log_{10} \frac{1}{365} \sum_{i=1}^{365} 10^{L_{dni}/10} \quad (4)$$

where L_{dni} is the day-night average sound level for the i-th day out of one year.

(d) Sound exposure level must be computed in accordance with the following formula:

$$L_{AE} = 10 \log_{10}\left(\frac{1}{t_o} \int_{t_1}^{t_2} 10^{L_A(t)/10} dt \right) \quad (5)$$

where t_o is one second and $L_A(t)$ is the time-varying A-weighted sound level in the time interval t_1 to t_2.

The time interval should be sufficiently large that it encompasses all the significant sound of a designated event.

The requisite integral may be approximated with sufficient accuracy by integrating $L_A(t)$ over the time interval during which $L_A(t)$ lies within 10 decibels of its maximum value, before and after the maximum occurs.

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Appendix B

Noise Compatibility Programs

§ B150.1 Scope and purpose.

(a) This Appendix prescribes the content and the methods for developing noise compatibility programs authorized under this Part. Each program must set forth the measures which the airport operator (or other person or agency responsible) has taken, or proposes to take, for the reduction of existing noncompatible land uses and the prevention of the introduction of additional noncompatible land uses within the area covered by the noise exposure map submitted by the operator.

(b) The purpose of a noise compatibility program is:

(1) To promote a planning process through which the airport operator can examine and analyze the noise impact created by the operation of an airport, as well as the costs and benefits associated with various alternative noise reduction techniques, and the responsible impacted land use control jurisdictions can examine existing and forecast areas of noncompatibility and consider actions to reduce noncompatible uses.

(2) To bring together through public participation, agency coordination, and overall cooperation, all interested parties with their respective authorities and obligations, thereby facilitating the creation of an agreed upon noise abatement plan especially suited to the individual airport location while at the same time not unduly affecting the national air transportation system.

(3) To develop comprehensive and implementable noise reduction techniques and land use controls which, to the maximum extent feasible, will confine severe aircraft YDNL values of L_{dn} 75 dB or greater to areas included within the airport boundary and will establish and maintain compatible land uses in the areas affected by noise between the L_{dn} 65 and 75 dB contours.

§ B150.3 Requirement for noise map.

(a) It is required that a current and complete noise exposure map and its supporting documentation as found in compliance with the applicable requirements by the FAA, per § 150.21(c) be included in each noise compatibility program:

(1) To identify existing and future noncompatible land uses, based on airport operation and off-airport land uses, which have generated the need to develop a program.

(2) To identify changes in noncompatible uses to be derived from proposed program measures.

(b) If the proposed noise compatibility program would yield maps differing from those previously submitted to FAA, the program shall be accompanied by appropriately revised maps. Such revisions must be prepared in accordance with the requirements of Sec. A150.101(e) of Appendix A and will be accepted by FAA in accordance with § 150.35(f).

§ B150.5 Program standards.

Based upon the airport noise exposure and noncompatible land uses identified in the map, the airport operator shall evaluate the several alternative noise control actions and develop a noise compatibility program which—

(a) Reduces existing noncompatible uses and prevents or reduces the probability of the establishment of additional noncompatible uses;

(b) Does not impose undue burden on interstate and foreign commerce;

(c) Provides for revision in accordance with § 150.23 of this Part.

(d) Is not unjustly discriminatory.

(e) Does not derogate safety or adversely affect the safe and efficient use of airspace.

(f) To the extent practicable, meets both local needs and needs of the national air transportation system, considering tradeoffs between economic benefits derived from the airport and the noise impact.

(g) Can be implemented in a manner consistent with all of the powers and duties of the Administrator of FAA.

§ B150.7 Analysis of program alternatives.

(a) Noise control alternatives must be considered and presented according to the following categories:

(1) Noise abatement alternatives for which the airport operator has adequate implementation authority.

(2) Noise abatement alternatives for which the requisite implementation authority is vested in a local agency or political subdivision governing body, or a state agency or political subdivision governing body.

(3) Noise abatement options for which requisite authority is vested in the FAA or other Federal agency.

(b) At a minimum, the operator shall analyze and report on the following alternatives, subject to the constraints that the strategies are appropriate to the specific airport (for example, an evaluation of night curfews is not appropriate if there are no night flights and none are forecast):

(1) Acquisition of land and interests therein, including, but not limited to air rights, easements, and development rights, to ensure the use of property for purposes which are compatible with airport operations.

(2) The construction of barriers and acoustical shielding, including the soundproofing of public buildings.

(3) The implementation of a preferential runway system.

(4) The use of flight procedures (including the modifications of flight tracks) to control the operation of aircraft to reduce exposure of individuals (or specific noise sensitive areas) to noise in the area around the airport.

(5) The implementation of any restriction on the use of airport by any type or class of aircraft based on the noise characteristics of those aircraft. Such restrictions may include, but are not limited to—

(i) Denial of use of the airport to aircraft types or classes which do not meet Federal noise standards;

(ii) Capacity limitations based on the relative noisiness of different types of aircraft;

(iii) Requirement that aircraft using the airport must use noise abatement takeoff or approach procedures previously approved as safe by the FAA;

(iv) Landing fees based on FAA certificated or estimated noise emission levels or on time of arrival; and

(v) Partial or complete curfews.

(6) Other actions or combinations of actions which would have a beneficial noise control or abatement impact on the public.

(7) Other actions recommended for analysis by the FAA for the specific airport.

(c) For those alternatives selected for implementation, the program must identify the agency or agencies responsible for such implementation, whether those agencies have agreed to the implementation, and the approximate schedule agreed upon.

§ B150.9 Equivalent Programs.

(a) Notwithstanding any other provision of this Part, noise compatibility programs prepared in connection with studies which were either Federally funded or Federally approved and commenced before October 1, 1981, are not required to be modified to contain the following items:

(1) Flight tracks.

(2) A noise contour of L_{dn} 70 dB resulting from aircraft operations and data related to the L_{dn} 70 dB contour. When determinations on land use compatibility using Table 1 of Appendix A differ between L_{dn}65–70 dB and L_{dn} 70–75 dB, the determinations should either use the more conservative L_{dn} 70–75 dB column or reflect determinations based on local needs and values.

(3) The categorization of alternatives pursuant to Sec. B150.7(a), although the persons responsible for implementation of each measure in the program must still be identified in accordance with § 150.23(e) (8).

(4) Use of ambient noise to determine land use compatibility.

(b) Previously prepared noise compatibility program documentation may be supplemented to include these and other program requirements which have not been excepted.

APPENDIX 4. Status Report, Airport Noise Compatibility Planning Program

FEDERAL AVIATION ADMINISTRATION

Office of Environment and Energy

FAR PART 150 AIRPORT NOISE COMPATIBILITY PLANNING PROGRAM:

STATUS OF MAPS AND PROGRAMS *

January 1, 1990

Summary of Part 150 Program Activity:

Total airports participating in the program: 193

Airport Noise Compatibility Programs approved: 60

Revised Noise Compatibility Programs approved: 2

Airport Noise Compatibility Programs under review: 12

Airport Noise Exposure Maps in compliance: 93

Airports with FAA grants for Part 150 studies: 182

Total Grant Funds committed to preparing Part 150 studies: $26,081,226

Total Grant Funds for implementation of Part 150 NCP's: $694,462,330

*** This listing is for general information purposes only.** For official or more specific information, contact APP-600 at (202) 267-3263 for Part 150 maps and programs or APP-500 at (202) 267-8809 for FAA grants. For more information on the FAR Part 150 Airport Noise Compatibility Planning Program, contact the Office of Environment, AEE-300, at (202) 267-3565.

Part I. Airports participating in the FAR Part 150 Noise Compatibility Planning Program: Planning Grants and program status:

Participating Airports: 193 **Total Grants: $26,081,226**

Alabama: **Total: $699,408**

- Anniston-Calhoun County (ANB), Anniston, Alabama: (w/o grant)
  NEM in compliance 11-17-83

- Bates Field Airport (MOB), Mobile: $152,348

- Birmingham Municipal Airport (BHM), Birmingham: $207,900
  NEM in compliance 6-1-89 NCP approved 11-22-89

- Dannelly Field (MGM), Montgomery: $130,000

- Huntsville-Madison County Airport (HSV), Huntsville: $209,160
  NEM in compliance 9-12-86 NCP approved 3-11-87

- Tuscaloosa Municipal Airport (TCL), Tuscaloosa, Alabama: (w/o grant)
  NEM in compliance 9-19-83

Alaska: **Total: $1,024,957**

- Anchorage International Airport (ANC), Anchorage: $319,961
  NEM in compliance 1-22-87 NCP approved 10-11-88

- Fairbanks International Airport (FAI), Fairbanks: $236,859
  NEM in compliance 9-22-88

- Juneau International Airport (JNU), Juneau: $108,137
  NEM in compliance 10-9-89

- Ketchikan International Airport (KTN), Ketchikan: $69,375

- Merrill Field (MRI), Anchorage: $290,625

Arizona: **Total: $830,004**

- Phoenix Sky Harbor International Airport (PHX), Phoenix: $262,500
  NEM in compliance 11-4-88 180 days ends 4-2-90

- Ryan Field (RYN), Tucson: $77,401

- Scottsdale Municipal Airport (SDL), Scottsdale: $198,711
  NEM in compliance 2-14-86 NCP approved 12-19-86

- Tucson International Airport (TUS), Tucson: $291,392
  NEM in compliance 8-23-83 NCP approved 3-30-84

Arkansas: **Total: $308,400**

- Drake Field Airport (FYV), Fayetteville: $100,000
  NEM in compliance 1-27-87 NCP approved 6-29-89

- Fort Smith Municipal Airport (FSM), Fort Smith: $93,900
  NEM in compliance 6-20-89 NCP approved 12-5-89

- Little Rock Regional Airport - Adams Field (LIT), Little Rock, AR
  NEM in compliance 7-28-89 NCP approved 1-22-90 *

- Texarkana Regional - Webb Field (TXK), Texarkana: $114,500

California: **Total: $3,713,085**

- Buchanan Field (CCR), Concord: $54,000
  NEM in compliance 8-21-89

- Burbank-Glendale-Pasadena Airport (BUR), Burbank: $282,065
  NEM in compliance 4-22-88 NCP approved 7-27-89

- Camarillo Airport (CMA), Camarillo: $66,134

- Fresno Air Terminal (FAT), Fresno: $82,947

- Hawthorne Municipal Airport (HHR), Hawthorne: $53,692

- Hayward Air Terminal (HWD), Hayward: $99,769

- Lake Tahoe Airport (TVL), South Lake Tahoe: $100,000

- Long Beach Dougherty Field Airport (LGB), Long Beach: $211,500
  NEM in compliance 1-16-89 NCP finding 3-26-89

- Los Angeles International Airport (LAX), Los Angeles: $160,000
  NEM in compliance 10-15-84 NCP approved 4-9-85

- Meadows Field (BFL), Bakersfield: $90,000

- Metropolitan Oakland International Airport (OAK), Oakland: $120,885

- McClellan-Palomar Airport (CRQ), Carlsbad: $157,500

- Monterey Peninsula Airport (MRY), Monterey: $213,135
  NEM in compliance 3-26-86 NCP approved 10-7-86

- Ontario International Airport (ONT), Ontario: $500,000

- Oxnard Airport (OXR), Oxnard: $45,066

- Palm Springs Municipal Airport (PSP), Palm Springs: $135,000
  NEM in compliance 9-2-87 NCP approved 5-23-88

* New or revised data.

- Palo Alto Airport of Santa Clara (PAO), Palo Alto: $85,230

- Redding Municipal Airport (RDD), Redding: $42,354

- Rialto Municipal Airport (Miro Field) (L67), Rialto: $26,581

- San Jose International Airport (SJC), San Jose: $161,180
  NEM in compliance 8-29-86 NCP approved 8-7-87

- San Diego International Airport (SAN), San Diego: $481,525
  NEM in compliance 1-30-89

- San Francisco International Airport (SFO), San Francisco: $25,000
  NEM in compliance 1-17-83 NCP approved 7-20-83

- Santa Barbara Municipal Airport (SBA), Santa Barbara: $59,490
  NEM in compliance 8-11-88 NCP approved 1-27-89

- San Luis Obispo County Airport (SBP), San Luis Obispo: $10,000

- Santa Maria Public Airport (SMX), Santa Maria: $45,882
  NEM in compliance 11-4-88

- Stockton Metropolitan Airport (SCK), Stockton: $129,150

- Van Nuys Airport (VNY), Van Nuys: $275,000

Colorado: Total: $477,743

- Centennial Airport, Denver: $125,000

- City of Colorado Springs Municipal (COS), Colorado Springs: $139,561
  NEM in compliance 7-7-89 NCP withdrawn 9-25-89

- Pueblo Memorial Airport (PUB), Pueblo: $140,265

- Stapleton International Airport (DEN), Denver: $72,917

Connecticut: Total: $528,295

- Danbury Municipal Airport (NXR), Danbury: $134,605
  NEM in compliance 2-24-88 NCP approved 8-22-88

- Groton-New London Airport (GON), Groton: $129,390
  NEM in compliance 7-1-86 NCP approved 12-19-86

- Hartford Brainard Airport (HFD), Hartford: $132,900
- NEM in compliance 11-15-89 180 days ends 5-14-90

- Igor I. Sikorsky Memorial Airport (BDR), Bridgeport: $131,400

Florida: **Total: $2,025,696**

- Boca Raton Public Airport (BCT), Boca Raton: $127,000

- Daytona Beach Regional Airport (DAB), Daytona: $27,368

- Fort Lauderdale Executive Airport (FXE), Ft. Lauderdale: $79,447
  NEM in compliance 11-15-88

- Ft. Lauderdale-Hollywood Int'l Airport (FLL), Ft. Lauderdale: $110,268
  NEM in compliance 3-29-89 NCP approved 8-25-89

- Gainesville Regional Airport (GNV), Gainesville: $32,963
  NEM in compliance 4-30-87 NCP approved 10-19-87

- Key West International Airport (EYW), Key West: $84,011
  NEM in compliance 11-14-89

- Marathon Flight Strip (MTH), Marathon: $88,457
  NEM in compliance 11-14-89

- Miami International Airport (MIA), Miami: $405,000

- Naples Municipal Airport (APF), Naples: $79,056
  NEM in compliance 8-22-88 NCP approved 2-17-89

- Ocala Municipal Airport (OCF), Ocala: $45,000
  NEM in compliance 9-29-89

- Orlando Executive Airport (ORL), Orlando: $100,000

- Orlando International Airport (MCO), Orlando: $43,437
  NEM in compliance 6-16-89 NCP Withdrawn 11-22-89

- Palm Beach International Airport (PBI), West Palm Beach: (w/o grant)
  NEM in compliance 5-16-86 NCP approved 11-12-86

- Panama City-Bay County Airport (PFN), Panama City: $101,922
  NEM in compliance 3-23-89 NCP approved 9-18-89

- Pensacola Regional Airport (PNS), Pensacola: $133,000

- Sarasota-Bradenton Airport (SRQ), Sarasota: $112,500
  NEM in compliance 11-14-86
  Rev NEM in compliance 9-11-89 180 days ends 3-10-90

- St. Lucie County International Airport (FRP), Ft. Pierce: $58,000
  NEM in compliance 6-20-88 NCP approved 12-12-88

- SW Florida Regional Airport (RSW), Fort Myers: $116,869
  NEM in compliance 11-8-89 180 days ends 5-19-90

- Tallahassee Municipal Airport (TLH), Tallahassee: $96,794
  NEM in compliance 11-8-89 180 days ends 5-19-90

- Tampa International Airport (TPA), Tampa: $109,904
  NEM in compliance 1-21-87 NCP approved 7-15-87

- Titusville-Space Center Executive Airport (TIX), Titusville: $74,700

Georgia: Total: $355,421

- Fulton County-Brown Field (FTY), Atlanta: $228,146

- Hartsfield-Atlanta International Airport (ATL), Atlanta: (w/o grant):
  NEM in compliance 10-16-84 NCP approved 4-10-85
  NCP Revision No. 1: 6-25-87 NCP Revision No. 2: 10-24-88

- Lewis B. Wilson Airport (MCN), Macon: $127,275

Hawaii: Total: $1,057,000

- Dillingham Airfield (HDH), Mokuleia: $137,000

- General Lyman Field (ITO), Hilo: $150,000

- Honolulu International Airport (HNL), Honolulu: $240,000

- Kahului Airport (OGG), Kuhului: $150,000

- Ke-Ahole Airport (KOA), Kailua-Kona: $150,000
  NEM in compliance 11-14-89 180 days ends 5-13-90

- Lihue Airport (LIH), Lihue: $150,000

- Molokai Airport (MKK), Kaunakakai: $80,000

Idaho: Total: $210,402

- Boise Air Terminal - Gowen Field (BOI), Boise: $103,500

- Friedman Memorial Airport (SUN), Hailey: $106,902

Illinois: Total: $2,524,776

- Bloomington-Normal (BNI), Bloomington: $157,500

- Capital Airport (SPI), Springfield: $148,500

- Chicago Midway Airport (MDW), Chicago: $423,000

- Chicago O'Hare International Airport (ORD), Chicago: $776,497
  NEM in compliance 8-7-89

- Greater Peoria Airport (PIA), Peoria: $163,000

- Greater Rockford (RFD), Rockford: $156,600

- Decatur Airport (DEC), Decatur: $119,099

- Pal-Waukee Airport (PWK), Wheeling/Prospect Heights: $229,500
  NEM in compliance 7-26-89

- St. Louis Regional Airport (ALN), Alton/St. Louis: $64,080
  (Civic Memorial Airport)
  NEM in compliance 10-7-85 NCP approved 10-27-86

- Univ. of Illinois - Willard Airport (CMI), Champaign/Urbana: $135,000
  NEM in compliance 9-5-89

- Waukegan Regional Airport (UGN), Waukegan: $153,000
  NEM in compliance 6-5-69

Indiana: Total $352,578

- Hulman Regional Airport (HUF), Terre Haute: $150,000
  NEM in compliance 1-13-89

- Indianapolis International Airport (IND), Indianapolis: $202,578
  NEM in compliance 6-24-88 NCP approved 9-14-88

Iowa: Total: $153,000

- Des Moines Municipal Airport (DSM), Lexington: $153,000

Kentucky: Total: $495,477

- Blue Grass Field (LEX), Lexington: $95477
  NEM in compliance 11-13-89 180 days ends 5-12-90

- Greater Cincinnati International Airport (CVG), Covington: $400,000

Louisiana: Total: $385,900

- Baton Rouge Municipal Airport (BTR), Baton Rouge: (w/o grant)
  NEM in compliance 3-7-86 NCP approved 6-25-86

- Monroe Regional Airport (MLU), Monroe: $135,900

- New Orleans International - Moisant (MSY), New Orleans: $250,000
  NEM in compliance 2-25-87 NCP approved 8-17-88

Maine: Total: $135,000

- Portland International Jetport (PWM), Portland: $135,000

Maryland:

Baltimore Washington Int'l Airport (BWI), Baltimore: (w/o grant)
* NEM in compliance 12-28-89 180 days ends 6-26-90 *

Massachusetts: **Total: $790,417**

- Barnes Municipal Airport (BAF), Westfield: $121,203
- Barnstable Municipal Airport (HYA), Hyannis: $144,000
  NEM in compliance 1-30-89 NCP approved 7-27-89
- Martha's Vineyard Airport (MVY), Martha's Vineyard: $124,200
- Nantucket Memorial Airport (ACK), Nantucket: $125,595
  NEM in compliance 8-19-88 NCP approved 2-9-89
- Norwood Memorial Airport (OWD), Norwood: $127,800
- Worcester Municipal Airport (ORH), Worcester: $147,619

Michigan: **Total: $1,277,600**

- Ann Arbor Municipal Airport (ARB), Ann Arbor: $130,000
- Bishop Airport (FNT), Flint: $150,000
- Detroit City Airport (DET), Detroit: $150,000
- Detroit Metropolitan-Wayne County Airport (DTW), Detroit: $250,000
  NEM in compliance 7-24-89
- Kalamazoo Municipal Airport (AZO), Kalamazoo: $125,000
- Kent County International Airport (GRR), Grand Rapids: $200,000
- Oakland-Pontiac Airport (PTK), Pontiac: $125,000
- Tri-City International Airport (MBS), Saginaw: $147,600

Minnesota: **Total: $115,582**

- Minneapolis-St. Paul/Wold Chamberlain International Airportl (MSP),
  Minneapolis: $115,582
  NEM in compliance 10-4-89 180 days ends 4-2-90

Mississippi: **Total: $295,775**

- Allen C. Thompson/Jackson International (JAN), Jackson: $125,978
  NEM in compliance 11-22-89 180 days ends 5-21-90
- Golden Triangle Regional Airport, Columbus: (w/o grant)
  NEM in compliance 8-17-83 NCP approved 2-10-84

- Gulfport-Biloxi Regional Airport (GPT), Gulfport-Biloxi: $169,797

- Pinebelt Regional Airport, Laurel: (w/o grant)
  NEM in compliance 8-17-83 NCP approved 2-10-84

Missouri: **Total: $439,624**

- Lambert-St Louis International Airport (STL), St. Louis: $143,824
  NEM in compliance 4-29-87 NCP approved 8-23-87

- Spirit of St. Louis (SUS), St. Louis: $150,000
  NEM in compliance 4-28-89 NCP approved 10-23-89

- Springfield Regional Airport (SGF), Springfield: $145,800

Montana: **Total: $441,000**

- Billings-Logan International Airport (BIL), Billings: $164,700
  NEM in compliance 12-22-86 NCP approved 6-19-87

- Great Falls International Airport (GTF), Great Falls: $141,300
  NEM in compliance 6-9-87 NCP approved 11-30-87

- Missoula County Airport (MSO), Missoula: $135,000
  NEM in compliance 5-25-88 NCP approved 11-4-88

Nevada: **Total: $158,116**

- Cannon International Airport (RNO), Reno: $60,000

- McCarran International Airport (LAS), Las Vegas: $67,116
  NEM in compliance 11-3-88 NCP approved 9-18-89

- North Las Vegas Air Terminal (VGT), Las Vegas: $31,000

New Hampshire: **Total: $160,020**

- Boire Field (ASH), Nashua: $112,050

- Lebanon Municipal Airport (LEB), Lebanon: $47,970
  NEM in compliance 3-7-86 NCP approved 9-2-86

New Mexico: **Total: $125,158**

- Albuquerque International Airport (ABQ), Albuquerque: $125,158

New York: **Total: $638,201**

- Long Island - Mac Arthur Airport (ISP), Islip: $303,952

- Republic Airport (FRG), Farmingdale: $183,600

- Syracuse - Hancock International (SYR), Syracuse: $150,649
* NEM in compliance 1-9-90 180 days ends 7-8-90 *

North Carolina: Total: $12,000

- Charlotte/Douglas International Airport (CLT), Charlotte: $12,000
  NEM in compliance 7-11-89 180 days ends 5-19-90

North Dakota: Total: $87,273

- Bismark Municipal Airport (BIS), Bismark: $87,273

Ohio: Total : $982,476

- Akron-Canton Regional Airport (CAK), Akron: $179,350
  NEM in compliance 4-24-89 NCP approved 9-21-89

- Cleveland-Hopkins International Airport (CLE), Cleveland, Ohio
  NEM in compliance 7-3-84 NCP approved 8-18-87

- James M. Cox Dayton International Airport (DAY), Dayton: $150,000
  NEM in compliance 6-22-88 NCP approved 9-4-88

- Lorain County Regional Airport (22G), Lorain/Elyria: $135,000

- Mansfield-Lahm Municipal Airport (MFD), Mansfield: 120,000

- Ohio State University Airport (OSU), Columbus: $92,751

- Port Columbus International Airport (CMH), Columbus: $105,375
  NEM in compliance 7-28-89 NCP approved 9-25-87

- Rickenbacker Airport (LCK), Columbus: $100,000
  NEM in compliance 1-13-8-

- Toledo Express Airport (TOL), Toledo: $100,000

Oklahoma: Total: $525,958

- Lawton Municipal Airport (LAW), Lawton: $99,958

- R. L. Jones, Jr., Airport (RVS), Tulsa: $90,000
  NEM in compliance 11-22-89 180 days ends 5-21-89

- Tulsa International Airport (TUL), Tulsa: $135,000

- Wiley Post Airport (PWA), Oklahoma City: $81,000

- Will Rogers World Airport (OKC), Oklahoma City: $120,000

Oregon: **Total: $110,000**

- Portland International (PDX), Portland: $50,000
  NEM in compliance 1-18-85 NCP approved 7-10-85

- Medford Jackson County Airport (MFR), Medford: $60,000
  NEM in compliance 3-20-87 NCP approved 9-3-87

Pennsylvania: **Total: $405,477**

- Allentown-Bethlehem-Easton (ABE), Allentown: $156,164

- Erie International Airport (ERI), Erie: $78,850

- Greater Pittsburgh International Airport (PIT), Pittsburgh: $170,463
  NEM in compliance 8-30-83
  Rev. NEM compliance 3-4-87 NCP approved 8-23-87

Rhode Island: **Total: $141,300**

- Theodore F. Green State Airport (PVD), Providence: $141,300
  NEM in compliance 3-3-86 NCP approved 8-26-86

Tennessee: **Total: $707,027**

- McGhee-Tyson Airport (TYS), Knoxville: $200,000
  NEM in compliance 11-9-88 NCP approved 5-5-89

- Memphis International Airport (MEM), Memphis: $195,151
  NEM in compliance 9-10-87 NCP approved 2-20-88

- Nashville Metropolitan Airport (BNA), Nashville: $304,878
  NEM in compliance 11-14-88 NCP approved 8-25-89

- Smyrna Airport (MQY), Smyrna: $6,998
  NEM in compliance 7-2-85

Texas: **Total: $871,131**

- Addison Airport (ADS), Dallas: $162,000

- Amarillo International Airport (AMA), Amarillo: $188,460
  NEM in compliance 7-7-88 NCP approved 11-25-88

- Midland Regional Airport (MAF), Midland: $202,500

- Rio Grande Valley International Airport (HRL), Harlington: $168,966

- San Antonio International Airport (SAT), San Antonio: $149,025

Utah: **Total: $278,589**

- Salt Lake City Airport (SLC), Salt Lake: $278,589
  NEM in compliance 6-18-87 NCP approved 9-13-87

Vermont: **Total: $139,000**

- Burlington International Airport (BTV), Burlington: $139,000

Virginia: **Total: $234,936**

- Manassas Municipal/Davis Field (W10), Manassas: $72,936
- Roanoke Municipal/Woodrum Airport (ROA), Roanoke: $162,000

Virgin Islands: **Total: $41,400**

- Alexander Hamilton Airport (STX), Christiansted, St. Croix: $41,400
  NEM in compliance 2-24-89 NCP approved 8-22-89

Washington: **Total: $1,014,090**

- Bellingham International (BLI), Bellingham: $74,528
- Boeing Field-King County Int'l Airport (BFI), Seattle: $98,348
- Seattle-Tacoma International Airport (SEA), Seattle: $281,250
  NEM in compliance 4-11-85 NCP approved 10-4-85
- Snohomish County/Paine Field (PAE), Everett: $124,640
  NEM in compliance 11-3-87 NCP approved 4-29-88
- Spokane International Airport (GEG), Spokane: $325,642
  NEM in compliance 4-19-89
- Tri-Cities Airport (PSC), Pasco: $54,000
  NEM in compliance 5-16-86 NCP approved 10-16-86
- William Fairchild International Airport (CLM), Port Angeles: $28,062
- Yakima Air Terminal (YKM), Yakima: $27,620

Wisconsin: **Total: $494,358**

- Dane County Regional-Truax Field (MSN), Madison: $180,001
- General Mitchell International Airport (MKE), Milwaukee: $206,250
- Wittman Field (OSH), Oshkosh: $108,107

Wyoming: **Total: $210,816**

- Cheyenne Airport (CYS), Cheyenne: $52,104

- Jackson Hole Airport (JAC), Jackson: $108,450
  NEM in compliance 5-15-85 NCP approved 11-8-85

- Natrona County International Airport (CPR), Casper: $50,262
  NEM in compliance 10-1-85 NCP approved 2-25-86

Part II. Airports with Noise Exposure Maps (NEM) in compliance and Noise Compatibility Programs (NCP) approved:

1. San Francisco International (SFO):
   NEM in compliance 1-17-83 NCP approved 7-20-83

2. Golden Triangle Regional Airport (GTR), Columbus, Mississippi:
   NEM in compliance 8-17-83 NCP approved 2-10-84

3. Pinebelt Regional Airport (PIB), Laurel Mississippi:
   NEM in compliance 8-17-83 NCP approved 2-10-84

4. Tucson International Airport (PHX):
   NEM in compliance 8-23-83 NCP approved 3-30-84

5. Los Angeles International (LAX):
   NEM in compliance 10-15-84 NCP approved 4-9-85

6. Hartsfield-Atlanta International Airport (ATL):
   NEM in compliance 10-16-84 NCP approved 4-10-85
   NCP Revision No. 1: 6-25-87 NCP Revision No. 2: 10-24-88

7. Portland International (PDX):
   NEM in compliance 1-18-85 NCP approved 7-10-85

8. Seattle-Tacoma International Airport (SEA):
   NEM in compliance 4-11-85 NCP approved 10-4-85

9. Jackson Hole Airport (JAC), Jackson Hole, Wyoming:
   NEM in compliance 5-15-85 NCP approved 11-8-85

10. Natrona County International Airport (CPR), Casper, Wyoming:
    NEM in compliance 10-1-85 NCP approved 2-25-86

11. Baton Rouge Municipal Airport (BTR), Baton Rouge, Louisiana:
    NEM in compliance 3-7-86 NCP approved 6-25-86

12. T. F. Green Airport (PVD), Warwick, Rhode Island:
    NEM in compliance 3-3-86 NCP approved 8-26-86

13. Lebanon Municipal Airport (LEB), Lebanon, NH:
    NEM in compliance 3-7-86 NCP approved 9-2-86

14. Monterey Peninsula Airport (MRY), Monterey, California:
    NEM in compliance 3-26-86 NCP approved 10-7-86

15. Tri-Cities Airport (PSC), Pasco, WA:
    NEM in compliance 5-16-86 NCP approved 10-16-86

16. St. Louis Regional Airport (ALN), East Alton, Illinois:
    NEM in compliance 10-7-85 NCP approved 10-27-86

17. Palm Beach International Airport (PBI), West Palm Beach, Florida:
    NEM in compliance 5-16-86 NCP approved 11-12-86

18. Scottsdale Municipal (SDL), AZ:
NEM in compliance 2-14-86 NCP approved 12-19-86

19. Groton-New London (GON), Groton, CT:
NEM in compliance 7-1-86 NCP approved 12-19-86

20. Huntsville-Madison County Airport (HSV), AL:
NEM in compliance 9-12-86 NCP approved 3-11-87

21. Billings-Logan International Airport (BIL), Billings, Montana:
NEM in compliance 12-22-86 NCP approved 6-19-87

22. Tampa International Airport (TPA), Tampa, Florida:
NEM in compliance 1-21-87 NCP approved 7-15-87

23. San Jose International Airport (SJC), San Jose, CA:
NEM in compliance 8-29-86 NCP approved 8-7-87

24. Cleveland-Hopkins International Airport (CLE), Cleveland, Ohio:
NEM in compliance 7-3-84 NCP approved 8-18-87

25. Greater Pittsburgh International Airport (PIT), Pittsburgh, PA:
NEM in compliance 8-30-83
Rev. NEM compliance 3-4-87 NCP approved 8-23-87

26. Lambert-St. Louis International Airport (STL), St. Louis, Missouri:
NEM in compliance 4-29-87 NCP approved 8-23-87

27. Medford Jackson County Airport (MFR), Medford, Oregon:
NEM in compliance 3-20-87 NCP approved 9-3-87

28. Salt Lake City International Airport (SLC), Salt Lake City, Utah
NEM in compliance 6-18-87 NCP approved 9-13-87

29. Port Columbus International Airport (CMH), Columbus, Ohio:
NEM in compliance 7-28-87 NCP approved 9-25-87

30. Gainesville Regional Airport (GNV), Gainesville, Florida:
NEM in compliance 4-30-87 NCP approved 10-19-87

31. Great Falls International Airport (GTF), Great Falls, Montana
NEM in compliance 6-9-87 NCP approved 11-30-87

32. Memphis International Airport (MEM), Memphis, Tennessee
NEM in compliance 9-10-87 NCP approved 2-20-88

33. Snohomish County/Paine Field (PAE), Everett, Washington
NEM in compliance 11-3-87 NCP approved 4-29-88

34. Palm Springs Municipal Airport (PSP), Palm Springs, CA
NEM in compliance 9-2-87 NCP approved 5-23-88

35. New Orleans International - Moisant (MSY), New Orleans, LA:
NEM in compliance 2-25-87 NCP approved 8-17-88

36. Danbury Municipal Airport (DXR), Danbury, CT
NEM in compliance 2-24-88 NCP approved 8-22-88

37. James M. Cox - Dayton International Airport (DAY), Dayton, Ohio
NEM in compliance 6-22-88 NCP approved 9-14-88

38. Indianapolis International Airport (IND), Indianapolis, Indiana
NEM in compliance 6-24-88 NCP approved 9-14-88

39. Anchorage International Airport (ANC), Anchorage, Alaska:
NEM in compliance 1-22-87 NCP approved 10-11-88

40. Missoula County Airport (MSO), Missoula, Montana
NEM in compliance 5-25-88 NCP approved 11-4-88

41. Amarillo International Airport (AMA), Amarillo, Texas
NEM in compliance 7-7-88 NCP approved 11-25-88

42. St. Lucie County International Airport (FPR), Ft. Pierce, Florida
NEM in compliance 6-20-88 NCP approved 12-12-88

43. Santa Barbara Municipal Airport (SBA), Santa Barbara, CA
NEM in compliance 8-11-88 NCP approved 1-27-89

44. Nantucket Memorial Airport (ACK), Nantucket, MA
NEM in compliance 8-19-88 NCP approved 2-9-89

45. Naples Municipal Airport (APF), Naples, FL
NEM in compliance 8-22-88 NCP approved 2-17-89

46. Mcghee-Tyson Airport (TYS), Knoxville, TN
NEM in compliance 11-9-88 NCP approved 5-5-89

47. Drake Field (FYV), Fayetteville, AR
NEM in compliance 1-27-89 NCP approved 6-29-89

48. Rickenbacker Airport (LCK), Columbus, OH
NEM in compliance 1-13-89 NCP approved 7-6-89

49. Barnstable Municipal Boardman/Polando Airport (HYA), Hyannis, MA
NEM in compliance 1-30-89 NCP approved 7-27-89

50. Burbank-Glendale-Pasadena Airport (BUR), Burbank, CA
NEM in compliance 4-22-88 NCP approved 7-27-89

51. Alexander Hamilton Field (STX), Christiansted, St. Croix, VI
NEM in compliance 2-24-89 NCP approved 8-22-89

52. Nashville Metropolitan Airport (BNA), Nashville, TN
NEM in compliance 11-14-88 NCP approved 8-25-89

53. Panama City-Bay County Airport (PFN), Panama City, FL
NEM in compliance 3-23-89 NCP approved 9-18-89

54. McCarran International Airport (LAS), Las Vegas, NV
NEM in compliance 11-3-88 NCP approved 9-18-89

55. Akron-Canton Regional Airport (CAK), Akron, OH
NEM in compliance 4-24-89 NCP approved 9-21-89

56. Ft. Lauderdale-Hollywood Int'l Airport (FLL), Ft. Lauderdale, FL
NEM in compliance 3-29-89 NCP approved 8-25-89

57. Spirit of St. Louis Airport (SUS), St. Louis, MO
NEM in compliance 4-28-89 NCP approved 10-23-89

58. Birmingham Municipal Airport (BHM), Birmingham, AL
NEM in compliance 6-1-89 NCP approved 11-22-89

59. Ft. Smith Municipal Airport (FSM), Ft. Smith, AR
NEM in compliance 6-20-89 NCP approved 12-6-89

60. Little Rock Regional Airport - Adams Field (LIT), Little Rock, AR
NEM in compliance 7-28-89 NCP approved 1-22-90

Part III. Airports with Noise Exposure Maps (NEM) in compliance and with Noise Compatibility Program under FAA review:

- Minneapolis-St. Paul Wold Chamberlain Int'l Airport (MSP), Minn., MN
  NEM in compliance 10-4-89 180 days ends 4-2-90

- Phoenix Sky Harbor International Airport (PHX), Phoenix, AZ
  NEM in compliance 11-4-88 180 days ends 4-2-90

- Sarasota-Bradenton Airport (SRQ), Sarasota, FL
  NEM in compliance 11-14-86
  Rev NEM in compliance 9-11-89 180 days ends 3-10-90

- Blue Grass Field (LEX), Lexington, KY
  NEM in compliance 11-13-89 180 days ends 5-12-90

- Ke-Ahole Airport (KOA), Kailua-Kona, HI
  NEM in compliance 11-14-89 180 days ends 5-13-89

- Hartford Brainard Airport (HFD), Hartford, CT
  NEM in compliance 11-15-89 180 days ends 5-14-90

- Charlotte/Douglas International Airport (CLT), Charlotte, NC
  NEM in compliance 7-11-89 180 days ends 5-19-90

- SW Florida Regional Airport (RSW), Fort Myers, FL
  NEM in compliance 11-8-89 180 days ends 5-19-90

- Allen C. Thompson/Jackson International (JAN), Jackson, MS
  NEM in compliance 11-22-89 180 days ends 5-21-90

- Richard Lloyd Jones, Jr., Airport (RVS), Tulsa, OK
  NEM in compliance 11-22-89 180 days ends 5-21-90

- Baltimore Washington International Airport (BWI), Baltimore, MD
  * NEM in compliance 12-28-89 180 days ends 6-26-90 *

* Syracuse - Hancock International (SYR), Syracuse, NY
  NEM in compliance 1-9-90 180 days ends 7-8-90 *

Part IV. Airports with Noise Exposure Maps (NEM) in compliance but with no program submitted, with program withdrawn for revision, or with other program finding:

- Anniston-Calhoun County (ANB), Anniston, Alabama:
  NEM in compliance 11-17-83

- Buchanan Field (CCR), Concord, CA
  NEM in compliance 8-21-89

- Centennial Airport (APA), Denver, CO
  Withdrawn 10-28-88

- Chicago O'Hare International Airport (ORD), Chicago, IL
  NEM in compliance 8-7-89

- City of Colorado Springs Municipal (COS), CO
  NEM in compliance 7-7-89 NCP Withdrawn 9-25-89

- Detroit Metropolitan - Wayne County Airport (DTW), Detroit, MI
  NEM in compliance 7-24-89

- Fairbanks International Airport (FAI), Fairbanks, AK
  NEM in compliance 9-22-88

- Ft. Lauderdale Executive Airport (FXE), Ft. Lauderdale, FL
  NEM in compliance 11-15-89

- Hulman Regional Airport (HUF), Terre Haute, IN
  NEM in compliance 1-13-89

- Juneau International Airport (JNU), Juneau, Alaska
  NEM in compliance 10-9-87

- Key West International Airport (EYW), Key West, FL
  NEM in compliance 11-14-89

- Marathon Airport (MTH), Marathon, FL
  NEM in compliance 11-14-89

- Long Beach Dougherty Field Airport (LGB), Long Beach, California:
  NEM in compliance 1-16-87 NCP finding 3-26-87

- Ocala Municipal Airport (OCF), Ocala, Florida
  NEM in compliance 9-29-89

- Orlando International Airport (MCO), Orlando, FL
  NEM in compliance 6-16-89 NCP withdrawn 11-22-89

- Pal-Waukee Airport (PWK), Wheeling/Prospect Heights, IL
  NEM in compliance 7-26-88

- Phoenix Sky Harbor International Airport (PHX), Phoenix, AZ
  NEM in compliance 11-4-88

- San Diego International Airport (SAN), San Diego, CA
  NEM in compliance 1-30-89

- Santa Maria Public Airport (SMX), Santa Maria, CA
  NEM in compliance 11-4-88

- Smyrna Airport (MQY), Smyrna, Tennessee:
  NEM in compliance 7-2-85

- Spokane International Airport (GEG), Spokane, WA
  NEM in compliance 4-19-89

- Tuscaloosa Municipal Airport (TCL), Tuscaloosa, Alabama
  NEM in compliance 9-19-83

- Univ. of Illinois - Willard Airport (CMI), Champaign/Urbana, IL
  NEM in compliance 9-5-89

- Waukegan Regional Airport (UGN), Waukegan, IL
  NEM in compliance 6-5-89

* Tri-City International Airport (MBS), Saginaw, MI
  NEM in compliance 12-13-89

APPENDIX 5. Aviation Safety and Noise Abatement Act of 1979

AVIATION SAFETY AND NOISE ABATEMENT ACT OF 1979

Public Law 96-193; 94 Stat. 50; 49 U.S.C. App. 2101 et seq.

AN ACT To provide assistance to airport operators to prepare and carry out noise compatibility programs, to provide assistance to assure continued safety in aviation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aviation Safety and Noise Abatement Act of 1979".

TITLE I

SEC. 101. For purposes of this title—

(1) the term "airport" means any public-use airport (as defined by section 503(18) of the Airport and Airway Improvement Act of 1982);

(2) the term "airport operator" means, in the case of an airport serving air carriers certificated by the Civil Aeronautics Board, any person holding a valid certificate issued pursuant to section 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1432) to operate an airport, and, in the case of any other airport, the person operating such airport; and

(3) the term "Secretary" means the Secretary of Transportation. [49 U.S.C. App. 2101]

SEC. 102. Not later than the last day of the twelfth month which begins after the date of enactment of this Act, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and such other Federal, State, and interstate agencies as he deems appropriate, shall by regulation—

(1) establish a single system of measuring noise, for which there is a highly reliable relationship between projected noise exposure and surveyed reactions of people to noise, to be uniformly applied in measuring the noise at airports and the areas surrounding such airports;

(2) establish a single system for determining the exposure of individuals to noise which results from the operations of an airport and which includes, but is not limited to, noise intensity, duration, frequency, and time of occurrence; and

(3) identify land uses which are normally compatible with various exposures of individuals to noise. [49 U.S.C. App. 2102]

SEC. 103. (a)(1) After the effective date of the regulations promulgated in accordance with section 102 of this title, any airport operator of an airport may submit to the Secretary a noise exposure map, prepared in consultation with any public agencies and planning agencies in the area surrounding such airport, which sets forth, in accordance with the regulations promulgated pursuant to section 102, the noncompatible uses in each area of the map, as of

the date of submission of such map, a description of the projected aircraft operations at such airport during 1985, and the ways, if any, in which such operations will affect such map.

(2) If, after the submission to the Secretary of a noise exposure map under paragraph (1), any change in the operation of an airport would create any substantial new noncompatible use in any area surrounding such airport, the operator of such airport shall submit a revised noise exposure map showing such new noncompatible use.

(b)(1) The Secretary is authorized to incur obligations to make grants from funds made available under section 505 of the Airport and Airway Improvement Act of 1982 for airport noise compatibility planning to sponsors of airports. The United States share of any airport noise compatibility planning grant under this section shall be that percent for which a project for airport development at that airport would be eligible under section 510 of the Airport and Airway Improvement Act of 1982.

(2) For purposes of this Act, the term "airport noise compatibility planning" means the development for planning purposes of information necessary to prepare and submit (A) the noise exposure map and related information pursuant to subsection (a) of this section, including any cost associated with obtaining such information, or (B) a noise compatibility program for submission pursuant to section 104 of this Act. [49 U.S.C. App. 2103]

SEC. 104. (a) Any airport operator who has submitted a noise exposure map and the related information pursuant to section 103(a)(1) may, after consultation with the officials of any public agencies and planning agencies in the area surrounding such airport, the Federal officials having local responsibility for such airport, and any air carriers using such airport and after notice and an opportunity for a public hearing, submit a noise compatibility program to the Secretary. Such program shall set forth the measures which such operator has taken or proposes for the reduction of existing noncompatible uses and the prevention of the introduction of additional noncompatible uses within the area covered by the noise exposure map submitted by such operator. Such measures may include, but are not limited to—

(1) the implementation of any preferential runway system;

(2) the implementation of any restriction on the use of such airport by any type or class of aircraft based on the noise characteristics of such aircraft;

(3) the construction of barriers and acoustical shielding, including the soundproofing of public buildings;

(4) the use of flight procedures to control the operation of aircraft to reduce exposure of individuals to noise in the area surrounding the airport; and

(5) acquisition of land and interests therein, including, but not limited to, air rights, easements, and development rights, so as to assure the use of property for purposes which are compatible with airport operations.

(b) The Secretary shall approve or disapprove any program submitted to him pursuant to subsection (a) (other than as such program relates to flight procedures referred to in subsection (a)(4) of

this section) within one hundred and eighty days after it is received by him. The Secretary shall approve such program (other than as such program relates to flight procedures referred to in subsection (a)(4) of this section) (A) if the measures to be undertaken in carrying out such program (i) do not create an undue burden on interstate or foreign commerce, and (ii) are reasonably consistent with obtaining the goal of reducing existing noncompatible uses and preventing the introduction of additional noncompatible uses, and (B) if the program provides for its revision made necessary by any revised noise exposure map submitted under section 103(a)(2) of this title. Failure of the Secretary to approve or disapprove such program (other than as such program relates to flight procedures referred to in subsection (a)(4) of this section) within such time period shall be deemed to be an approval of such program. With respect to any part of such program which relates to such flight procedures, the Secretary shall provide such part of such program to the Administrator of the Federal Aviation Administration who shall either approve or disapprove such part of such program.

(c) [1](1) The Secretary is authorized to incur obligations to make grants under this Act from funds made available under section 505 of the Airport and Airway Improvement Act of 1982 for any project to carry out a noise compatibility program or parts thereof not disapproved under subsection (b) of this section. Grants under this Act may be made to operators of airports submitting noise compatibility programs and to units of local government in the area sur-

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[1] Section 301(d) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Pub. L. 100-223, 100 Stat. 1523-1524; 49 U.S.C. App 2104 note) reads as follows:

SEC. 301. NOISE ABATEMENT.

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(d) PROCEDURES FOR PREPARATION AND SUBMISSION OF NOISE COMPATIBILITY PROGRAMS.—

(1) STUDY.—The Secretary shall conduct a study of the procedures established under the Aviation Safety and Noise Abatement Act of 1979 for the preparation and submission of noise compatibility programs. The objectives of such study shall be to determine whether or not such procedures could be revised to provide a more simplified process which meet the objectives of such Act and to determine whether or not expedited and simplified procedures which meet the objectives of such Act could be developed to take into account special circumstances at certain airports.

(2) CONSULTATION REQUIREMENT.—In undertaking the study under this subsection, the Secretary shall consult airports, airport users (including air carriers), representatives of persons residing in areas surrounding airports, concerned Federal, State, and local officials, and other interested persons.

(3) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1) together with recommendations.

(4) FUNDING DURING STUDY.—

(A) CONGRESSIONAL INTENT.—It is the intention of Congress that the authority of the Secretary to make grants under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 to airport operators and units of local government to implement noise compatibility programs that were developed prior to the promulgation of implementing regulations under such Act if the Secretary determines that such programs would further the purposes of such Act shall continue until such programs are fully implemented but not later than the last day of the 18-month period beginning on the date of the enactment of this Act, notwithstanding any other provision of law and any rule or regulation promulgated pursuant to any other provision of law.

(B) CONTINUATION.—In order to carry out the intent specified in subparagraph (A), grants may continue to be made under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 for noise compatibility programs or projects previously approved under such program during the 18-month period beginning on the date of the enactment of this Act, if—

(i) the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

(ii) the Secretary determines that such programs or projects are compatible with the purposes of such Act.

rounding such airports if the Secretary determines such units have the capability to carry out projects for which grant applications are made in accordance with such noise compatibility programs. Such airport operator may in turn agree to make the grant available to public agencies in the area surrounding such airports if the Secretary determines such agencies have the capability to carry out projects for which grant applications are made in accordance with such noise compatibility programs. The Federal share of any project for which a grant is made under this subsection shall be 80 percent of the cost of the project or the Federal share which would be applicable to such project if the funds made available for such project were being made available under the Airport and Airway Improvement Act of 1982 for a project at the airport, whichever percentage is greater. All of the provisions of the Airport and Airway Improvement Act of 1982 applicable to project grants made under section 505 of that Act (except section 510 of that Act relating to United States share of project costs) shall be applicable to any grant made under this Act, unless the Secretary determines that any provision of such Act of 1982 is inconsistent with, or unnecessary to carry out, the purposes of this Act.

(2) The Secretary, further, is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for any project to carry out a noise compatibility program developed prior to the enactment of this Act or the promulgation of its implementing regulations if the Secretary determines that such prior program is substantially consistent with the purposes of reducing existing uses and preventing the introduction of additional noncompatible uses and that the purposes of this Act would be furthered by prompt implementation of such program.

(3) The Secretary is authorized under this section to make grants to operators of airports and to units of local government referred to in paragraph (1) for any project to soundproof any public building (A) which is used primarily for educational or medical purposes in the noise impact area surrounding such airport, and (B) which is determined to be adversely affected by airport noise.

(d) The United States shall not be liable for damages resulting from aviation noise by reason of any action taken by the Secretary or the Administrator of the Federal Aviation Administration under this section.

(e) The Secretary shall obligate from funds available for expenditure under section 14(a)(3) of the Airport and Airway Development Act of 1970, not less than $25,000,000, for the fiscal year ending September 30, 1980, for making grants under subsection (c) of this section. [49 U.S.C. App. 2104]

SEC. 105. The Secretary, acting through the Administrator of the Federal Aviation Administration, after consultation with the officials of any public agencies or planning agencies in the area surrounding such airport, shall prepare and publish a noise exposure map and a noise compatibility program for the airport established by the Act of June 29, 1940 (54 Stat. 686), and the airport the construction of which was authorized by the Act of September 7, 1950 (64 Stat. 770). Such map and program shall be prepared and pub-

lished in accordance with the requirements of this Act no later than 1 year after the effective date of the regulations promulgated in accordance with section 102 of this Act. [49 U.S.C. App. 2105]

SEC. 106. No part of any noise exposure map or related information described in section 103(a) submitted to, or prepared by, the Secretary and no part of the list of land uses identified by the Secretary as land uses which are normally compatible with various exposures of individuals to noise shall be admitted as evidence, or used for any other purpose, in any suit or action seeking damages or other relief for the noise that results from the operation of an airport. [49 U.S.C. App. 2106]

SEC. 107. (a) No person who acquires property or an interest therein after the date of enactment of this Act in an area surrounding an airport with respect to which a noise exposure map has been submitted under section 103 of this title shall be entitled to recover damages with respect to the noise attributable to such airport if such person had actual or constructive knowledge of the existence of such noise exposure map unless, in addition to any other elements for recovery of damages, such person can show that—

(1) a significant change in the type or frequency of aircraft operations at the airport; or

(2) a significant change in the airport layout; or

(3) a significant change in the flight patterns; or

(4) a significant increase in nighttime operations;

occurred after the date of the acquisition of such property or interest therein and that the damages for which recovery is sought have resulted from any such change or increase.

(b) For purposes of this section, constructive knowledge shall be imputed, at a minimum, to any person who acquires property or an interest therein in an area surrounding an airport after the date of enactment of this Act if—

(1) prior to the date of such acquisition, notice of the existence of a noise exposure map for such area was published at least three times in a newspaper of general circulation in the county in which such property is located; or

(2) a copy of such noise exposure map is furnished to such person at the time of such acquisition. [49 U.S.C. App. 2107]

SEC. 108. The Secretary shall study airport noise compatibility planning and airport noise compatibility programs carried out with grants made under this title, to determine to what extent such planning and programs are achieving the goals of reducing existing noncompatible uses of land around airports and preventing the introduction of new noncompatible uses around airports. Not later than January 1, 1981, the Secretary shall submit a report to Congress setting forth the determinations made pursuant to such studies together with legislative recommendations, if any, which the Secretary determines necessary. [49 U.S.C. App. 2108]

[Title II consists of conforming amendments. Omitted.]