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DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

14 CFR Parts 91 and 150

[Docket No. 2923]

Compatible Land Use Planning Initiative

63 FR 27876

DATE: Thursday, May 21, 1998

ACTION: Request for comments.

To view the next page, type .np* TRANSMIT.

To view a specific page, transmit p* and the page number, e.g. p*1

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SUMMARY: The FAA is seeking new ideas regarding how the agency can better influence land use decisions around airports. Noise contours around airports will continue to shrink with the elimination of noisier Stage 2 airplanes by the year 2000. The FAA now seeks to develop a process that will better influence long-term land use planning and zoning around airports. This notice solicits suggestions about methods the FAA can use to encourage and help State and local governments achieve and maintain land use compatibility around airports.

DATES: Comments must be received on or before June 22, 1998.

ADDRESSES: Comments should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. 29231, 800 Independence Avenue, SW., Washington, DC 20591. Comments may also be sent electronically to the Rules Docket by using the following Internet address: 9-nprm-cmts@faa.dot.gov. Comments must be marked Docket No. 29231. Comments may be examined in the Rules Docket in Room 915G on weekdays between 8:30 a.m. and 5:00 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alan Trickey, Policy and Regulatory Division, AEE-300, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone, (202) 267-3496; facsimile, (202) 267-5594; email,

alan.trickey@faa.dot.gov

SUPPLEMENTARY INFORMATION:

Background

Aircraft noise is a serious problem for communities around airports. Federal, state and local governments have spent several billion dollars for the acquisition of land, soundproofing, changes in airport operations and airspace, and processing of complaints. The airline industry has expended billions more to acquire quieter aircraft that reduce noise exposure levels. Although this collective effort has resulted in significant progress, additional measures are needed to maintain current gains and prevent the development of new noncompatible land uses around airports.

The FAA has been actively engaged in measures to solve the problem of aircraft noise since the 1960's. Specifically, the FAA has issued regulations phasing out noisier airplanes. The noisiest Stage 1 airplanes were phased out of commercial operations in the United States by 1988. The current phaseout will eliminate large Stage 2 airplanes from operations in the contiguous United States by the year 2000. The FAA provides grants to airport operators willing to undertake noise abatement measures such as the purchase of land and soundproofing of residences.

Based on several studies, the FAA expects noise contours at most airports to continue to shrink for several years into the 21st century due to the elimination of noisier aircraft. After the completion of the Stage 2 phaseout by the year 2000, the FAA anticipates that these contours could begin to expand again at some airports primarily due to increases in operations. It is essential for local jurisdictions to plan ahead to maintain the land use compatibility already achieved near airports and to control land uses to prevent new noise-sensitive development within an agreed upon protection zone.

The U.S. Constitution, gives individual States the authority over land use, though such authority is often delegated to local governments. Some airports are operated by the state or municipal governments that have the power to achieve appropriate land use controls through zoning and other authorities. But even when governmental bodies are themselves airport operators, the noise effects of their airports often occur in areas outside their jurisdictions. Land use decisions generally reflect the needs of the community, which include but are **[*27877]** not limited to considerations of aviation noise.

The FAA is charged with the responsibility to maintain a safe and efficient national airspace system. The FAA fosters compatible land use planning both to facilitate access to airports commensurate with the demands of air commerce and to abate the aviation noise effects in the airport vicinity. Even though the Federal government lacks the authority to zone land, the FAA may use its influence to encourage compatible land use in the vicinity of an airport. The agency exerts this influence through airport development grant agreements, environmental review requirements, grants for airport noise compatibility planning, and educational instruments on compatible land use planning. The FAA has issued guidelines for land use compatibility around airports to assist those responsible for determining land use. These guidelines are primarily contained in 14 CFR Part 150 and related guidance.

In January 1995, an FAA-sponsored Study Group on Compatible Land Use, which was composed of community, airport, and aviation representatives, produced a report with recommendations for Federal initiatives to promote compatible land use planning and controls around airports. The group's recommendations included the following concepts:

- . Provide direct Federal funding through the Airport Improvement Program (AIP) to non-airport sponsors who have land use planning jurisdiction;
- . Encourage cooperative agreements between airport sponsors and communities;

- . Revise FAA regulations in Part 150 or supporting guidelines to recognize and publicize successful land use compatibility concepts, encourage more effective public participation and encourage innovative land-use control techniques;
- . Strengthen the linkage between Part 150 noise compatibility programs and existing Federal programs that reinforce land use planning, such as Federal Housing Administration and Department of Veterans Affairs policies not to accept properties in high-noise areas for mortgage insurance.

The FAA has implemented portions of these recommendations. These ideas are presented here only to stimulate thought for additional ideas.

Request for Comments

The FAA is soliciting comments on any concepts that might serve to promote compatible land use planning by state and local authorities and to discourage development of noncompatible land uses around airports. The FAA is particularly interested in bold, innovative, and creative options that could be implemented quickly to discourage development of noncompatible land uses, as well as long-term solutions. Comments that provide a factual basis for the suggestions are particularly helpful. The more specific the suggestions for FAA action, the better. Ultimately, any process should achieve long-term cost avoidance for all levels of government.

The FAA will review information from public comments and other sources to identify methods that might assist State and local governments in achieving and maintaining land use compatibility around airports. Further action would depend on the nature and scope of the methods identified.

Communications should identify the notice docket number and be submitted in triplicate using one of the media specified in the **ADDRESSES** paragraph above. All communications will be filed in the docket. The docket is available for public inspection both before and after the closing date for receipt of comments.

The FAA will acknowledge receipt of a comment if the commenter includes a self-addressed, stamped postcard with the comment. The postcard should be marked "Comments to Docket No. [29231]." When the comment is received by the FAA, the postcard will be dated, time stamped, and returned to the commenter.

Issued in Washington, D.C. on May 15, 1998.

James D. Erickson,

Director of Environment and Energy.

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