

# FAA Office of Airports on Environmental Justice and Related Issues

Prepared for: FAA National Civil Rights Training Conference

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Federal Aviation  
Administration



# The U.S. system of airports

as of October 1, 2015

- **19,360** airports overall
- **14,212** airports designated as private-use
- **5,148** airports open to the public
- **3,331** existing airports in the National Plan of Integrated Airport Systems (“NPIAS”)
- **544** airports certificated under Part 139 (commercial service by aircraft with 9 or more seats)
- **382** primary airports (scheduled commercial service with at least 10,000 annual enplanements)



# National Plan of Integrated Airport Systems (NPIAS)

	Airport Type	Number of Airports	% of U.S. Enplanements	Examples
Primary	<b>Large Hub</b> (>1.0% of all enplanements)	30	72.4%	Charlotte-Douglas, LaGuardia, Philadelphia, San Diego, LAX, etc.
	<b>Medium Hub</b> (0.25 - 1.0% of all enplanements)	31	15.4%	Anchorage, Austin, Hartford, Indianapolis, Raleigh-Durham, etc.
	<b>Small Hub</b> (0.05 - 0.25% of all enplanements)	72	8.5%	Greensboro Piedmont Triad, Wilmington
	<b>Non-Hub</b> (>10,000 enplanements, but less than 0.05% of all enplanements)	249	3.6%	Ashville, Concord, Fayetteville, Jacksonville
	<b>Subtotal—Primary airports</b>	<b>382</b>	<b>99.9%</b>	
Nonprimary	<b>General Aviation—National</b>	78		Smith Reynolds (Winston-Salem)
	<b>General Aviation—Regional</b>	469		Johnston Regional, Triangle North Executive, Raleigh Executive, etc.
	<b>General Aviation—Local</b>	1,274		Lincoln County Regional, Cape Fear Regional, etc.
	<b>General Aviation—Basic</b>	879		Odell Williamson, Laurinburg-Maxton, Mount Olive Municipal
	<b>General Aviation—Unclassified</b>	251		
	<b>Subtotal—Nonprimary airports</b>	<b>2,951</b>		
	<b>Total—existing NPIAS airports</b>	<b>= 3,333</b>		

As of October 1, 2015



# Who owns and operates U.S. airports?

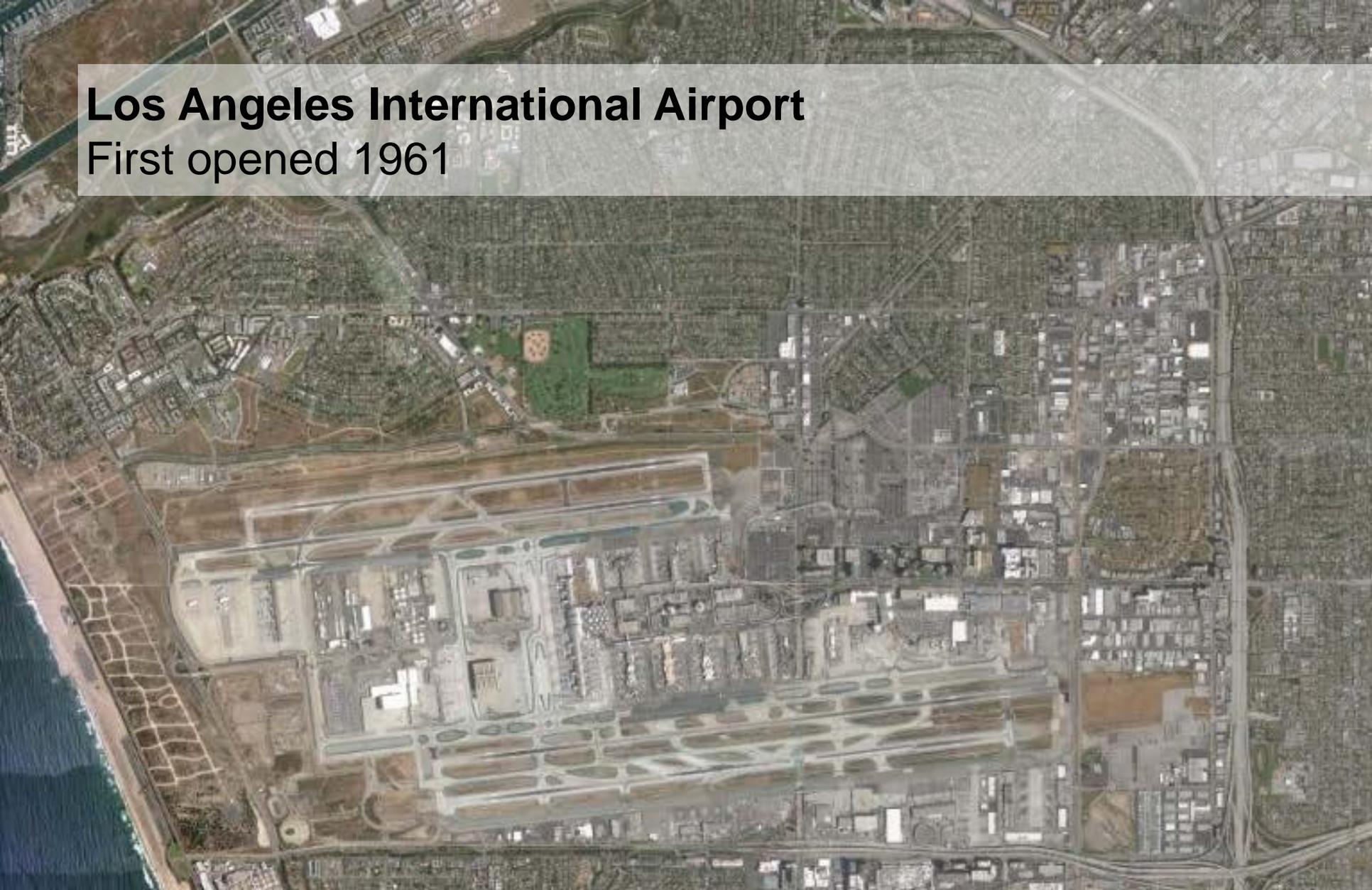
It varies greatly:

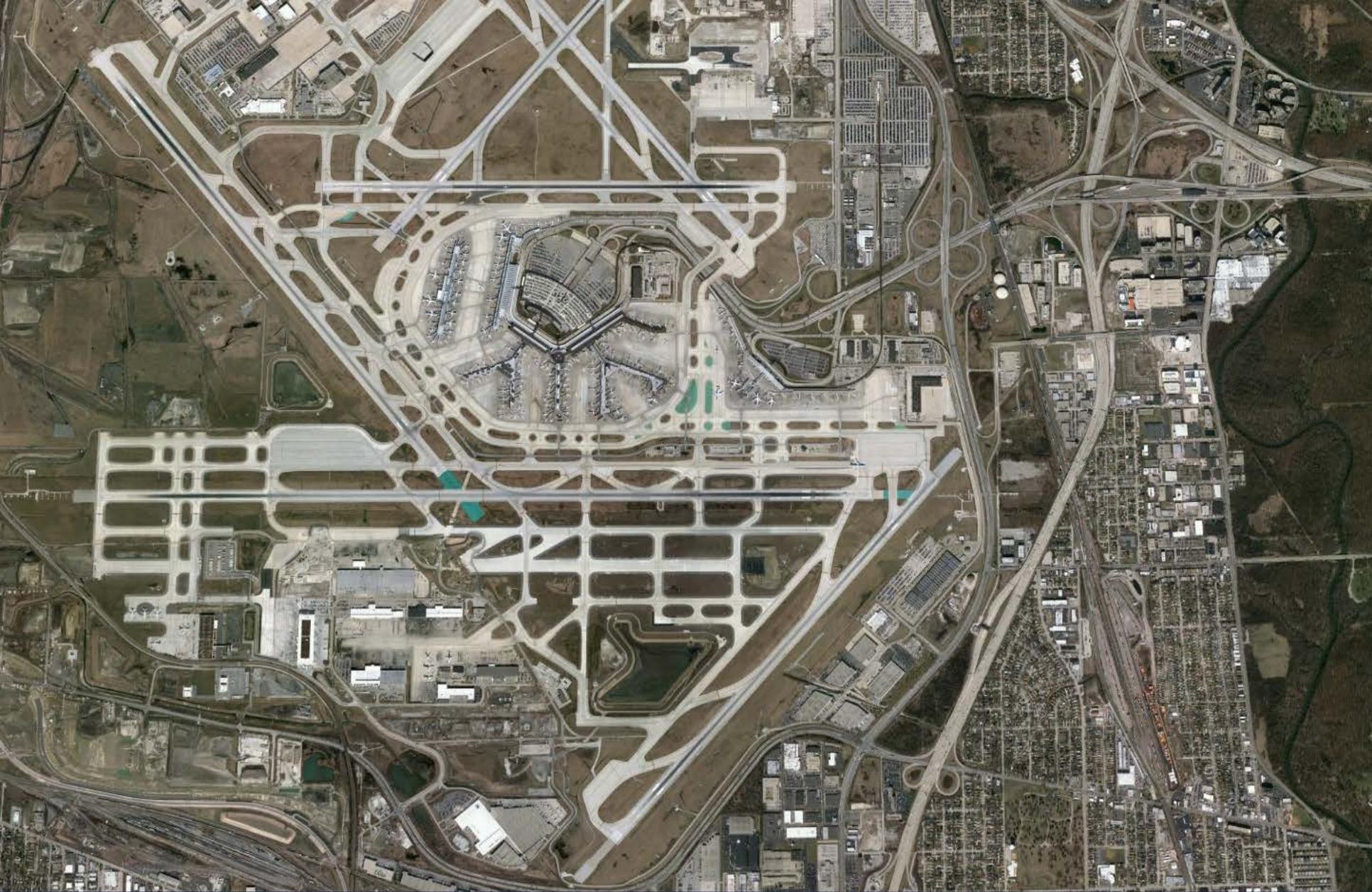
- State governments
- Counties
- Cities, towns or villages
- Public authorities (e.g., Port Authority of New York & New Jersey, DFW Airport Board, etc.)
- Private or commercial entities—relatively few examples, and usually (but not always) smaller airports



# Los Angeles International Airport

First opened 1961





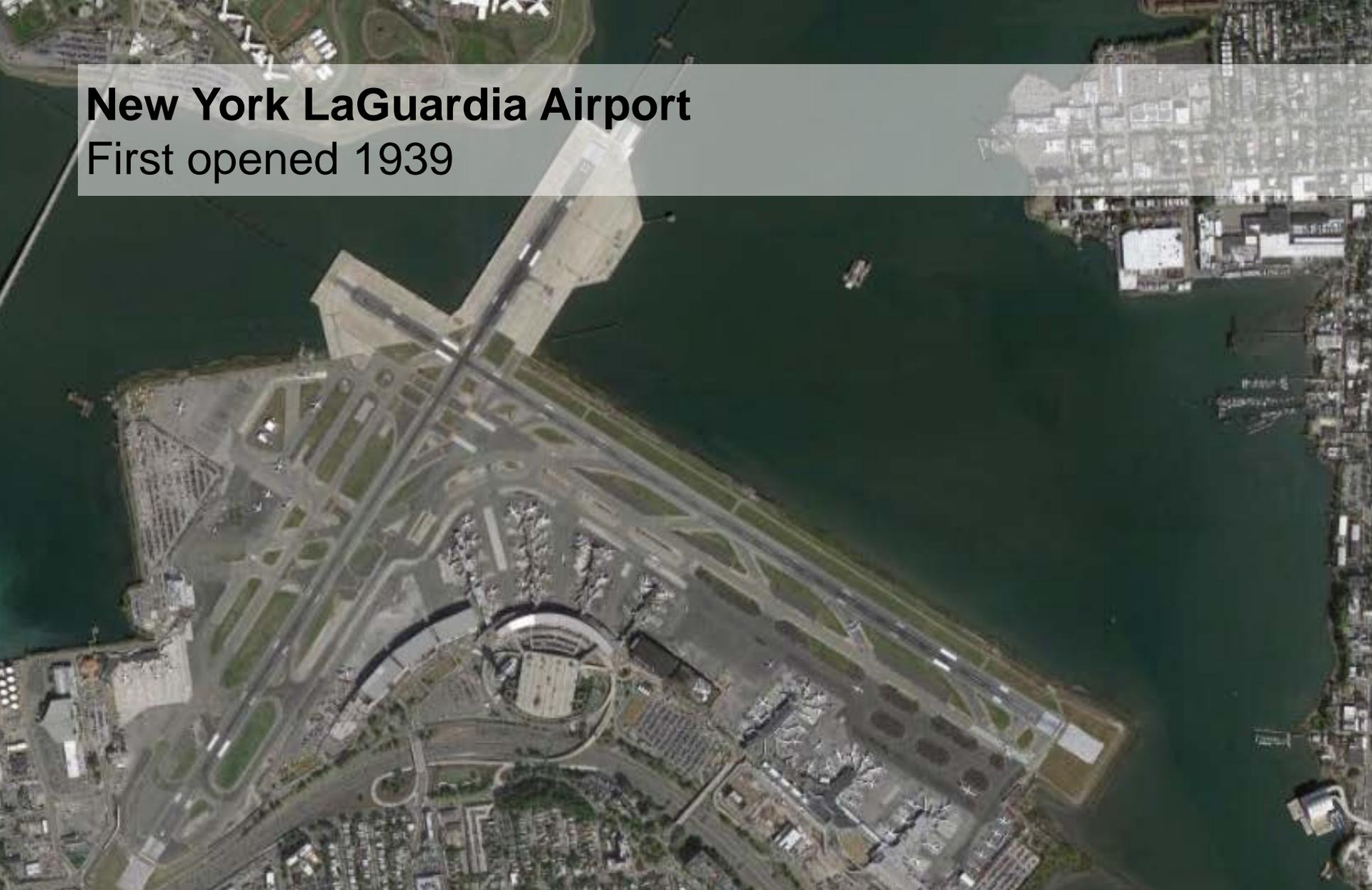
# Philadelphia International Airport

First opened 1940



# New York LaGuardia Airport

First opened 1939



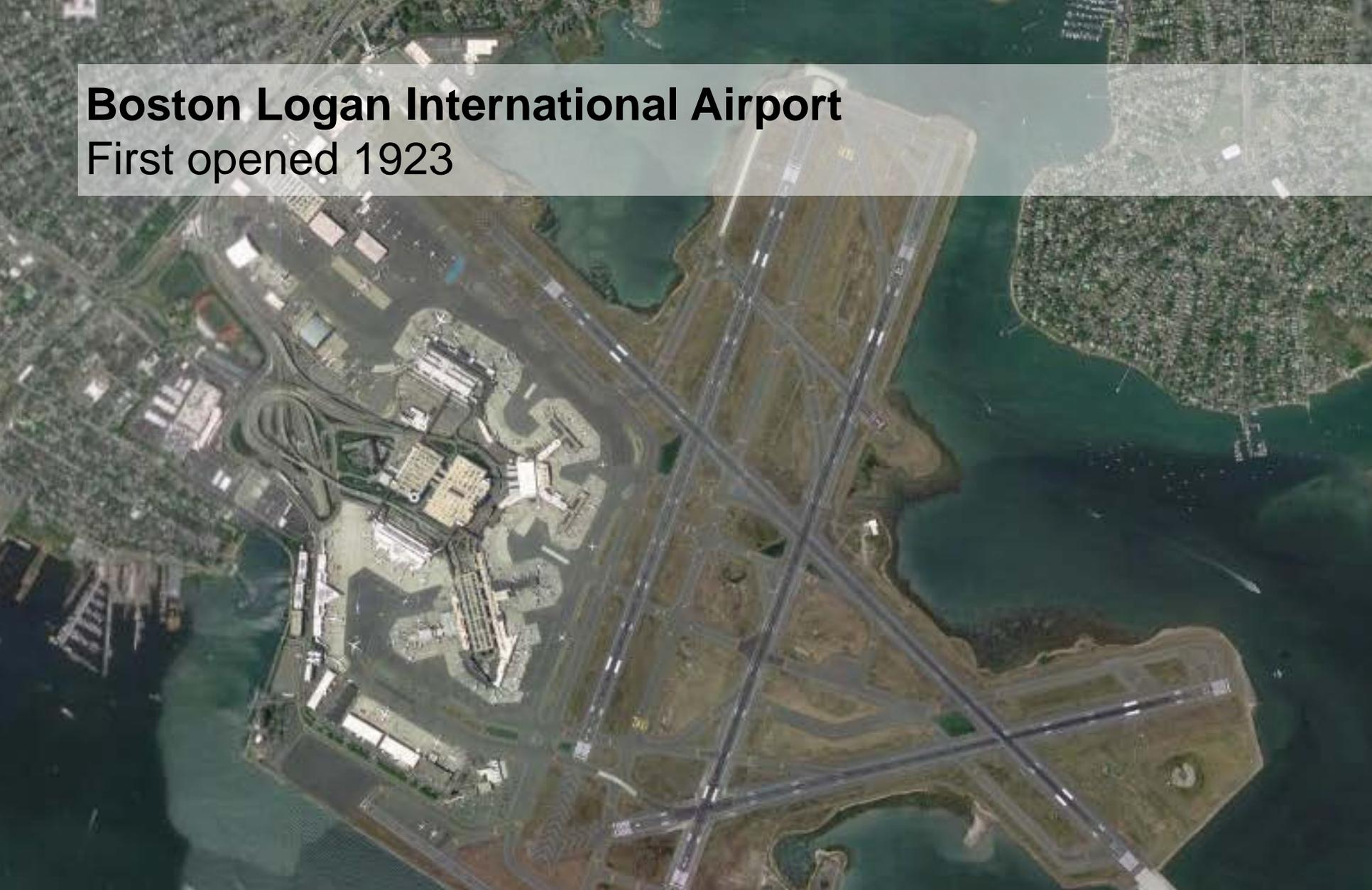
# Chicago Midway International Airport

First opened 1927



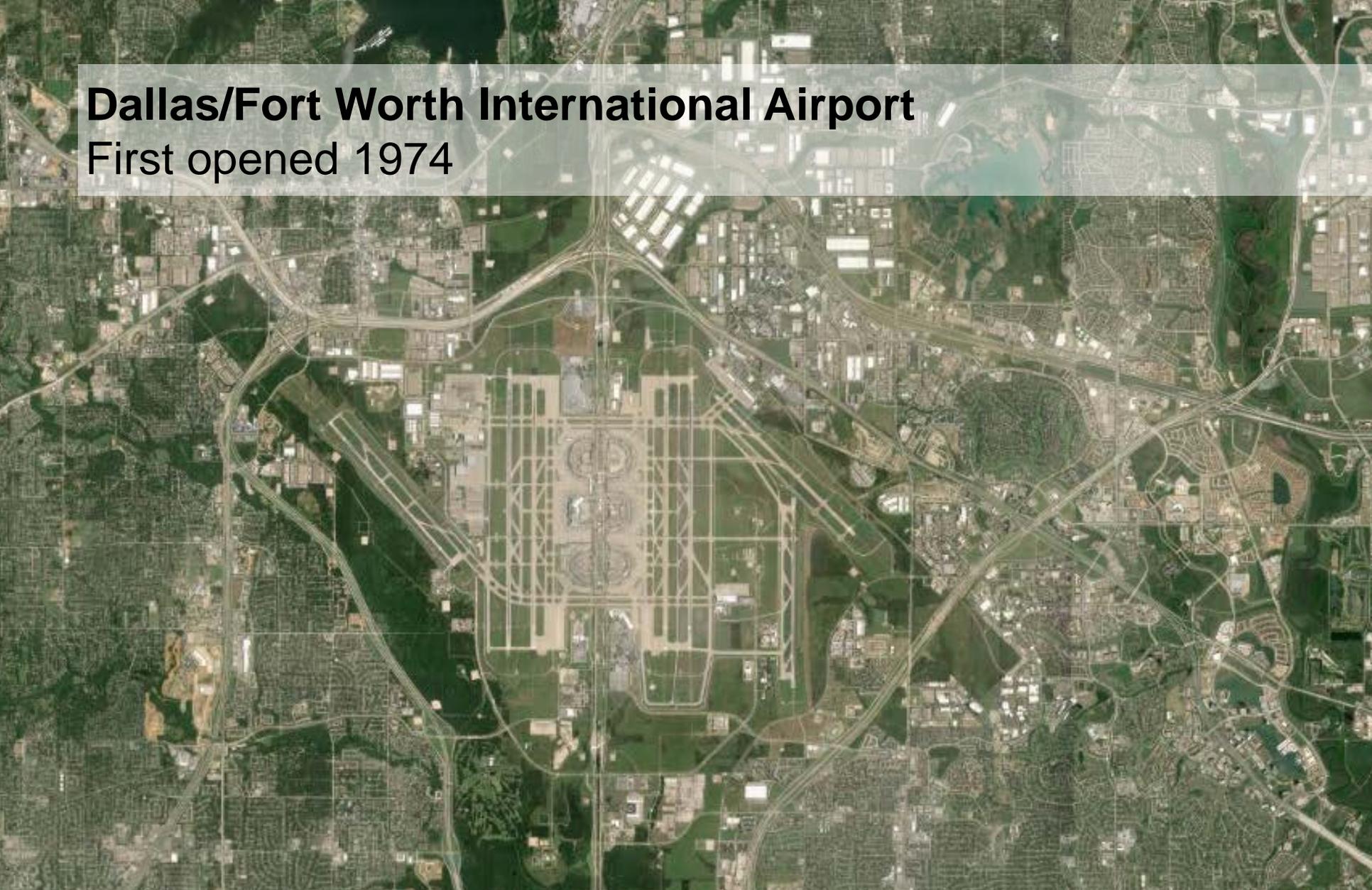
# Boston Logan International Airport

First opened 1923



# Dallas/Fort Worth International Airport

First opened 1974



## So what's your point about the vintage of the airports?

- Many older airports do not meet current design standards.
- As number of passengers and operations increase—and as aircraft performance characteristics change—sometimes major capacity or modernization projects are needed and justified.
- As numbers and types of aircraft change, so do the needs for safety and capacity in terms of airport infrastructure, especially in terms of runways—number, length, strength, width, orientation and lateral separation.



# When does FAA Office of Airports get engaged on EJ?

- When there is a pending Federal action—most typically when there is a proposed airport construction project or other development with potential environmental impacts that go beyond airport boundaries.
- Noise Compatibility Planning (Part 150) programs.

# Federal Requirements

- Executive Order 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) requires all Federal agencies to identify and address disproportionately high and adverse health or environmental effects of its programs, policies, and activities on minority and low-income populations.
- DOT Order 5610.2A requires Operating Administrations to fully consider environmental justice principles throughout planning and decision-making processes in the development of programs, policies, and activities that address or affect infrastructure planning and decision-making; social, economic, or environmental matters; public health; and public involvement.

*(continued)*

## Federal Requirements (continued)

- FAA Order 1050.1F (“Environmental Impacts: Policies and Procedures”) and FAA Order 5050.4B (“National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions”) define how the FAA should address environmental justice issues for Airports actions.
- In addition, the Airports and the Order 1050.1F Desk References integrate compliance with NEPA and special purpose laws. Environmental Justice compliance procedures, including analysis and public outreach, are discussed in this document.
- The NEPA training course recently developed by the Office of Airports provides a detailed job-aid that gives background on legal authorities related to Environmental Justice as well as a framework of how to conduct an Environmental Justice evaluation.

# MOU Between Office of Airports and Civil Rights

- In February 2012, the Office of Airports entered into a Memorandum of Understanding (MOU) with the FAA Office of Civil Rights to promote the sharing of environmental justice information and analyses for proposed AIP-funded airport projects.
- The MOU established a three-year pilot program (from January 2012 through January 2015).
- In September 2014, the MOU and the pilot program were extended for three more years, through December 2017.
- Until recently, no projects had met the criteria for heightened coordination. However, the EIS for proposed development at Charlotte-Douglas International Airport (just beginning now) will meet the criteria.

# More fundamental

considering the volume of traffic using it, decides as necessary, the efficient use of the airport by aircraft.

(c) ENVIRONMENTAL REQUIREMENTS.—(1) The Secretary may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension—

(A) only if the sponsor certifies to the Secretary that—

(i) an opportunity for a public hearing was given to consider the economic, social, and environmental effects of the location and the location's consistency with the objectives of any planning that the community has carried out;

(ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project; and

(iii) with respect to an airport development project involving the location of an airport, runway, or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted; and

(B) if the application is found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.

(2) The Secretary may approve an application under this subchapter for an airport development project that does not involve

portioned... an assurance or requirement of this...

(A) the Secretary provides the sponsor an hearing; and

(B) not later than 180 days after the later the application or the date the Secretary disc compliance, the Secretary finds that a violation

(2) The 180-day period may be extended by—

(A) agreement between the Secretary and (B) the hearing officer if the officer decides necessary because the sponsor did not follow officer established.

(3) A person adversely affected by an order withholding approval may obtain review of the order in the United States Court of Appeals for the Columbia Circuit or in the court of appeals of the the circuit in which the project is located. The brought not later than 60 days after the order is s tioner.

(e) REPORTS RELATING TO CONSTRUCTION OF HUB AIRPORTS.—At least 90 days prior to the ap subchapter of a project grant application for con hub airport that is expected to have 0.25 perce total annual enplanements in the United Stat shall submit to Congress a report analyzing the of such proposed new airport on—

(1) the fees charged to air carriers (incl and other costs that will be incurred by air the proposed airport;

(2) air transportation that will be pro graphic region of the proposed airport; and

(3) the availability and cost of providi to rural areas in such geographic region.

## More fundamental

area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted; and

(B) if the application is found to have a significant adverse effect on natural resources, including fish and wildlife, natural scenic, and recreation assets, water and air quality, or another factor affecting the environment, **only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.**

(2) The Secretary may approve an application under this subchapter for an airport development project that does not involve

## Significance of the authorizing statute

- As a result of this, we routinely press airports hard (during the planning process) to find ways to avoid such impacts.
- The airports are typically highly motivated to do so because they nearly always want to avoid negative community perceptions and relationships, not to mention the risk of litigation.
- Even when impacts are not fully avoidable, the airport typically agrees on reasonable steps to mitigate impacts (and the FAA frequently funds mitigation for significant adverse impacts such as noise).

# Planning and environmental processes

CY 1	CY 2	CY 3	CY 4	CY 5	CY 6	CY 7
<b>Planning process</b>						
<ul style="list-style-type: none"> <li>• Clear identification of project objectives</li> <li>• Identification of full range of possible alternatives</li> <li>• Early public involvement</li> <li>• Early consideration of environmental issues (including potential socioeconomic effects)</li> <li>• Clear explanation of planning conclusions</li> </ul>						
			<b>Formal environmental process</b>			
			<ul style="list-style-type: none"> <li>• Revalidate purpose and need</li> <li>• Revalidate alternatives</li> <li>• Analyze environmental impacts</li> <li>• Consider mitigation</li> </ul>			

# Types of issues that can Trigger EJ concerns

- EJ concerns are triggered by human health or environment effects, including interrelated social and economic effects:
  - Displacement (e.g., of people and businesses) is the most likely significant Environmental Justice issue at and around airports.
  - Noise and air quality are the most likely environmental issues.
  - Other environmental issues may be raised during the EJ process (e.g., thresholds, subsistence resources, use of categorical exclusions).
- Although EJ is always an important part of NEPA review and analysis, it is relatively infrequent for significant EJ issues to materialize.
- Lower-cost housing is sometimes available near large, busy airports and as a result it is not unusual for low-income populations to live in these areas. These areas are often exposed to high noise levels from airport operations.

*(continued)*

## Types of issues that can Trigger EJ concerns (cont'd)

- Noise-related EJ analysis may include reviewing potential alternatives to the proposed action, including different runway alignments, or other means of meeting the aeronautical need.
- As part of the EJ analysis, airport noise contour data and other data is compared with minority and low-income maps.

## Avoidance and mitigation

- Where possible, both airports and the FAA typically seek to avoid impacting populated areas at all—and particularly if they are disproportionately low-income areas.
- Mitigation measures may include property acquisition, sound insulation of homes and schools, or compensation through the purchase of aviation easements. The FAA is frequently able to support these measures through Airport Improvement Program (AIP) grants to the airport sponsor or the community.
- The FAA can also provide AIP funding to support airports that choose to work collaboratively with neighboring communities (through 14 CFR Part 150) to develop noise compatibility plans, which can include noise abatement measures such as preferred runway utilization plans, revised approach and departure paths for aircraft, voluntary nighttime restrictions, etc.

## Effective public participation

- Early involvement is critical—**before** key decisions are made or alternatives eliminated.
- Crucial to early identification and consideration of key issues and community concerns



*Thank you!*



Federal Aviation  
Administration



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