



Federal Aviation Administration

Memorandum

Date: September 15, 2022

To: Regional Airport Division Directors, Airport District Office Managers,
Compliance Specialists

From: Kevin C. Willis, Director, Office of Airport Compliance and Management
Analysis, ACO-1 **KEVIN WILLIS** Digitally signed by KEVIN WILLIS
Date: 2022.09.15 20:58:56 -04'00'

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Subject: ACTION: Compliance Guidance Letter 2022-03, FAA Guidance Regarding the
Use of Airport Revenue for Noise Insulation Projects within the DNL 65 dBA
and Noise Monitoring Equipment Purchases

I. Purpose

This Compliance Guidance Letter (CGL) establishes Federal Aviation Administration (FAA) policy for the use of airport revenue for noise insulation projects within and outside the day-night average sound level (DNL) 65 dBA (weighted decibels to reflect human hearing capabilities). It also addresses the purchase of noise monitoring equipment with airport revenue.

II. Statutory and Policy Requirements

- A. The Airport Improvement Program (AIP), was originally enacted by Congress as the Airport and Airway Improvement Act (AAIA) of 1982, and subsequently codified at 49 U.S.C. Section 47107(b) requires airport sponsors to assure that all revenue generated by an airport be expended for the capital or operating costs of the airport, the local airport system, or other local facilities directly and substantially related to the actual air transportation of passengers or cargo.
- B. FAA Order 5100.38D, *AIP Handbook*. DNL 65 dB Noise Contour. September 30, 2014.

- C. 49 U.S.C. §§ 47502, 47504 -*Noise Measurement and Exposure Systems and Identifying Land Use Compatible with Noise Exposure; Noise Compatibility Programs.*
- D. 14 CFR Part 150, *Airport Noise Compatibility.*
- E. *Policy and Procedures Concerning the Use of Airport Revenue* (Revenue Use Policy) Federal Register, Vol. 64, No. 30, Feb 16, 1999.

III. Noise Insulation

The DNL 65 dBA is the Federal significance threshold for aircraft noise exposure, based primarily on research regarding community annoyance to aircraft noise. Noise exposure at or above these levels is not considered compatible with residential land uses (49 U.S.C. § 47502, as implemented by Table 1 of Appendix A in 14 CFR part 150). The DNL 65 dBA noise contour may be indicated on an airport's respective noise exposure maps (see § 150.21 *Noise Exposure Maps* and related descriptions) or on maps generated as part of the environmental review of an airport sponsor's proposed project, as required pursuant to the National Environmental Policy Act (NEPA). In accordance with the 14 CFR part 150 regulation, the FAA considers homes and schools within the DNL 65 dBA noise contour eligible to use AIP grants, Passenger Facility Charges (PFC), and airport revenue for sound insulation projects.

To qualify for AIP funds for noise-related projects, an airport must have an FAA-approved noise compatibility program or an FAA NEPA determination (i.e., Finding of No Significant Impact (FONSI) or Record of Decision (ROD)) that describes the significant noise impact and required mitigation measures. Additionally, the properties in question must be within the DNL 65 dBA noise contour and have an interior noise level of DNL 45 dBA or above. Specifically, because DNL 65 dBA is the Federal threshold for considering certain land uses as compatible, noise-sensitive land uses located outside of the DNL 65 dBA noise contour are not considered to be impacted by airport related noise. Therefore, they are not eligible for mitigation funding under AIP or airport revenue use unless a lower local noise standard is formally adopted or block rounding has been approved.

The DNL 65 dBA land use compatibility guideline for residential and other land uses in Part 150 has also formed the basis of eligibility for noise mitigation funded with AIP grants, PFC revenues and/or airport revenues. The sound insulation of eligible homes can effectively be considered an airport purpose and is in alignment with the Revenue Use Policy, despite being off airport. For example, if a home or school experiences noise levels greater than DNL 65 dBA, then it may be eligible for sound insulation under AIP and airport revenue may be used to support those projects.

In general, the use of airport revenue for noise mitigation projects outside the DNL 65 dBA noise contour would be considered revenue diversion, and therefore is unallowable unless a lower local standard has been adopted or block rounding has been approved. Sound insulation of residential land uses outside a current DNL 65 dBA noise contour do not have a direct airport/aviation nexus. However, the use of airport revenue on noise mitigation projects for properties outside the DNL 65 dBA can be considered on a case by case basis when, block rounding has been approved

for properties adjacent to contiguous neighborhood boundaries that are impacted may be eligible to use airport revenue. In summary, AIP funds may not be used for mitigation for projects outside the DNL 65 dBA noise contour, unless a lower local standard is adopted or block rounding has been approved. The ADO can contact APP-400 for further information on determining whether locally adopted noise contours may be considered a local standard.

Appropriate noise insulation expenditures include items, such as: windows, central air conditioning (if the residence/school doesn't already have it), and new doors.

IV. Noise Monitoring Systems

Many airports use noise monitoring systems to provide useful data to support an overall noise compatibility program. Noise monitoring can provide information necessary to carry out noise compatibility projects or to monitor the progress in achieving noise compatibility objectives. Noise monitors may not be used to enforce noise abatement flight procedures to enforce an established noise level.

The purchase of noise monitoring equipment for off-airport use may be an allowable use of airport revenue under certain circumstances. The purchase of mobile noise monitors is generally allowable in the contiguous neighborhoods around the airport. These types of units are typically moved from location to location to monitor the noise levels. The purchase of permanent installation equipment off airport for noise monitoring is also an allowable use of airport revenue if the airport sponsor can clearly show that portable monitors are not feasible. The project to install a permanent noise monitoring system and equipment must be included in an FAA approved noise compatibility program or FAA FONSI and/or ROD and placement of the equipment must be within the DNL 65 dBA noise contour.