

## Part 150: Records of Approval

### Pittsburgh International Airport, Pennsylvania

Approved on 9/16/97

#### AMENDMENT

The Federal Aviation Administration (FAA) makes the following amendment based on data provided by the County of Allegheny, specifically relating to the remedial land use measure in the NCP that was approved on June 8, 1993.

**BACKGROUND** The sole remedial land use measure included in the approved NCP is a voluntary sound insulation program. The NCP identified approximately 357 homes located within the DNL 65 dB contour as eligible for inclusion in the sound insulation program. It also recognized the importance of extending the program to areas adjacent to the contours to adjust for neighborhood boundaries, street delineation, and natural features (refer to NCP Pages 3-7 and 4-8). The NCP specifically excluded litigants from the program. The approved measure, recommended by the Allegheny County Department of Aviation (ACDA), is as follows:

"1. **Sound Insulation.** (Pages 3-2 through 3-10, Paragraph

3.1.2) AACDA recommends that 105 homes within the

65 DNL contour in Findlay Township, 223 homes in the Moon Township 65 DNL contour, and 29 homes in the Independence Township 65 DNL contour be sound insulated. Aviation easements are to be obtained over all soundproofed homes.

**FAA ACTION:** Approved. This program must be based upon the NCP's future noise contours and funding availability."

The Sponsor determined, in the submittal of its Part 150 Study, that it should specifically designate in its noise mitigation strategies that the Sponsor would not grant the benefits of the noise mitigation strategies to individual property owners or occupants who are involved in litigation against the Sponsor. The strategy of the sponsor was a determination that historically the court approved settlement program would settle all litigation claims against the Sponsor and preserve the applicability of the Part 150 Study to the remaining surrounding communities of the Pittsburgh International Airport. The policy determination of the Sponsor that the court settlements would eliminate litigation activities within the noise levels of 65 Ldn to 75 Ldn based on the availability of the Part 150 Study Residential Soundproofing Program, has not come to fruition. The Sponsor has continually been served with additional legal claims by property owners and occupants who are residing within the 65 and 75 Ldn noise limits as established under the Part 150 Study Program. Because of the Sponsor's historical perspective on the management of both policies and programs, the Sponsor seeks the Federal Aviation Administration's approval for a limited number of adjustments to the noise mitigation strategies as contained in the approved

Part 150 Programs.

Since the FAA's approval of the NCP, more than 135 property owners have filed suit against Allegheny County claiming their properties have been adversely affected by airplane overflights.

Many of these homeowners reside in the areas which were included in the approved NCP. The proposed amendment to the NCP is in response to this situation. The expansion of the number of homeowners electing to file suit rather than to participate in the voluntary sound insulation program indicates a preference on the part of homeowners which needs to be addressed.

## **DESCRIPTION OF PROPOSED CHANGES**

As more fully described in the Sponsor's attached June 13, 1997, letter to the FAA, the Department of Aviation desires to amend the remedial land use program, and only this element of the NCP. The operational measures, land use controls, and administrative actions that are in the approved NCP remain unchanged. Specifically, the Department of Aviation seeks to revise the NCP to reflect the following:

- To provide for alternative remedies so that those persons

willing to convey an aerial easement to the County may elect either to receive cash or to participate in the sound insulation program. In either instance, an aerial easement will be recorded in the Recorder of Deeds Office to put prospective buyers on notice of the County's right to use the airspace above the particular property and to prevent future owners from successfully bringing an eminent domain action.

- To eliminate the requirement that participants in the NCP be non-litigants, so that litigants will be encouraged to participate in the program and accept sound insulation or cash offers in exchange for the conveyance of an aerial easement.

## **DISCUSSION**

The amended sound insulation and aerial easement purchase program at PIT will continue to follow the criteria previously established to determine eligibility. The priorities for participation remain the same as outlined in the NCP Chapter 3.0 Recommended Land Use Management Strategies. Qualified applicants will not be able to participate in both programs. For example, if an applicant had already received sound insulation in exchange for an aerial easement, that applicant, or a subsequent property owner would not be eligible to receive cash payment for that easement. Similarly, if a prior owner had received cash payment for an aerial easement, neither that owner, nor a subsequent owner, would be eligible to participate in the sound insulation program.

At the present time, it is estimated that the program, inclusive of soundproofing or aerial easement purchases will benefit approximately 500 homeowners. This figure incorporates residences wherein the County has already recorded an aerial easement to its benefit. The estimate includes non-litigants, litigants, and an adjustment for implementing the program consistent with neighborhood boundaries, street delineation and natural features. The enclosed oversized map depicts the boundaries and approximate number of homes included in the program.

## **FAA DETERMINATION**

The FAA has reviewed that information submitted by the Sponsor's June 13, 1997 letter namely:

- the reason for amending the Part 150 Study Update,
- verification of the future recommended Noise Exposure Map (NEM) as still being valid for the purposes of administering this program,
- the Tables and Exhibits of data,
- the opportunity for public involvement/comments, &
- the Sponsor's certification that the information presented is true and complete & has been afforded adequate public review.

and has determined that the changes proposed by the County of Allegheny have the effect of reducing or preventing noncompatible land uses within the noise exposure area.

As such, FAA hereby amends the Pittsburgh Land Use Management Strategy Remedial Action No. 1 "Sound Insulation" as follows:

1. **Sound Insulation** (Ref. County of Allegheny letter of June 13, 1997 to FAA and attachments) The Allegheny County Department of Aviation (ACDA) recommends that approximately 500 homes within the DNL 65 dB noise contour as depicted in the "Recommended Future 1996 Noise Exposure Map" (Ref. NCP Update Vol. II following page 2-46), receive a choice of cash payment or participate in the sound insulation program, either choice in exchange for an aerial easement to the ACDA. The number of homes include non-litigants, litigants, and continuous homes outside the contour to finish the block. The boundaries of the finish the block areas are delineated by natural features and roadways as highlighted in the "Recommended (1996) Program Areas" map.

**FAA ACTION:** Approved. FAA participation in purchase of easement without soundproofing is limited to the fair market value of the easement conveyance from eligible property. The priorities for participation remain the same as outlined in the NCP Update Vol. II Chapter 3.0, Recommended Land Use Management Strategies. Qualified applicants will not be able to participate in both programs. If an applicant had already received sound insulation in exchange for an aerial easement, the applicant, or a subsequent property owner, would not be eligible to apply to receive cash payment for that easement. If a prior owner had received cash payment for an aerial easement, neither that owner, nor a subsequent owner, would be eligible to participate in the sound insulation program.