

Part 150: Records of Approval

Brownsville/South Padre Island International Airport, Texas

Approved on 12/20/02

Statements within the program measures below summarize as closely as possible the airport operator's recommendations contained in the Noise Compatibility Plan (NCP). The statements within the summaries which precede the indicated Federal Aviation Administration (FAA) approval, disapproval, or other determination do not represent the opinions or decisions of the FAA. The page numbers in parentheses cross-reference the submitted document/addenda.

The approvals listed herein include approvals of actions that the City of Brownsville recommends be taken by the FAA. The approvals indicate only that the actions would, if implemented, be consistent with the purposes of Part 150. These approvals do not constitute decisions to implement the actions. Later decisions concerning possible implementation of these actions may be subject to applicable environmental or other procedures or requirements.

Recommendation # 1:

(a) Designate run-up areas

[Pages 8-2 through 8-3, 8-17 and 8-19; letter of November 14, 2002]

This recommendation calls for the City of Brownsville to designate run-up areas for general aviation aircraft on the ramps associated with Fixed Base Operators and to designate run-up areas for designated commercial aircraft run-up operations. In addition the city of Brownsville would consider establishing designated hours when run-up operations are permitted and identify the run-up methodology.

FAA Action: Approved in part as voluntary; disapproved in part pending submission of additional information to make an informed analysis. The designation of run-up areas on the airport to keep ground noise away from residential development north of the airport is approved as voluntary. The airport's planning for future desirable run-up locations is a prudent preventive measure. Establishing procedures and hours of run-up operation in the future is disapproved pending submission of additional information to determine whether the measure is subject to requirements of the Airport Noise and Capacity Act as implemented by Federal Aviation Regulation Part 161.

(b) Barriers and Acoustical Shielding.

[Pages 8-2 through 8-3, 8-17 and 8-19; letter of November 14, 2002]

Currently, run-up operations occur on the apron west of Runway 17/35. During the planning phases of an airport's development, consideration should be given to a structures location and orientatin that may assist in reducing airport noise impacts, such as shielding.

FAA Action: Disapproved pending submission of additional information. Construction of sound barriers/acoustical shielding is disapproved pending submission of information demonstrating the noise benefit that the barrier would provide.

Recommendation # 2 - Alternative Flight Tracks and Aircraft Substitution: The city of Brownsville should coordinate with pilots, the FAA and ATCT to initiate an informal voluntary agreement between concerned parties for the implementation of this alternative.

[Page 8-4 through Page 8-7, 8-17 and 8-19, Exhibit 8.4]

This alternative introduces the substitution of the ATR 42, a turboprop aircraft used by Continental Express, with the EMB145 Regional Jet. This alternative also includes flight track modifications, eliminating all jet and large turboprop aircraft departure flight tracks except straight-out flight tracks. These departure tracks simulate aircraft climbing straight-out to an altitude of 3,000 feet before commencing any turns to join the aircraft's planned route of flight. Only jet aircraft departure flight tracks were modified. All propeller-driven aircraft flight tracks and jet aircraft arrival tracks are unchanged.

FAA Action: Approved as voluntary. The decision to substitute aircraft is strictly within the control of the aircraft owner and operator, and is not within the authority of the airport operator. Initiating any informal agreement on the use of flight tracks is approved on a voluntary basis. The FAA recognizes that not all aircraft in all conditions would be able to implement a change in flight tracks. Any future agreement should not be construed to affect the discretion of the FAA and the pilot in command to deviate from any agreement or policy when appropriate due to safety concerns or wind and weather conditions. Any agreement is subject to review and concurrence between pilots, FAA, the local Airport Traffic Control Tower (ATCT) and the city.

Recommendation # 3 (Section 9.2.1): The city of Brownsville should acquire single family homes and community facilities located southwest within the 65 DNL of the Future 2004 NEM with existing runway configuration and change the land use to a compatible land use.

[Pages 9-3 through 9-5, page 9-26, and page 9-29; NEM Exhibit 5.2A, NCP Exhibit 9.1, and letter dated November 14, 2002]

This recommendation calls for the City of Brownsville to acquire single-family homes and community facilities within the 65 DNL of the Future 2004 NEM and change the land use to a compatible land use. This measure also recommends acquiring four vacant parcels interspersed with the residential improved areas because it is highly likely that these vacant parcels will be developed with residential structures in the future.

FAA Action: Approved. [This decision relates to incompatibly developed property on the specified Map ID parcels; FAA's determination on vacant parcels is contained in Recommendation #10, below.](#) Acquisition must be consistent with Federal requirements to be eligible for Federal financial assistance. The airport operator must make provision for acquired property to be compatible, and provision must be made by the airport operator to maintain its compatibility in the future, consistent with its Federal grant obligations.

Recommendation # 4: Mitigate property southeast of the airport.

a. The city of Brownsville will acquire Map ID areas 1 through 11 on Exhibit 9.2 (Southeast Area 1). These areas include small pockets of residential property and vacant/agricultural lands highly likely to be developed incompatibly in the future.

[Page 9-5, exhibit 9.2, table 9.1, page 9-26 and 9-29, NEM Exhibit 5.2A, and letter dated November 14, 2002]

FAA Action: Approved. [This decision relates to incompatibly developed property on the specified Map ID parcels; FAA's determination on vacant parcels is contained in Recommendation #10, below.](#) Acquisition must be consistent with Federal requirements to be eligible for Federal financial assistance. The airport operator must make provision for acquired property to be compatible, and provision must be made by the airport operator to maintain its compatibility in the future, consistent with its Federal grant obligations.

Parcels within the DNL 65 dB 2004 Noise Exposure Map contour are eligible for Federal financial assistance. A determination of eligibility for parcels located partially or wholly outside of the DNL 65 dB 2004 NEM noise contour will be made consistent with Federal eligibility guidelines; i.e., parcels 2a and 8a on Exhibit 9.2.

b. (1) The Southeast Area 2, as shown on Exhibit 9.3, includes seven noncompatible Map ID areas. The seven areas include Map ID 14, 17, 18, 19, 20, 21, and 22.

[Pages 9-9, tables 9.1 and 9.2, exhibit 9.3, page 9-26 and page 9-29, NEM Exhibit 5.2A, and letter dated November 14, 2002]

A total of approximately 48 parcels are located in this area, containing approximately 35 residential structures. Other parcels contain vacant/agricultural-zoned lands, commercial and mixed-use development.

FAA Action: Approved in part, disapproved in part. [This decision relates to incompatibly developed property on the specified Map ID parcels; FAA's determination on vacant parcels is contained in Recommendation #10, below.](#) Areas currently compatibly developed are not approved. Acquisition must be consistent with Federal requirements to be eligible for Federal financial assistance. The airport operator must make provision for acquired property to be compatible, and provision must be made by the airport operator to maintain its compatibility in the future, consistent with its Federal grant obligations.

A determination of eligibility for parcels located partially or wholly outside of the DNL 65 dB noise contour will be made consistent with Federal eligibility guidelines.

b.(2) The city of Brownsville should offer property owners in the Southeast Area 2, as shown in Exhibit 9.3, Map ID 12, 13, 15, 16, and 54 the acquisition of an avigation easement. The city of Brownsville would provide funding.

[Pages 9-16 through 9-18, page 9-26 and 9-29, Exhibit 9.3, tables 9-1 and 9.2, NEM Exhibit 5.2, and November 14, 2002 letter]

This recommendation calls for the city of Brownsville to acquire an avigational easement for areas that are identified as vacant/agriculture in use and are compatible with the noise impacts. These properties are currently compatible with the DNL 65 dB noise contour of the 2004 Noise Exposure Map, with program implementation.

FAA Determination: Approved. This is within the authority of the local land use jurisdiction, and is intended to prevent future incompatible land uses from developing near the airport. Exhibit 9.3 shows that these areas are zoned compatibly, but are located at least partially within the DNL 65 dB noise contour of NEM Exhibit 5.2, "forecast conditions with runway expansion." The city would provide its own funding.

c. The Southeast Area 3, as shown on Exhibit 9.4, includes seven noncompatible Map ID areas. The seven areas include Map ID 23 through 27, 29, and 30.

[Page 9-10, Exhibit 9.4, tables 9.1 and 9-3, page 9-26 and page 9-29, NEM Exhibit 5.2A, and November 14, 2002, letter]

These areas include approximately 18 parcels, including individual residential parcels with structures.

FAA Determination: Approved. [This decision relates to incompatibly developed property on the specified Map ID parcels; FAA's determination on vacant parcels is contained in Recommendation #10, below.](#) Acquisition must be consistent with Federal requirements to be eligible for Federal financial assistance. The airport operator must make provision for acquired property to be compatible, and provision must be made by the airport operator to maintain its compatibility in the future, consistent with its Federal grant obligations.

A determination of eligibility for parcels located partially or wholly outside of the DNL 65 dB 2004 NEM noise contour will be made consistent with Federal eligibility guidelines.

d. The city of Brownsville will acquire property shown on Exhibit 9.5 as Map ID 46, 47, and 50.

[Page 9-13, 9-26 and 9-29, Exhibit 9.5, table 9.4, NEM Exhibit 5.2A, and letter dated November 14, 2002]

These parcels include multi-complex residential uses and compatible land uses, and are identified as partially within the DNL 65 dB 2004 Noise Exposure Map contour.

FAA Action: Approved in part, disapproved in part. [This decision relates to incompatibly developed property on the specified Map ID parcels; FAA's determination on vacant parcels is contained in Recommendation #10, below.](#) Areas currently compatibly developed are not approved. Acquisition must be consistent with Federal requirements to be eligible for Federal financial assistance. The airport operator must make provision for acquired property to be compatible, and provision must be made by the airport operator to maintain its compatibility in the future, consistent with its Federal grant obligations.

A determination of eligibility for parcels located partially or wholly outside of the DNL 65 dB 2004 NEM noise contour will be made consistent with Federal eligibility guidelines.

Recommendation # 5 (Section 9.2.3): The city of Brownsville should offer a program for installation of noise attenuating materials for the multi-family units in the North Area Map ID 46d and 46e of Exhibit 9.5, located within the 65 DNL of the Future 2004 NEM with existing runway configuration, in exchange for an aviation easement.

[Pages 9-18 through 9-20, page 9-26 and Page 9-29 and letter dated November 14, 2002; Noise Exposure Map volume, exhibit 5.2A]

Multi-family units located northeast of runway 13R and which are located within the 65 dNL of the 2004 (Future) NEM with the existing runway configuration would be sound insulated. As a condition of receiving sound insulation, aviation easements would be attached to the property deed.

FAA Action: Approved.

Recommendation # 6: The City of Brownsville should adopt appropriate zoning in the vicinity of the Airport, based on the 65 DNL of the Future 2004 NEM with future runway configuration, to minimize potential impacts.

[Page 9-22 and Page 9-29, and letter dated November 14, 2002; Noise Exposure Map Exhibit 5.2]

This recommendation calls for the City of Brownsville to amend its existing zoning ordinance to protect those areas shown on the Future 2004 NEM with program implementation. The Draft Compatible Land Use Zoning Ordinance is currently under consideration by the Airport and the City.

FAA Action: Approved. The majority of noise impacts within the 2004 NEM DNL 65 dB noise contour are within the city of Brownsville, the airport sponsor. This recommendation is consistent with the city's Federal grant obligations governing compatible land use.

Recommendation # 7: The City Council should develop and create an Airport Environs Overlay District to govern compatible land development within its boundaries.

[Page 9-23, 9-26 and Page 9-29 and letter dated November 14, 2002; Noise Exposure Map Exhibit 5.2]

It is advisable for the City of Brownsville and Cameron County to consider the airport's impact on surrounding land uses when reviewing applications for any land development. Currently the city and county do not have any special regulations that govern development of land near or around the airport. Subdivision regulations permit the easement to be secured for the entire development at the time of plat approval. This recommendation calls for the City of Brownsville to work with Cameron County to develop and adopt regulations that control future land development within a specified area around the airport.

FAA Action: Approved. The FAA does not consider new residential or other noise-sensitive development to be compatible within the DNL 65 dB or greater noise contour, even with attenuation and easements. Preventing noise-sensitive development within the DNL 65 dB or greater noise contour is consistent with the purposes of Part 150. Mitigation to noise-sensitive structures that were constructed after October 1, 1998, is not eligible for Federal financial assistance.

Recommendation # 8: The city of Brownsville should develop and adopt appropriate building codes for structures located within the Airport Environs Overlay District.

[Page 9-23, 9-26 and Page 9-29 and letter dated November 14, 2002; Noise Exposure Map Exhibit 5.2]

The city should develop and adopt building codes within the Airport Environs Overlay District that ensure adequate noise attenuation for structures in the district.

FAA Action: Approved. The FAA does not consider new residential or other noise-sensitive development to be compatible within the DNL 65 dB or greater noise contour, even with attenuation and easements. Preventing noise-sensitive development within the DNL 65 dB or greater noise contour is consistent with the purposes of Part 150. Mitigation to noise-sensitive structures that were constructed after October 1, 1998, is not eligible for Federal financial assistance.

Recommendation # 9: The city of Brownsville Department of Aviation should seek the cooperation of the Board of Realtors and other appropriate local organizations, to participate in a voluntary fair disclosure program for property located within the Airport Environs Overlay District. The City of Brownsville Department of Aviation should also periodically place advertisements in the real estate sections of local newspapers delineating the boundaries of the Airport Environs Overlay District once it is developed and adopted.

[Page 9-24, 9-27 and Page 9-30, Appendix F, and letter dated November 14, 2002; Noise Exposure Map Exhibit 5.2]

Fair disclosure regulations are intended to ensure that prospective property buyers are informed that the property is or will be exposed to potentially disruptive aircraft noise. It may be possible to achieve fair disclosure through voluntary programs.

FAA Action: Approved.

Recommendation #10: Acquisition of full or partial interest in vacant land to prevent noncompatible development is recommended on 20 areas, Map IDs – 1, 2, 3, 8, 9, 10, 11, 12, 13, 15, 16, 17, 28, 29, 30, 32, 35, 46, 47, 54.

[Pages 9-25 and 9-26, Exhibits 9.1 through 9.5 and Page 9-30 and letter dated November 14, 2002; Exhibit 5.2A, NEM volume]

This recommendation calls for the City of Brownsville to acquire undeveloped land forecast to be exposed to noise levels of DNL 65 and higher under 2004 conditions. This land use is compatible with the existing noise levels and those anticipated in 2004.

FAA Action: Disapproved pending submission of additional information. To the extent the properties in question are currently compatible with aviation use, the NCP does not contain sufficient documentation to conclude that there will be a noncompatible land use situation in the future with respect to these properties. Should local controls prove insufficient to prevent noncompatible development and it becomes reasonably foreseeable that noncompatible development is imminent absent acquisition of full or partial interest, the airport operator may provide supporting additional analysis to the FAA for reconsideration.

Recommendation #11: The city of Brownsville Department of Aviation should maintain responsibility for noise compatibility management.

[Pages 10-1 and 10-3]

This recommendation calls for the City of Brownsville to designate a person or persons to manage those activities related to noise at the airport. The Department of Aviation should be responsible for noise program administration, including receiving and responding to noise

complaints, reviewing compliance with noise abatement procedures, evaluating progress of implementing land use recommendations, etc.

FAA Action: Approved.

Recommendation #12: The city of Brownsville Department of Aviation should maintain an ongoing public involvement program regarding the noise compatibility program.

[Pages 10-1 and 10-3]

This recommendation calls for the City of Brownsville to continue a public involvement program resulting in the accurate and efficient distribution of information, which would serve to efficiently and accurately distribute information and minimize public misconceptions regarding the airport and noise program. Components could include developing a Citizens Advisory Committee, holding routine public workshops, distributing newsletters, and sending out press releases.

FAA Action: Approved.

Recommendation #13: The city of Brownsville Department of Aviation should update the noise contours and periodically update the noise program.

[Pages 10-2 and 10-3]

This recommendation calls for the City of Brownsville to update the NEMs and NCP on a routine basis. The operational characteristics of the airport would be reexamined and new contours developed. Changes in land use and zoning also would be reviewed. If it is determined that there are new noise impacts that were not previously accounted for, it is recommended that the NEMs and/or NCP be revised and resubmitted to the FAA.

FAA Action: Approved.