

**ORDER**

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
NEW ENGLAND REGION

NE 1050.5B

2/21/85

SUBJ: AIRPORT NOISE ABATEMENT PROGRAMS AND COMPATIBILITY PLANNING

1. PURPOSE. The Order outlines a regional procedure for reviewing and formulating an official position on airport noise compatibility programs received in the FAA, New England Region.

a. It does so by:

- (1) Designating a lead office for receiving and coordinating noise abatement proposals.
- (2) Establishing a noise abatement technical committee.
- (3) Identifying the responsibility of each Division and Staff office.
- (4) Outlining the FAA policy goals and principles established to carry out those goals.

2. DISTRIBUTION. This Order is distributed to the Branch level in Aircraft Certification, Flight Standards, Airway Facilities, Air Traffic, Airports Division, Public Affairs Office, Regional Counsel and all field facilities in the New England Region.

3. CANCELLATION. Order NE 1050.5A is cancelled.

4. BACKGROUND. Perception of what is an acceptable level of noise is becoming more critical and at the same time the awareness of the issue has increased. All this is resulting in strong pressures upon airport sponsors to impose operational constraints, curfews, growth limitations and other restrictions to alleviate airport related noise.

a. Some of these requests are a result of formal noise control plans; others result from less formal, often "band aid" solutions to the problem submitted through our field facilities.

b. Because these noise abatement plans could create:

- (1) conflict with agency mandated goals and objectives,
- (2) potential impact on the operating procedures of the various programs of FAA, and
- (3) legal implications

it is essential that we have a coordinated review of noise control actions and a position prepared that is consistent with FAA's national noise policy.

c. Finally, the Airport Safety and Noise Abatement (ASNA) Act of 1979 and FAR Part 150, Airport Noise Compatibility planning strengthens our role in the review and implementation of airport noise mitigation measures.

## 5. IMPLEMENTATION.

a. LEAD OFFICE. Airports Division (ANE-600) shall be the lead office for receiving and coordinating noise abatement proposals, whether they may be an individual operating procedure or a formal Part 150 program. Whoever receives the original request, shall forward it and all accompanying material to ANE-600. They shall also be the focal point of all regional liaison with the Office of Environment and Energy (AEE-1). (More specific information is provided in Paragraph 5c(2) of this Order.)

b. NOISE ABATEMENT TECHNICAL COMMITTEE. A regional group will be established to assess airport noise abatement programs.

(1) Permanent committee membership will include representatives from:

- (a) Regional Counsel (ANE-7)
- (b) Flight Standards Division (ANE-200)
- (c) Airway Facilities Division (ANE-400)
- (d) Air Traffic Division (ANE-500)
- (e) Airports Division (ANE-600)

(2) On a case-by-case basis temporary membership will be necessary from the FAA field facilities and the Aircraft Certification Division (ANE-100).

(3) The name of a permanent (and alternate) staff or division representative will be forwarded to ANE-600 within 20 days of the approval date of the Order. Participation by the same individual is essential to expedite reviews and to establish consistency and cohesiveness in its technical and policy recommendations.

(4) The representative from the Airports Division will serve as Chairman for the committee.

(5) The role of the committee will be to ensure airport noise control and compatibility planning accomplished by airport owners problems. At the same time, it must be consistent with the FAA objective and obligation to develop and maintain a safe and efficient system of air transportation.

c. RESPONSIBILITIES.

(1) General. All regional office division, staff, and field managers shall be familiar with all aspects of FAA noise policy.

(a) Moreover, they should be sensitive to airport noise problems and be responsive to concerns that are raised in this regard. All noise related issues shall be brought to the attention of ANE-600 as the lead office for information and action as needed.

(b) However, there will be situations where noise abatement programs clearly have an impact on only one division. To accommodate those circumstances, the lead office may delegate the coordination and preparation of a draft response for the Division of primary interest. However, the lead office will prepare the final FAA letter to the airport sponsor.

(c) The members of the Noise Abatement Technical Committee have the responsibility for coordinating pending airport use restrictions, noise control programs and FAR Part 150 submittals within their respective divisions, including coordination with field offices. Additionally, they will formulate divisional comments or recommendations to the lead office for inclusion in the consolidated response.

(d) For the response on all airport use restrictions, noise control programs, except FAR Part 150 submittals (where Washington authorization is required) the official regional position shall be stated over the signature of the Regional Director. Routine correspondence in the interim of the official response, can be sent over the signature of the appropriate office.

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(e) The FAA will not implement an airport use restriction or elements of a noise control program until the official regional/Washington (when required) position has been provided in writing to the airport sponsor. Exceptions to this policy may be appropriate on a case by case basis, but only after it has been reviewed and approved by the respective division and concurrence by the lead office.

(f) It is assumed the action plan includes a mechanism for implementation. However, the facility manager should consult with his Division Manager prior to implementation for any special requirements not previously considered. In addition, the lead office should be formally advised by the facility manager the date the action plan (in part or whole) has been implemented.

(g) The FAA will not support or implement airport management noise abatement actions, city ordinances, resolutions or prohibitions that are contrary to the policy guidance provided in this Order or official positions established by the region or headquarters. Any FAA employee who believes an airport proprietor has initiated actions which can be construed as contrary shall advise the lead office or the appropriate divisional representative to the Noise Abatement Technical Committee.

(2) Airports Division (ANE-600). As the lead office it is responsible for assuring a coordinated regional program in the area of noise abatement and compatibility planning. The lead office must:

(a) Coordinate all proposed plans and use restrictions with the Noise Abatement Technical Committee and Washington headquarters as necessary. Based on that coordination, it may determine, not to convene the committee and assign it to the office of primary interest.

(b) Establish a deadline for comments to the proponent.

(c) Consolidate the comments received from the regional coordination process to formulate the FAA response or responsibility for any follow-up action to the FAA position paper, including preparation of any status reports.

(d) Assure that the appropriate notification is placed in the Federal Register and applicable deadlines are achieved for all FAR Part 150 submittals.

(e) Distribute any new noise-related policy or guidance to regional headquarters staff, division and field office managers.

(f) Maintain a regional noise abatement file.

(g) Coordinate exceptions to the provisions of Paragraph 5c of this order.

(h) The Airports Division through its representative must also provide an evaluation of all noise proposals for:

- 1 Compliance with grant assurances
- 2 Consistency with planned airport improvements
- 3 Adherence to environmental policy and guidance
- 4 Impacts on the safety, efficiency, and utility of the airport.

(i) The Airports Division has a day-to-day contact with many airport sponsors and in many cases is often aware at an early date of potential noise problems and contemplated airport use restrictions. As such, it shall keep sponsors informed of pertinent Federal noise legislation and regulations and cooperate with sponsors in providing guidance on development of FAR Part 150 applications and subsequent Noise Exposure Maps and Noise Compatibility Programs.

(3) Regional Counsel (ANE-7). A Regional Counsel representative shall serve on the Committee and review all proposed use restrictions, noise control programs, or FAR Part 150 submittals for comments on consistency with applicable laws, regulations, and court decisions. Additionally, the Regional Counsel representative shall be familiar with recent case law pertaining to use restrictions, discrimination, burden on interstate commerce and related issues. As relevant court decisions are rendered, the Regional Counsel representative shall forward a summary of the case to the lead office for filing in the regional noise abatement file.

(4) Flight Standards Division (ANE-200). A representative of the Flight Standards Division shall serve on the Committee and review all proposed use restrictions, noise control programs, or FAR Part 150 submittals for impact on flight safety. This review will include feasibility and safety of proposed new or revised operating procedures and other impacts related to their divisional responsibility.

(5) Airway Facilities Division (ANE-400). A representative of the Airway Facilities Division shall serve on the Committee and review all proposed use restrictions, noise control programs, or FAR Part 150 submittals for impacts on navigational aids, feasibility of accomplishing recommendations of the program when new or revised instrumentation is required and other impacts related to their divisional responsibilities.

(6) Air Traffic Division (ANE-500). A representative of the Air Traffic Division shall serve on the Committee and review all proposed use restrictions, noise control programs, or FAR Part 150 submittals for impact on safety and efficiency of the air traffic system. This review will include not only impacts to the individual airport but system impacts that would occur as a result of the proposal.

(7) Field Offices Within Air Traffic, Airway Facilities and Flight Standards Divisions. Like the Airports Division, the field offices very often have direct contact with the airport operators and therefore they will keep their respective divisions informed of existing noise problems and potential airport use restrictions resulting from environmental considerations at an airport. When requested, they will provide factual and well documented information on impacts of proposed use restrictions, noise control programs or FAR Part 150 submittals.

(8) Aircraft Certification Division (ANE-100). The Aircraft Certification Division may be called upon to provide technical guidance and review comments for airport use restrictions, noise control programs, or submittals under FAR Part 150 when aircraft certification, engine retrofit and aircraft performance impacts may be involved. The lead office shall invite their comments, including requesting their participation on the Noise Abatement Technical Committee when such technical guidance is needed to provide an appropriate coordinated regional response.

#### d. POLICY GUIDANCE

(1) The FAA's objectives are to develop and maintain a safe and efficient air transportation system. To reduce the pressures for operational constraints and curfews which in turn impairs our primary obligation, it is necessary to make airports as compatible with its neighbors as possible. However, a balanced approach to aviation noise problems which seeks to complement rather than unduly penalize aviation should guide regional review of proposed airport noise restrictions.

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(2) In order to support the primary objective, the following policy goals are highlighted:

(a) Maximize the capacity of our national air transportation system through optimum use of the nation's air space.

(b) Insure fair and equitable access to the nation's airports with a minimum of Federal constraints and intervention.

(c) Insure that any airport restrictions imposed are:

1 Not unduly burdensome on interstate or foreign commerce.

2 Not discriminatory.

3 Meaningful and not arbitrary or capricious.

4 In compliance with airport grant agreements.

(3) To achieve these goals, we must be guided by the following principles:

(a) FAA recognizes that an airport proprietor has legitimate authority to control the use of the airport and to impose reasonable use restrictions when they are warranted and are legal. However, they must be exercised in a constructive and official manner achieving large benefits in noise reduction for the cost to aviation. They may also impose limits which are more stringent than Federal requirements provided they are not imposing an undue burden on foreign or interstate commerce. FAA has no desire to control or constrain the purely local aspect of airport decisions.

(b) A use restriction may be based on legitimate environmental impacts (usually noise), safety limitations (runway capacity), physical limitations (gate space, surface access, etc.) or other local objectives. However, these limitations must be balanced against our obligation to provide a safe and efficient system of aviation. In summary, is the aviation constraint imposed the most realistic and practical solution to the problem?

(c) Any use restriction must be justified in terms of local benefit and must be analyzed in terms of the impacts to the national air transportation system. We will not support use restrictions which are not based on an adequate analysis of the local problem including appropriate public and local government participation. Furthermore, restrictions should use noise as a criterion for implementing these restrictions, NOT aircraft class, weight, stage length, or similar non-noise related factors.

(d) FAA opposes the complete closure of any public-owned, public-use airport, either permanently or for a specified period of each day for other than safety reasons.

(e) Finally but most importantly, when requested, FAA will provide guidance to airport proprietors, local government, and advisory groups, to assist them in the development of reasonable solutions to airport noise issues.

(4) Although FAA representatives are expected and encouraged to consult with airport sponsors, local government and citizen committees in the development of noise abatement programs, it is also essential that an FAA commitment to a specific position or course of action not be implied until the regional policy and legal opinion and (where required) Washington position has been established.

(5) In addition to the above general philosophy, Paragraph 5e. of this Order provides specific reference to legislation and source documents to guide our review of airport use restrictions and noise abatement programs. It is recommended that those individuals involved with these noise issues become acquainted with that literature and receive orientation at Oklahoma City, FAA Academy.

e. REFERENCE SOURCES ON NOISE

(1) Noise Control Act of 1972, established the primary responsibility for control of noise at the state and local level; however, Federal action was necessary to deal with noise at its source.

(2) DOT/FAA Aviation Noise Abatement Policy Statement was established on November 18, 1976. This statement expanded the philosophy of the 1972 Noise Control Act and established the Federal role as (1) reducing aircraft noise at the source, (2) promoting efforts to attain compatible land use.

(3) Aviation Safety and Noise Abatement Act of 1979 became effective February 18, 1980. This act required the Secretary of Transportation to (1) establish a single system for measuring noise at airports, (2) establish a system for determining exposure of individuals to noise (using intensity, duration, frequency, and time), and (3) identify land uses which are compatible with levels of noise. This act also established the concept for Noise Exposure Maps and Noise Compatibility Programs and the concept for prohibiting the recovery of damages for property purchased within an area included in a Noise Exposure Map which has been appropriately developed, accepted by FAA, and made available to the public.

(4) Federal Aviation Regulations Part 36, effective December 1, 1969, and as amended, established noise standards for type certification of new aircraft and production of new aircraft (of existing type certificate manufactured after December 31, 1974). FAR Part 36 has been further amended to reflect increased technological advancement (Stage III noise levels).

(5) Federal Aviation Regulations Part 91, Appendix E, effective January 24, 1977, established a phased program of compliance for the existing fleet of aircraft. This is often referred to as the "retrofit provision" to provide for "quieting" of the existing air carrier fleet. The current deadline, except for those falling under the small communities exemption, is January 1, 1985.

(6) Federal Aviation Regulations Part 150, became effective in interim state on February 28, 1981. The final version is due December 1984. This regulation (1) established DBA as the method to measure aircraft noise, (2) established the day-night average sound level (ldn) as the method to estimate impact of noise on people, (3) identified land uses normally compatible/noncompatible with levels of noise, and (4) established the procedures and guidance for voluntary submittal of Noise Exposure Maps and Noise Compatibility Programs.

(7) The following orders, advisory circulars, and related publications, while not a complete list of published guidance available, will be helpful in the review of airport use restrictions, noise control programs and Part 150 submissions:

(a) Order 1050.1D, Policies and Procedures for considering Environmental Impacts.

(b) Order 1050.11, Noise Control Plans.

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- (c) Order 5050.4, Airport Environmental Handbook.
- (d) Order 5900.4, Airport Noise Control and Land Use Compatibility Planning Funded Under the Planning Grant Program.
- (e) Order 8400.9, National Safety and Operational Criteria for Runway Use Programs.
- (f) AC 150/5020-1, Noise Control and Compatibility Planning for Airports.
- (g) AC 150/5050-6, Airport Land Use Compatibility Planning.
- (h) AC 36-3B, Estimated Airplane Noise Levels in A-Weighted Decibels.
- (i) AC 150/5340-14, Airport Landscaping for Noise Control Purposes.
- (j) "Impact of Noise on People," United States Department of Transportation, Federal Aviation Administration, Office of Environmental Quality, May 1977.
- (k) Order 5190.6, Airport Compliance Requirements.

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