

Subject: Change in FAA's Noise Mitigation Policy - Effective October 1, 1998

From: Manager, Community and Environmental Needs Division, APP-600

To: All Regions

Attn: Manager, Airports Division

Date: Oct. 15, 1998

Reply to Attn of: VLCatlett, X78770, FAX: x77821

The following change in FAA's noise mitigation policy was published April 3, 1998 (63 FR 16409), and became effective Fiscal Year 1999. We have found that the circumstance covered by this new policy does not occur in many Part 150 studies.

Procedurally, if the sponsor has already submitted the Part 150 study, FAA should review the study recommendations to determine whether there is new residential development to which this policy would apply. For studies that have not yet been submitted to the FAA, the airport sponsor should be reminded of the policy. In either case, the sponsor should be requested to supplement its documentation to satisfy these new standards where applicable.

Briefly, the published change in FAA policy states:

"Beginning October 1, 1998, the FAA will approve under part 150 only remedial noise mitigation measures for existing noncompatible development and only preventive noise mitigation measures in areas of potential new noncompatible development. As of the same date, the ability to use AIP grants to carry out such measures will be affected to the extent that such remedial measures may not be approved under part 150. This policy is not retroactive and does not affect part 150 approvals made before the effective date of the policy or AIP funding consistent with previous approvals. PFC funding will only be affected to the extent that an airport operator chooses to rely on an approved part 150 program for FAA's approval to use PFC funds."

This change affects our approval policy for remedial measures. A Part 150 study should contain the following to demonstrate compliance with these new mitigation measure approval standards.

- The noise exposure maps must distinguish between areas of existing noncompatible land use and areas of potential new noncompatible land uses.

- Potentially new noncompatible land uses may include areas currently undergoing residential or other noncompatible construction, areas zoned for residential or other noncompatible development where construction has not begun, and areas currently compatible but in danger of being developed noncompatibly within the timeframe covered by the program.

- All remedial noise mitigation measures may only be applied to existing noncompatible development, must clearly be remedial, and must serve the goal of reducing existing noncompatible land uses.

- All preventive noise mitigation measures must clearly be preventive and serve the goal of preventing the introduction of additional noncompatible land uses. The FAA's approval of preventive measures will only be applied to those measures defined above as preventive.

The published regulation provides this information and much more detail. Please refer to that document, or call this office if you have additional questions or need assistance in making a decision on specific "gray area" cases. You can find it through our website, at the bottom of the Part 150 page ([.../arp/app600/14CFR150/noimitpol.htm](#)).

This policy does not affect NEPA mitigation projects, and does not affect PFC approvals for noise mitigation as long as that mitigation is not dependent on a Part 150 approval.

original signed by
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