Excerpts of Speech, Letters and Oral Statements

The following are excerpts from a speech, letters, and oral statements concerning FAA's policy on airport noise and land use compatibility. Information from these documents can be used as a guide for preparing your own speeches, letters, and statements as the situation occurs.

Exhibit 1:

1. Excerpts of a speech given by Paul Dykeman, Deputy Director of Environment and Energy, FAA, to elected officials, planners, and airport officials from jurisdictions near Raleigh-Durham International Airport on September 16, 1997.

Exhibit 2:

1. Excerpts from a letter to The Honorable Katherine K. Hanley, Chairman, Fairfax County Board of Supervisors, Virginia, from James D. Erickson, Director of Environment and Energy.

2. Excerpts from an oral statement to the Fairfax County Board of Supervisors, Virginia, on March 24, 1996.

Exhibit 3:

1. Excerpts from a letter to The Honorable Yvonne Atkinson Gates, Chair, Clark County Board of Commissioners, Las Vegas, Nevada, from James D. Erickson, Director of Environment and Energy.

2. Excerpts from an oral statement to the Clark County Board of Supervisors, Las Vegas, Nevada, on Wednesday, April 22, 1998.

Exhibit 1:

Excerpts of speech given by Paul Dykeman, Deputy Director of Environment and Energy, FAA, to elected officials, planners, and airport officials from jurisdictions near Raleigh-Durham International Airport on September 16, 1997.

IT IS A PLEASURE TO BE HERE TONIGHT TO PRESENT THE FAA'S PERSPECTIVE ON AVIATION NOISE ISSUES AND TO DISCUSS NOISE AND LAND USE PLANNING RESPONSIBILITIES WITH YOU. HOWEVER, BEFORE I TALK ABOUT AIRCRAFT NOISE AND LAND USE, HERE ARE SOME PERSONAL OBSERVATIONS ABOUT THE U.S. NATIONAL AIRSPACE SYSTEM AND ITS POSITION AS THE WORLD LEADER IN AIR TRAFFIC CONTROL. AS YOU KNOW, THE FAA IS CHARGED WITH MAINTAINING A SAFE AND EFFICIENT AIR TRAFFIC SYSTEM. FROM MY 35 YEARS FLYING AS A PILOT ON ALL SEVEN CONTINENTS, I CAN ASSURE YOU THAT WE HAVE THE BEST AVIATION SYSTEM IN THE WORLD. WE HAVE BEEN THE LEADER, AND WE CONTINUE TO BE THE WORLDWIDE EXPERTS AND LEADER IN SAFE, AIR TRAFFIC CONTROL AND AIRSPACE MANAGEMENT.

TODAY, THE ROLE OF AVIATION IS A MAJOR FACTOR IN OUR NATIONAL ECONOMY, AND AIRPORTS, SUCH AS RALEIGH DURHAM, ARE SIGNIFICANT ECONOMIC GROWTH ENGINES FOR LOCAL ECONOMIC DEVELOPMENT. HOWEVER, REGARDLESS OF THE SAFETY OR EFFICIENCY OF AIRSPACE SYSTEM, OR REGARDLESS OF LEVEL OF ECONOMIC IMPACT AN AIRPORT MAY HAVE ON THE LOCAL ECONOMY, THERE IS AN ENVIRONMENTAL BY-PRODUCT OF AVIATION WHICH IS NOT COMPATIBLE WITH THE HUMAN INTERFACE TO THE SYSTEM--AND THAT IS AIRCRAFT NOISE.

IN THE EARLY DAYS OF AVIATION, AIRCRAFT WERE SEEN AS A NOVELTY, SOMETHING TO LOOK AT AS AN ODD AND MYSTERIOUS MACHINE THAT ONLY A FOOL WOULD FLY. NOISE WAS NOT AN ISSUE UNTIL AFTER WORLD WAR II WHEN THE AVIATION SYSTEM BEGAN TO GROW. THE RECIP ENGINES WERE A NUISANCE TO SOME AND A NOISE PROBLEM FOR OTHERS, BUT THE NOISE COMPLAINTS REALLY MUSHROOMED WITH THE

INTRODUCTION OF THE COMMERCIAL JET AGE, BEGINNING WITH THE 707. BY THE EARLY 1960'S NOISE WAS AN ISSUE AT MANY AIRPORTS. THE JET AGE WITH THE EXTREMELY NOISY STAGE ONE AIRCRAFT, STARTED AIRPORTS DOWN THE PATH AS AN UNWELCOMED GUEST TO RESIDENTIAL LAND USE. THERE WERE NO NATIONAL POLICIES, OR OPERATIONAL FLIGHT PROCEDURES EITHER IN PLACE OR BEING DEVELOPED TO MITIGATE JET NOISE. THIS WAS A NEW AND UNWANTED ENVIRONMENTAL INTRUSION ON THE PUBLIC. AS MORE AIRPLANES ENTERED INTO SERVICE, AND AS MORE AIRPORTS WERE CAPABLE OF PROVIDING JET SERVICE, THE NOISE COMPLAINTS ONLY MULTIPLIED. IT WAS NOT UNTIL 1976 THAT OUR AVIATION NOISE ABATEMENT POLICY WAS DEVELOPED, AND IT IS AS VIABLE TODAY AS WHEN IT WAS WRITTEN IN 1976. IT WAS THIS POLICY STATEMENT THAT FIRST ARTICULATED THE ROLE OF LOCAL OFFICIALS IN AIRPORT NOISE MANAGEMENT.

AS I STATED EARLIER, THE FAA HAS A CONGRESSIONAL MANDATE TO DEVELOP AND MAINTAIN A NATIONAL AVIATION SYSTEM UNPARALLELED IN THE WORLD. I AM SURE THAT MOST OF YOU ARE AWARE OF THE TREMENDOUS GROWTH PROJECTIONS FOR COMMERCIAL AVIATION SERVICES AS WE MOVE INTO THE NEXT CENTURY. TO ACCOMMODATE THIS INCREASED DEMAND, AIRPORT EXPANSION ACTIONS WILL BE NECESSARY AS WELL AS A RESTRUCTURE OF THE NATIONAL AIRSPACE SYSTEM AND EQUIPMENT. WE MUST EXPAND A NUMBER OF THE NATION'S AIRPORTS. ALTHOUGH WE THINK THAT OUR FLIGHT 2000 PROJECT AND FREE FLIGHT PROGRAM WILL PROVIDE THE NECESSARY ACTIONS TO ACCOMMODATE THIS EXPECTED INCREASE IN FLIGHT OPERATIONS, BY FAR THE MOST SIGNIFICANT BARRIERS TO ACHIEVING INCREASED CAPACITY WILL BE THE ENVIRONMENTAL CONSTRAINTS IMPOSED BY AIRCRAFT NOISE AND ENGINE EMISSIONS.

THERE ARE THREE WAYS TO MITIGATE AIRCRAFT NOISE. FIRST A REDUCTION OF NOISE AT THE SOURCE, SECOND THROUGH OPERATIONAL TECHNIQUES SUCH AS NOISE ABATEMENT DEPARTURE PROCEDURES, AND THIRD BY LAND USE PLANNING. THE FIRST TWO METHODS ARE CONSTANTLY EVOLVING AS TECHNOLOGY AND AIRCRAFT DESIGN ADVANCES. THE THIRD METHOD HOWEVER CAN BE UNDER THE DIRECT CONTROL OF ANY OF THE FOLLOWING: LAND USE PLANNERS, LOCAL GOVERNMENT OFFICIALS, AIRPORT OPERATORS, OR BY WHOEVER SITS IN A POSITION TO DETERMINE LAND USE PLANS. I THINK WE ALL UNDERSTAND THE AIRPORT'S VALUE TO THE LOCAL ECONOMY OF FULLY REALIZING THE GROWTH POTENTIAL OF YOUR AIRPORT, BUT I WOULD VENTURE TO SAY MANY ARE NOT CLEARLY AWARE OF THEIR RESPONSIBILTY TO PROTECT THE LOCAL AIRPORT FROM ADJACENT NON-COMPATIBLE DEVELOPMENT THAT CAN SLOW OR EVEN HALT AIRPORT GROWTH. ALL TOO OFTEN, IN JURISDICTIONS AROUND THE NATION, WE SEE RESIDENTIAL DEVELOPMENT AROUND AIRPORTS THAT IS NOT COMPATIBLE WITH CURRENT OR PROJECTED NOISE IMPACTS.

THE FEDERAL GOVERNMENT DEFINES AN AVERAGE DAY-NIGHT AIRCRAFT NOISE LEVEL OF 65 DB AS THE THRESHOLD OF SIGNIFICANT IMPACT, AND 55 DB AS THE THRESHOLD OF MODERATE IMPACT. FEDERAL FUNDS ARE AVAILABLE TO MITIGATE SIGNIFICANT NOISE IMPACTS ABOVE THE 65 DB STANDARD, AND UNDER CERTAIN CIRCUMSTANCES, EVEN BELOW THAT LEVEL. RESIDENTIAL DEVELOPMENT UP TO THE 65 DB LEVEL IS GENERALLY REGARDED AS COMPATIBLE UNDER FEDERAL LAND USE GUIDELINES. BUT THAT DOES NOT MEAN THAT LOCAL OFFICIALS CANNOT PROVIDE NOISE RELIEF OR DISCLOSURE BELOW THAT LEVEL.

I WAS VERY PLEASED TO SEE THE LOCAL AIRPORT AUTHORITY APPLY YOUR NEW STATE LAW ON REAL ESTATE DISCLOSURE TO ENSURE PURCHASERS OF HOMES INSIDE THE DNL 55DB NOISE CONTOUR ARE MADE AWARE OF THE FACT THAT THEY WILL BE IN AN AREA

OF MODERATE AIRCRAFT NOISE. AS A PRIOR PRESIDENT AND TRUSTEE OF A LARGE HOMEOWNERS ASSOCIATION WITHIN THREE MILES OF DULLES AIRPORT, I AM KEENLY AWARE OF THE COMPLAINTS THAT COME FROM PEOPLE WHO MOVE INTO THE COMMUNITY, UNAWARE OF DULLES AIRCRAFT OPERATIONS UNTIL THE MOVING VAN LEAVES THE HOUSE. MY COMMUNITY LIES BETWEEN THE 50 TO 55 DB CONTOUR. YET FOR NEW HOMEOWNERS, THE NOISE SEEMS MORE LIKE THE 65 TO 70 DB CONTOUR. I WOULD ONLY HOPE THAT MY STATE HAD A LAW LIKE YOURS. LOCALLY, YOU NOW HAVE A BUFFER ZONE WHERE NEW RESIDENTS WILL BE INFORMED OF THE AIRPORT NOISE LEVELS. PEOPLE WHO NOW KNOWINGLY MOVE INTO THAT AREA, ARE HOPEFULLY LESS LIKELY TO REGISTER NOISE COMPLAINTS AND OPPOSE NEEDED FUTURE AIRPORT EXPANSION, WHICH I BELIEVE YOUR AIRPORT MASTER PLAN DOES CALL FOR BY ADDING A NEW RUNWAY IN THE OUT YEARS.

I AM SURE YOU ARE ALL WELL AWARE THAT THE POWER TO CONTROL LAND USE RESTS EXCLUSIVELY AT THE STATE AND LOCAL LEVEL. THE FAA CAN PROVIDE TECHNICAL ADVICE AND INCENTIVES TO PREVENT NONCOMPATIBLE DEVELOPMENT AROUND AIRPORTS. BUT THE FAA HAS NO LAND USE AUTHORITY. YET, NON-COMPATABLE DEVELOPMENT CONTINUES TO OCCUR WHERE LOCAL JURISDICTIONS FAIL TO RECOGNIZE THEIR RESPONSIBILITY TO PROTECT THEIR AIRPORTS EXISTING OPERATIONS AND FUTURE GROWTH POTENTIAL: GROWTH THAT WE CAN PROBABLY ALL AGREE IN THE LONG RUN IS ESSENTIAL TO A HEALTHY LOCAL ECONOMY. AS AIRPORTS GROW, THERE IS GENERALLY A DEMAND FOR INDUSTRIAL AND COMMERCIAL GROWTH NEAR THE AIRPORT; DEVELOPMENT THAT IS FAR MORE COMPATIBLE THAN RESIDENTIAL AND OTHER NOISE SENSITIVE DEVELOPMENT. BUT THERE IS OFTEN POLITICAL AND ECOMONIC PRESSURE TO APPROVE MORE IMMEDIATE DEVELOPER DEMANDS FOR NON-COMPATIBLE RESIDENTIAL DEVELOPMENT. WHEN LOCAL OFFICIALS GIVE IN TO THESE PRESSURES, THEY ARE, IN MY OPINION, NOT ACTING RESPONSIBLY TO PROTECT THE

LONG-RANGE INTERESTS OF THEIR COMMUNITIES. WHEN THE FUTURE IS NOW AND THE AIRPORT CAN NO LONGER MEET GROWING CAPACITY DEMANDS, AND IF LOCAL OFFICIALS HAVE ALLOWED NON-COMPATIBLE DEVELOPMENT AROUND THE AIRPORT, THEN EXPANSION IS USUALLY STRONGLY OPPOSED, AND LENGTHLY AND EXPENSIVE DELAYS AND LAWSUITS RESULT UNTIL SETTLEMENT IS REACHED. WHEN THE AIRPORT IS FINALLY EXPANDED, IT IS OFTEN YEARS AFTER THE NEED AROSE.

LET ME QUOTE FROM OUR AVIATION NOISE ABATEMENT POLICY WHICH, AS I SAID BEFORE, IS AS VIABLE TODAY AS WHEN IT WAS WRITTEN IN 1976.

HERE IS WHAT IT SAYS ABOUT LOCAL RESPONSIBILITY.

> "EACH OF THE PARTICIPANTS IN THE NOISE ABATEMENT EFFORT - THE AIRPORT USERS, AIRCRAFT MANUFACTURERS, THE AIRPORT PROPRIETORS, FEDERAL, STATE, AND LOCAL GOVERNMENTS, AND RESIDENTS IN COMMUNITIES SURROUNDING AIRPORTS - MUST TAKE SPECIFIC STEPS THAT ARE ESSENTIAL IN REDUCING THE NUMBER OF PEOPLE ADVERSELY AFFECTED BY NOISE AND THE SEVERITY OF THE EFFECT ON ALL PEOPLE."
>
> "AIRPORT PROPRIETORS ARE PRIMARILY RESPONSIBLE FOR PLANNING AND IMPLEMENTING ACTION DESIGNED TO REDUCE THE EFFECT OF NOISE ON RESIDENTS OF THE SURROUNDING AREA. SUCH ACTIONS INCLUDE OPTIMAL SITE LOCATION, IMPROVEMENTS IN AIRPORT DESIGN, NOISE ABATEMENT GROUND PROCEDURES, LAND ACQUISITION, AND RESTRICTIONS ON AIRPORT USE THAT DO NOT UNJUSTLY DISCRIMINATE AGAINST ANY USER, IMPEDE THE FEDERAL INTREST IN SAFETY AND MANAGEMENT OF THE AIR NAVIGATION SYSTEM, OR UNREASONABLY INTERFERE WITH INTERSTATE OR FOREIGN COMMERCE."

"STATE AND LOCAL GOVERNMENTS AND PLANNING AGENCIES MUST PROVIDE FOR LAND USE PLANNING AND DEVELOPMENT, ZONING, AND HOUSING REGULATION THAT WILL LIMIT THE USES OF LAND NEAR AIRPORTS TO PURPOSES COMPATIBLE WITH AIRPORT OPERATIONS."

"STATE AND LOCAL GOVERNMENTS ARE DIRECTLY AND UNIQUELY RESPONSIBLE FOR ENSURING THAT LAND USE PLANNING, ZONING, AND LAND DEVELOPMENT ACTIVITIES IN AREAS SURROUNDING AIRPORTS ARE CONSISTENT WITH THE OBJECTIVE OF ENSURING LAND USE THAT IS COMPATIBLE WITH PRESENT AND PROJECTED AIRCRAFT NOISE EXPOSURE IN THE AREA."

"THEY SHOULD WORK CLOSELY WITH AIRPORT PROPRIETORS IN PLANNING ACTIONS TO BE TAKEN IN CONFINING SERIOUS AIRCRAFT NOISE EXPOSURE TO WITHIN THE AIRPORT BOUNDARY AND REDUCING THE NUMBER OF PEOPLE SIGNIFICANTLY AFFECTED BY AIRPORT NOISE."

THE POLICY GOES ON TO STATE THAT LOCAL JURISDICTIONS HAVE THE RESPONSIBILITY TO ENACT BUILDING CODES THAT INSURE APPROPRIATE SOUND INSULATION IN NOISE SENSITIVE STRUCTURES NEAR AIRPORTS AND TO REQUIRE APPROPRIATE NOTICE OF AIRPORT NOISE TO PURCHASERS OF REAL ESTATE AND PROSPECTIVE RESIDENTS IN AREAS NEAR AIRPORTS.

Exhibit 2:

Excerpts from a letter to The Honorable Katherine K. Hanley, Chairman, Fairfax County Board of Supervisors, Virginia, from James D. Erickson, Director of Environment and Energy.

Dear Chairman Hanley:

It has recently come to our attention that the Fairfax County Planning Commission and the Board of Supervisors will soon amend the Airport Noise Impact Overlay District of the County Zoning Ordinance, and that this action is prompted by revisions to noise contour projections for the area near Dulles International Airport.

We applaud the proposed revisions to the Comprehensive Plan which would incorporate recommendations for general disclosure measures in areas near Dulles International Airport and a DNL 60 contour within which new development would be "Not Recommended. " We strongly encourage local jurisdictions to take full advantage of the shrinking noise contours around their airports resulting from the transition to Stage 3 airplanes, by using their zoning authority to capture a "buffer zone" beyond the DNL 65 contour to the extent feasible. This is a window of opportunity that will not reappear in the foreseeable future. To the extent the Comprehensive Plan is followed, Fairfax County will realize such a buffer zone out to the DNL 60 dB contour line.

The Federal Aviation Administration (FAA) is quite concerned, however, that the proposed amendment to the Zoning Ordinance is not consistent with the Comprehensive Plan, the Federal Standards for compatible land use in areas of significant noise exposure around airports, or the Loudoun County Zoning Ordinance governing their land use adjacent to Dulles International Airport. We believe that failure to include the Comprehensive Plan provisions in the amendments to the Zoning Ordinance greatly diminishes the likelihood that the envisioned buffer zone will remain a reality. We therefore strongly urge you to amend the Zoning Ordinance to at least limit new development to conform with the Federal Compatible Land Use Standards, which define residential development inside DNL 65 dB airport noise contours as noncompatible.

We assume the current Zoning Ordinance, which only precludes development inside the DNL 75 dB contour, and the proposed amendment, which would also retain the DNL 75 dB threshold, are based on a footnote to the Land Use Compatibility Table in 14 CFR part 150. That table, which implements the Federal Compatible Land Use Standards, lists residential land use at noise levels above DNL 65 dB as "not compatible." While this threshold is the Federal Standard used by Federal agencies to administer many programs, it is not binding on any local jurisdiction. That footnote to the columns in the table for residential uses between DNL 65 and 75 dB states: "Where the community determines that residential or school uses <u>must be allowed</u> (emphasis added), measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB or 30 dB should be incorporated into building codes and should be considered in individual approvals." This footnote does <u>not</u> mean the Federal Compatible Land Use Standard is raised to DNL 75 dB when sufficient additional soundproofing is incorporated. The FAA clearly recognized that some zoning jurisdictions would choose <u>not</u> to adopt the DNL 65 dB Federal Land Use Compatibility Standard for residential development. Therefore, the table was footnoted in the manner described above to urge those jurisdictions choosing <u>not</u> to adopt the DNL 65 dB Standard to at least incorporate into their building codes requirements for sufficient soundproofing to make the indoor environment reasonably bearable.

In closing, we again strongly urge you to follow the example set by your neighbor, Loudoun County, by insuring that your amended ordinance fully meets or exceeds the DNL 65 dB Federal Compatible Land Use Standard. Please contact me or my staff on (202) 267-3576 if we can be of any further assistance in clarifying the Federal Standard or for any other questions you may have regarding our programs.

Sincerely,

James D. Erickson
Director of Environment and Energy

Excerpts from an Oral Statement to the Fairfax County Board of Supervisors, Virginia, on Monday, March 24, 1996.

IT HAS RECENTLY COME TO FAA'S ATTENTION THAT YOU ARE AMENDING THE AIRPORT NOISE IMPACT OVERLAY DISTRICT OF THE COUNTY ZONING ORDINANCE. I AM HERE TONIGHT TO FORMALLY CONVEY FAA'S OFFICIAL POSITION REGARDING YOUR PROPOSED ORDINANCE.

WE AT THE FAA APPLAUD THE PROPOSED REVISIONS TO THE COMPREHENSIVE PLAN WHICH WOULD INCORPORATE RECOMMENDATIONS FOR GENERAL DISCLOSURE MEASURES IN AREAS NEAR DULLES AIRPORT AND A DNL 60 CONTOUR WITHIN WHICH NEW DEVELOPMENT WOULD BE "NOT RECOMMENDED." WE ARE STRONGLY ENCOURAGING ALL LOCAL JURISDICTIONS NATIONWIDE TO TAKE FULL ADVANTAGE OF THE SHRINKING NOISE CONTOURS AROUND THEIR AIRPORTS RESULTING FROM THE TRANSITION TO QUIETER STAGE 3 AIRPLANES, BY USING THEIR ZONING AUTHORITY TO CAPTURE A "BUFFER ZONE" OF NO NEW DEVELOPMENT BEYOND THE DNL 65 CONTOUR. THIS IS A WINDOW OF OPPORTUNITY THAT WILL NOT REAPPEAR IN THE FORESEEABLE FUTURE. TO THE EXTENT THE COMPREHENSIVE PLAN IS FOLLOWED, FAIRFAX COUNTY WILL CAPTURE SUCH A BUFFER ZONE OUT TO THE DNL 60 DB EXPOSURE LEVEL.

I AM HERE TONIGHT BECAUSE THE FAA IS HIGHLY CONCERNED THAT THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE IS NOT CONSISTENT WITH EITHER THE COMPREHENSIVE PLAN OR THE FEDERAL STANDARDS FOR COMPATIBLE LAND USE. WE BELIEVE THAT FAILURE TO INCLUDE THE COMPREHENSIVE PLAN PROVISIONS IN THE AMENDMENTS TO THE ZONING ORDINANCE GREATLY DIMINISHES THE LIKELIHOOD THAT THE ENVISIONED BUFFER ZONE WILL BECOME A REALITY. WE STRONGLY URGE THAT YOU AMEND THE ZONING ORDINANCE TO AT LEAST LIMIT NEW DEVELOPMENT TO CONFORM WITH THE FEDERAL COMPATIBLE LAND USE STANDARDS, WHICH DEFINE RESIDENTIAL DEVELOPMENT INSIDE DNL 65 DB AIRPORT NOISE CONTOURS AS NONCOMPATIBLE.

IN CLOSING, WE AGAIN STRONGLY URGE YOU TO FOLLOW THE EXAMPLE SET BY YOUR NEIGHBOR, LOUDOUN COUNTY, BY INSURING THAT YOUR AMENDED ORDINANCE FULLY MEETS OR EXCEEDS THE FEDERAL LAND COMPATIBILTY STANDARD OF DNL 65 DB. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE REGARDING REGUARDING MY STATEMENT OR FAA'S NOISE MITIGATION PROGRAMS. THANK YOU

Exhibit 3:

Excerpts from a letter to The Honorable Yvonne Atkinson Gates, Chair, Clark County Board of Commissioners, Las Vegas, Nevada, from James D. Erickson, Director of Environment and Energy.

Dear Commissioner Atkinson Gates:

It is our understanding that on May 20, 1998, the Clark County Board of Commissioners will take final action on a proposed zoning ordinance to amend Clark County's Airport Environs Overlay District to improve compatibility between the County's airports and nearby residents. At your April 22, 1998, hearing on the proposed ordinance, Mr. Barry Brayer of our Western Pacific Regional Office presented an oral Federal Aviation Administration (FAA) statement of support for adoption of the proposed ordinance and answered a number of questions. The purpose of this letter is to further encourage you to adopt all proposed measures.

Based on information provided by Mr. Brayer and your Department of Aviation staff, a significant number of citizens who currently reside in the proposed Overlay District attended the April 22, 1998, hearing and opposed adoption of the requirement to disclose noise exposure levels for existing dwellings. As we pointed out in the statement presented by Mr. Brayer, a number of jurisdictions in California and elsewhere around the country have successfully enacted disclosure requirements with little, if any, directly related reduction in property values.

Several years ago the Raleigh/Durham North Carolina Airport Authority proposed to all jurisdictions around the airport that they amend their ordinances to require disclosure of airport noise exposure levels of Day/Night Level (DNL) 55 dB or greater. While none of the jurisdictions chose to require disclosure, in January 1996, the North Carolina legislature passed a bill that amended the state real estate disclosure law to require that sellers disclose a ". . . notice from any governmental agency affecting this real property." In April 1997, the Raleigh/Durham Airport Authority mailed a notice to over 9000 owners officially informing them that their property was within the DNL 55 dB airport noise exposure contour and that under the new state law, they were required to disclose this noise classification to subsequent purchasers. Airport Authority officials report that local realtors have not complained about the new disclosure requirement, and many realtors welcome the requirement because it relieves them from buyers' complaining they were not properly warned about airport noise. Airport officials also report that development, sales activity, and prices within the disclosure area have not been adversely affected by the new disclosure requirement. Based on the experience of Raleigh/Durham and other jurisdictions around the country that have adopted local ordinances requiring disclosure of noise levels on existing residential communities near airports, we believe the fears that disclosure will result in a substantial drop in property values are largely unfounded.

By enacting airport noise disclosure requirements for existing as well as future noise sensitive development within DNL 60 dB contours around your airports, you will insure over the long run that virtually all residents exposed to aviation noise at that level or higher make informed decisions to reside there. Citizens so informed will be less likely to complain about aircraft noise and more willing to work cooperatively with elected and airport officials on noise and other airport issues.

Again, we applaud your proposal to improve the compatibility of airport operations with surrounding land uses. Adoption of all of the proposed measures will make Clark County a model for addressing land use compatibility in airport environs and secure a compatible future for aviation and noise sensitive areas in Southern Nevada. Please do not hesitate to call on me or my staff at (202) 267-3576 if we can further assist in supporting this initiative or if you have any questions regarding our programs.

Sincerely,

James D. Erickson
Director of Environment and Energy

Excerpts from an Oral Statement to the Clark County Board of Supervisors, Las Vegas, Nevada, on Wednesday, April 22, 1998.

IT HAS RECENTLY COME TO FAA'S ATTENTION THAT YOU ARE CONSIDERING A ZONING ORDINANCE THAT WOULD AMEND CLARK COUNTY'S AIRPORT ENVIRONS OVERLAY DISTRICT TO IMPROVE COMPATIBILITY BETWEEN YOUR AIRPORTS AND NEARBY RESIDENTS. I AM HERE TODAY TO FORMALLY CONVEY FAA'S OFFICIAL POSITION REGARDING YOUR PROPOSED ORDINANCE.

WE AT THE FAA ENDORSE THE PROPOSED AMENDMENTS AND WE ENCOURAGE THE COMMISSIONERS TO ADOPT THEM WITHOUT HESITATION. WE ALSO ARE ENCOURAGING LOCAL JURISDICTIONS NATIONWIDE TO USE THEIR ZONING AUTHORITY TO ADDRESS AIRPORT NOISE IMPACT AT LEVELS BEYOND DNL 65 DB, WHICH HAS LONG BEEN ACCEPTED AS THE NATIONAL STANDARD THRESHOLD OF SIGNIFICANT EXPOSURE.

NOISE CONTOURS ARE SHRINKING AROUND MOST AIRPORTS BECAUSE OF THE TRANSITION TO QUIETER STAGE 3 AIRPLANES BY THE YEAR 2000, AS MANDATED BY CONGRESS IN THE AIRPORT NOISE AND CAPACITY ACT OF 1990. SINCE THIS WINDOW OF OPPORTUNITY WILL NOT REAPPEAR IN THE FORESEEABLE FUTURE, SOME JURISDICTIONS ARE USING THEIR ZONING AUTHORITY TO CAPTURE A "BUFFER ZONE" OF NO NEW DEVELOPMENT, EXTENDING BEYOND THEIR SHRINKING DNL 65 DB CONTOURS.

WHILE CLARK COUNTY IS NOT PROPOSING TO PRECLUDE DEVELOPMENT BEYOND DNL 65 DB, IT IS CONSIDERING MEASURES THAT FAA APPLAUDS AND CONSIDERS TO BE BOTH PRUDENT AND EFFECTIVE IN ADDRESSING MODERATE NOISE IMPACT AT EXPOSURE LEVELS BETWEEN DNL 60 AND 65 DB. THE PROPOSED NEW SUBDISTRICT WOULD EXPAND YOUR OVERLAY DISTRICT TO INCLUDE AREAS EXPOSED TO DNL 60 DB AND ABOVE. IN ADOPTING THIS PROPOSAL, THE BOARD WILL DEMONSTRATE ITS FORESIGHT AND COMMITMENT TO PRESERVE SUFFICIENT COMPATIBLE LAND AREA TO MEET FUTURE CAPACITY NEEDS –NEEDS WHICH WE ALL RECOGNIZE ARE LOCALLY GROWING AT A VERY RAPID PACE.

FAA'S LONG STANDING AVIATION NOISE ABATEMENT POLICY, JOINTLY ISSUED BY THE SECRETARY OF TRANSPORTATION AND THE FEDERAL AVIATION ADMINISTRATOR IN 1976, CLEARLY SPELLS OUT

RESPONSIBILITIES FOR ADDRESSING AVIATION NOISE. STATE AND LOCAL GOVERNMENTS AND PLANNING AGENCIES ARE RESPONSIBLE FOR LAND USE PLANNING AND DEVELOPMENT, ZONING, AND HOUSING REGULATION THAT WILL LIMIT THE USES OF LAND NEAR AIRPORTS TO PURPOSES COMPATIBLE WITH AIRPORT OPERATIONS. THESE KEY TOOLS FOR LIMITING THE NUMBER OF CITIZENS EXPOSED TO AIRPORT NOISE IMPACTS ARE EXCLUSIVELY YOURS. THE 1976 POLICY DOCUMENT POINTS OUT THAT YOU HAVE THE RESPONSIBILITY TO DETERMINE AND REQUIRE THE APPROPRIATE LEVEL OF SOUND INSULATION IN YOUR BUILDING CODES FOR RESIDENTIAL AND PUBLIC BUILDINGS IN THE VICINITY OF YOUR AIRPORTS. YOU ALSO DETERMINE THE APPROPRIATE NOTICE OF AIRPORT NOISE LEVELS TO THE PURCHASERS OF REAL ESTATE AND PROSPECTIVE RESIDENTS NEAR YOUR AIRPORTS.

YOUR AFFIRMATION OF THE PROPOSALS BEFORE YOU TODAY WILL ESTABLISH FOR THE FUTURE A LOCAL STANDARD OF GREATER COMPATIBILITY BETWEEN YOUR AIRPORTS AND THEIR NEIGHBORS. YOUR LONG-RANGE OBJECTIVE SHOULD BE TO CREATE A LARGE ENOUGH BUFFER TO SUSTAIN YOUR AIRPORT GROWTH NEEDS FOR THE FORESEEABLE FUTURE. ATTAINING THIS GOAL REQUIRES ACTION NOW BEFORE YOU LOSE THE WINDOW OF OPPORTUNITY.

WE CAN PROBABLY ALL AGREE THAT IN THE LONG RUN GROWTH IS ESSENTIAL TO A HEALTHY LOCAL ECONOMY. AS AIRPORTS GROW, THERE IS GENERALLY A DEMAND FOR INDUSTRIAL AND COMMERCIAL GROWTH NEAR THE AIRPORT. THESE LAND USES ARE FAR MORE COMPATIBLE THAN RESIDENTIAL AND OTHER NOISE-SENSITIVE DEVELOPMENT. BUT THERE OFTEN ARE SHORT-TERM POLITICAL AND ECONOMIC PRESSURES TO APPROVE MORE IMMEDIATE DEVELOPER DEMANDS FOR NONCOMPATIBLE RESIDENTIAL DEVELOPMENT. IN OUR VIEW YOUR PROPOSAL TO ADOPT A COMBINATION OF SOUND INSULATION, EASEMENT AND DISCLOSURE REQUIREMENTS WITHIN AN EXPANDED DNL 60 DB NOISE CONTOUR OVERLAY DISTRICT IS BOTH REASONABLE AND APPROPRIATE.

BEFORE I CLOSE, I WOULD LIKE TO SAY A FEW WORDS ABOUT NOISE DISCLOSURE. MANY HOMEOWNERS WHO ARE IN A PROPOSED DISCLOSURE ZONE FEAR THEIR PROPERTY VALUE WILL DECREASE IF THE NOISE LEVELS ARE DISCLOSED. SOME SEE IT AS UNFAIR SINCE DEVELOPERS OR PREVIOUS OWNERS WERE NOT REQUIRED TO DISCLOSE NOISE LEVELS TO THEM. DESPITE THESE FEARS, A NUMBER OF JURISDICTIONS AROUND THE COUNTRY

HAVE SUCCESSFULLY ENACTED DISCLOSURE REQUIREMENTS. WE HAVE NO EVIDENCE OF DRAMATIC REDUCTIONS IN PROPERTY VALUES.

THAT CONCLUDES MY REMARKS. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS ON THE STATEMENT OR OF FAA POLICY ON THESE MATTERS. THANK YOU.