majority of the air carrier users of such airport, the requirements of sub-
parts B and D of this part with respect to restrictions on Stage 3 aircraft op-
erations do apply to local actions to enforce such agreements.

(d) Except to the extent required by the application of the provisions of the Act, nothing in this part eliminates, invalidates, or supersedes the fol-
lowing:

(1) Existing law with respect to air-
port noise or access restrictions by local authorities;

(2) Any proposed airport noise or ac-
cess regulation at a general aviation
airport where the airport proprietor has formally initiated a regulatory or legislative process on or before October 1, 1990; and

(3) The authority of the Secretary of Transportation to seek and obtain such legal remedies as the Secretary con-
siders appropriate, including injunctive relief.

§ 161.9 Designation of noise descrip-
tion methods.

For purposes of this part, the fol-
lowing requirements apply:

(a) The sound level at an airport and
surrounding areas, and the exposure of
individuals to noise resulting from op-
erations at an airport, must be estab-
lished in accordance with the specifica-
tions and methods prescribed under ap-
pendix A of 14 CFR part 150; and

(b) Use of computer models to create
noise contours must be in accordance
with the criteria prescribed under ap-
pendix A of 14 CFR part 150.

§ 161.11 Identification of land uses in
airport noise study area.

For the purposes of this part, uses of
land that are normally compatible or noncompatible with various noise-ex-
posure levels to individuals around air-
ports must be identified in accordance
with the criteria prescribed under ap-
pendix A of 14 CFR part 150. Deter-
mination of land use must be based on
professional planning, zoning, and
building and site design information
and expertise.

Subpart B—Agreements

§ 161.101 Scope.

(a) This subpart applies to an airport operator’s noise or access restriction on the operation of Stage 3 aircraft that is implemented pursuant to an agreement between an airport operator and all aircraft operators affected by the proposed restriction that are serv-
ing or will be serving such airport within 180 days of the date of the pro-
posed restriction.

(b) For purposes of this subpart, an agreement shall be in writing and signed by:

(1) The airport operator;

(2) Those aircraft operators currently operating at the airport who would be affected by the noise or access restric-
tion; and

(3) All new entrants that have sub-
mitted the information required under § 161.105(a) of this part.

(c) This subpart does not apply to re-
strictions exempted in § 161.7 of this part.

(d) This subpart does not limit the
right of an airport operator to enter
into an agreement with one or more aircraft operators that restricts the op-
eration of Stage 2 or Stage 3 aircraft as long as the restriction is not enforced
against aircraft operators that are not party to the agreement. Such an agree-
ment is not covered by this subpart ex-
cept that an aircraft operator may
apply for sanctions pursuant to subpart F of this part for restrictions the air-
port operator seeks to impose other than those in the agreement.

§ 161.103 Notice of the proposed re-
striction.

(a) An airport operator may not im-
plement a Stage 3 restriction pursuant
to an agreement with all affected air-
craft operators unless there has been
public notice and an opportunity for
comment as prescribed in this subpart.

(b) In order to establish a restriction
in accordance with this subpart, the
airport operator shall, at least 45 days
before implementing the restriction,
publish a notice of the proposed re-
striction in an areawide newspaper or
newspapers that either singly or to-
gether has general circulation through-
out the airport vicinity or airport

774