

abatement were proposed by the city of Fort Worth.

EFFECTIVE DATE: The effective date of the FAA's approval of the Fort Worth Alliance Airport noise compatibility program is February 7, 1995.

FOR FURTHER INFORMATION CONTACT: Mike Nicely, DOT/FAA, Texas Airport Development Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0653, (817) 222-5606. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Fort Worth Alliance Airport, effective February 7, 1995.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas

preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the Federal Aviation Administration, Texas Airport Development Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0650.

The city of Fort Worth submitted to the FAA on August 4, 1994, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from November 1991 through July 1994. The Fort Worth Alliance Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on August 11, 1994. Notice of this determination was published in the **Federal Register** on August 18, 1994.

The Fort Worth Alliance Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion beyond the year 1998. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on August 11, 1994, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of

new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained eleven proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective February 7, 1995.

Outright approval was granted for all of the specific program elements. The following is a listing of the approved actions on and off the airport:

- a. Maintain the existing flight track configuration and utilization;
- b. Request pilots of airline aircraft to adhere to FAA noise abatement departure procedures;
- c. Establish noise overlay zoning district for the airport vicinity as an amendment to the existing airport development zone ordinance;
- d. Revise land use plan for noise compatibility;
- e. Purchase noise sensitive sites—fee simple;
- f. Where fee simple acquisition cannot be achieved, obtain avigation easement and where feasible, soundproofing existing eligible structures within the 65DNL;
- g. Enact noise disclosure regulations to inform prospective buyers of potential noise exposure;
- h. Assign a noise abatement officer for noise program management for all three city of Fort Worth airports;
- i. Continue public involvement program;
- j. Implement a periodic noise monitoring program; and
- k. Conduct noise review and update as required.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on February 7, 1995. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the Fort Worth Department of Aviation Offices.

Issued in Fort Worth, Texas on February 20, 1995.

Otis T. Welch,

Manager, Texas Airport Development Office.

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