

Record of Approval  
Mobile Regional Airport  
Mobile, Alabama  
Noise Compatibility Program

The Mobile Regional Airport (MOB), Mobile, Alabama, Noise Compatibility Program (NCP) describes the current and future non-compatible land uses based upon the parameters established in 14 CFR Part 150 (Part 150), Airport Noise Compatibility Planning. Preparation of the NCP is an update to and replaces the NCP approved by the FAA in January of 1991. The program recommends a total of twelve measures to prevent the introduction of additional non-compatible land uses and to reduce the effect of the noise on existing noncompatible land uses. The recommendations include one noise abatement measure, nine land use measures, and two continuing program measures. The Mobile Airport Authority (MAA) did not request re-evaluation or approval of the noise abatement measures previously approved in the 1991 NCP (identified as NA-1 through NA-7 in this NCP update). The recommended program measures are summarized on Pages 9-1 through 9-4 and Table 9.2 of the NCP.

The approvals listed herein include approvals of actions that MAA recommends be taken by the Federal Aviation Administration (FAA). It should be noted that these approvals indicate only that the actions would, if implemented, be consistent with the purposes of Part 150. The FAA has provided technical advice and assistance to the airport to ensure that the operational elements are feasible. *See* 14 CFR 150.23. These approvals do not constitute decisions to implement the actions. Later decisions concerning possible implementation of measures in this Record of Approval will be subject to applicable environmental or other procedures or requirements, including Section 106 of the National Historic Preservation Act (NHPA).

The noise abatement, land use, and continuing program elements below summarize as closely as possible the airport operator's recommendations as found in the NCP by program element and cross-referenced to the NCP by page number. The statements contained within the summarized recommendations and before the indicated FAA approval, disapproval or other determinations do not represent the opinions or decisions of the FAA.

## 1 - Noise Abatement Elements

- 1. Future Airfield Preferential Runway Use (Pgs. 7-9, 7-12, 9-3, Tables 7.1, 7.7, Figures 7-3, 7-4)**

**Description:** This measure considers preferential nighttime runway use with the proposed development of an additional runway at MOB. The primary scenario would maximize nighttime use of the proposed new Runway 14R/32L by directing aircraft over less densely populated land uses. This procedure may exclude military and helicopter operations because the majority of these operations occur at the Coast Guard facility adjacent to Runway 14L/32R. Preferential runway use should be evaluated as part of the environmental analysis conducted with the proposed runway development.

**FAA Action:** **Disapproved for purposes of 14 CFR 150.** As no new runway has been developed, the NCP presents no information regarding noise benefits associated with the nighttime preferential use of a new Runway 14R/32L during the period covered by the NCP. Justification for the construction of a new runway would be required outside the Part 150 process. The FAA notes that construction of a new runway is proposed in the Airport's Master Plan for other purposes. Evaluation of an additional runway would be considered as part of the associated environmental analysis conducted pursuant to the National Environmental Policy Act (NEPA).

## 2 - Land Use Elements

### 1. Enactment of County Zoning Regulations. (Pgs. 8-8, 9-3, Tables 8.3, 8.16)

**Description:** This measure recommends that Mobile County utilize the NCP to enact compatible use and/or overlay zoning for areas affected by existing and forecast aircraft noise exposure. The overlay zoning would include the mechanism for requiring aviation easements, noise level reduction construction, and development of compatible land uses. This measure would apply to the airport influence area that is a composite of the DNL contours in the 2005 and 2010 NEMs, and the ASV contours for the existing airfield and proposed runway development. Although the 65 DNL contour is the threshold of noise impact, the 60 DNL contour would be applicable to the measure as a buffer against future expansion of noise exposure levels. Compatibility criteria would be developed for each contour interval.

**FAA Action:** **Approved.** The Federal Government has no authority to control local land use. Local governments have the authority to implement this measure. The FAA encourages planning for compatible land use around airports. Approval is limited to potential noncompatible land uses within the 2005 and 2010 DNL 65 dB and higher noise contours depicted on the accepted NEMs. Outside the DNL 65 dB contour, the FAA, as a matter of policy, encourages local efforts to prevent new noncompatible development immediately abutting the DNL 65 dB contour and to provide a buffer for possible growth in noise contours beyond the forecast period. Approval of this measure does not commit the FAA to Federal funding assistance. Also, it is FAA policy that no structures built after October 1, 1998, are eligible for Federal funding for remedial mitigation. *See* FAA policy at 64 Fed. Reg. 16409 (April 3, 1998).

**2. Annexation of Noise Impacted Land by the City of Mobile. (Pgs. 8-8, 9-3, Tables 8.4, 8.16)**

**Description:** This measure recommends that the City of Mobile be encouraged to annex land in the vicinity of MOB so that the appropriate land-use controls can be enacted to ensure compatible off-airport development. The overlay zoning would include the mechanism for requiring of aviation easements, noise level reduction construction, and development of compatible land uses. The State of Alabama limits zoning to only municipalities. Therefore, the City of Mobile would be required to annex portions of Mobile County within the vicinity of the airport in order to enact compatible land use zoning.

**FAA Action: Approved.** The Federal Government has no authority to control local land use. Local governments have the authority to implement this measure. The FAA encourages planning for compatible land use around airports. Approval is limited to potential noncompatible land uses within the 2005 and 2010 DNL 65 dB and higher noise contours depicted on the accepted NEMs. Outside the DNL 65 dB contour, the FAA, as a matter of policy, encourages local efforts to prevent new noncompatible development immediately abutting the DNL 65 dB contour and to provide a buffer for possible growth in noise contours beyond the forecast period. Approval of this measure does not commit the FAA to Federal funding assistance. Also, it is FAA policy that no structures built after October 1, 1998, are eligible for Federal funding for remedial mitigation. *See* FAA policy at 64 Fed. Reg. 16409 (April 3, 1998).

**3. Revise Building Codes for Noise level Reduction Construction. (Pgs. 8-8, 9-3, Tables 8.5, 8.16)**

**Description:** This measure recommends that Mobile County revise its building codes to ensure land-use compatibility in the vicinity of the airport. Specifically, the building code will ensure a NLR of 25 to 30 dB as needed to achieve an interior noise level of 45 dBA. In addition, subdivision regulations could be amended to guide development in noise impacted areas by reducing building exposure, by providing buffer areas, and by requiring open space as appropriate. As a long-term land use management tool, this measure would apply to the airport influence area as a composite of the DNL contours in the 2005 and 2010 NEMs and the ASV contours for the existing airfield development. Although the 65 DNL contour is the threshold of noise impact, the 60 DNL contour would be applicable to the measure as a buffer against future expansion of noise exposure levels.

**FAA Action: Approved.** The Federal Government has no authority to control local land use. Local governments have the authority to implement this measure. The FAA encourages planning for compatible land use around airports. Approval is limited to potential noncompatible land uses within the 2005 and 2010 DNL 65 dB and higher noise contours depicted on the accepted NEMs. Outside the DNL 65 dB contour, the FAA, as a matter of policy, encourages local efforts to prevent new noncompatible development

immediately abutting the DNL 65 dB contour and to provide a buffer for possible growth in noise contours beyond the forecast period. Approval of this measure does not commit the FAA to Federal funding assistance. Also, it is FAA policy that no structures built after October 1, 1998, are eligible for Federal funding for remedial mitigation. See FAA policy at 64 Fed. Reg. 16409 (April 3, 1998).

**4. Real Estate Noise Disclosure (Pgs. 8-13, 8-14, 9-3, Tables 8.7, 8.16)**

**Description:** This measure recommends that Mobile County require disclosure of noise exposure levels by ordinance or via amended subdivision regulations/covenants that would require disclosure upon the sale/transfer of the property.

**FAA Action: Approved.** The Federal Government has no authority to control local land use. Local governments have the authority to implement this measure.

**5. Land Acquisition (Pgs. 8-15, 9-3, Tables 8.8, 8.16)**

**Description:** This measure recommends that MAA seek to purchase existing non-compatible development within the 65+ DNL contour of the 2010 NEM. There are an estimated 45 (44 single family and 1 mobile home) residential housing units/parcels within the 65 DNL contour of the 2010 NEM. This measure does not envision the large-scale purchase of the residential parcels within the 2010 NEM that are located to the southeast of the airport, as these homes are part of a large contiguous neighborhood. However, the measure could be applied to the three residential parcels located to the northwest of the airport if the owners are willing to sell.

**FAA Action: Approved.** Approval is limited acquisition of three residential parcels located to the northwest of MOB, and is limited to existing non-compatible land uses located within the 2005 and 2010 DNL 65 dB and higher noise contour depicted on the accepted NEMs. The properties to be acquired must be purchased in accordance with the provisions of the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended, to be eligible for Federal financial assistance. The FAA will not approve Federal funding to mitigate noise-sensitive land uses constructed after October 1, 1998. See FAA policy at 64 Fed. Reg. 16409 (April 3, 1998).

**6. Acquisition of Avigation Easements (Pgs. 8-15, 9-3, Tables 8.10, 8.16)**

**Description:** This measure recommends that MAA purchase avigation easements from existing non-compatible development within the 65+ DNL contour of the 2010 NEM. There are an estimated 45 (44 single family and 1 mobile home) housing units/parcels within the 65 DNL contour of the 2010 NEM. This measure would apply primarily to the 42 residential parcels within the 2010 NEM that are located to the southeast of the airport. However, the measure could be applied to the three residential parcels located to the northwest of the airport that are identified for purchase if the owners are unwilling to sell. For existing noise sensitive properties within the 65 DNL contours, the purchase of the easement would permit the owner to fund improvements to mitigate interior noise

levels from aircraft operations. The easements would also release local jurisdictions, aircraft operators and the airport owner and operator from the effects of aircraft operations on noise-sensitive properties. The easements would notify developers and property owners of the aircraft noise exposure levels and the right of aircraft overflight. This would improve the compatibility of future development. Properties that accept an aviation easement would be considered compatible with airport use. Homeowners that accept an aviation easement could use the funds to provide sound attenuation improvements to their property.

**FAA Action: Approved.** Approval is limited to purchase of easements over 45 parcels located to the northwest and southeast of MOB, and is limited to existing non-compatible land uses located within the 2005 and 2010 DNL 65 dB and higher noise contour depicted on the accepted NEMs. The specific identification of structures recommended for inclusion in the program and specific definition of the scope of the program will be required prior to approval of any Federal funding for this measure. The FAA will not approve Federal funding to mitigate noise-sensitive land uses constructed after October 1, 1998. *See* FAA policy at 64 Fed. Reg. 16409 (April 3, 1998). No Federal funding for sound insulation is implied by this approval.

**7. Dedication of Aviation Easements with Building Permits (Pgs. 8-19, 9-3, Tables 8.11, 8.16)**

**Description:** This measure recommends that Mobile County require aviation easements with subdivisions plats/covenants and with the issuance of building permits for new noise sensitive development within the airport influence area. As long-term land use management tool, this measure would apply to the airport influence area as a composite of the DNL contours in the 2005 and 2010 NEMs and the ASV contours for the existing airfield development. Although the 65 DNL contour is the threshold of noise impact, the 60 DNL contour would be applicable to the measure as a buffer against future expansion of noise exposure levels. Compatibility criteria would be developed for each contour interval.

**FAA Action: Approved.** The Federal Government has no authority to control local land use. Local governments have the authority to implement this measure. The FAA prefers that no new noise-sensitive development be allowed within the DNL 65 dB. Where the airport has no control over land uses, an aviation easement would render those properties compatible with airport use.

**8. Comprehensive Planning (Pgs. 8-19, 9-3, Tables 8.12, 8.16)**

**Description:** This measure recommends that Mobile County conduct comprehensive planning for the purpose of encouraging compatible development within the airport influence area. As a long-term land use management tool, this measure would apply to the airport influence area as a composite of the DNL contours in the 2005 and 2010 NEMs and the ASV contours for the existing airfield development. Although the 65 DNL contour is the threshold of noise impact, the 60 DNL contour would be applicable

to the measure as a buffer against future expansion of noise exposure levels. Compatibility criteria would be developed for each contour interval. The comprehensive plan could be used as a mechanism for implementing measures such as noise level reduction construction, aviation easement requirements through subdivision regulations and building permits, and noise disclosure policy. In addition, publication of a comprehensive plan would help to inform potential buyers and developers of noise conditions.

**FAA Action: Approved.** The Federal Government has no authority to control local land use. Local governments have the authority to implement this measure.

#### **9. Airport Hazard Zoning (Pgs. 8-19, 9-3, Tables 8.13, 8.16)**

**Description:** This measure recommends that MAA establish overlay zoning to prevent construction or creation of airport hazards (protection of 14 CFR Part 77 airspace surfaces) in the vicinity of MOB.

**FAA Action: Disapproved for purposes of Part 150.** Disapproval of this measure is limited to Part 150 and should not be construed as a determination on the benefits of the measure for purposes of complying with the requirements of 14 CFR Part 77.

### **3- Continuing Program Measures**

#### **1. Public Information Program. (Pg. 9-4, Table 9.1)**

**Description:** This measure recommends that the MAA establish a program to enhance public awareness of aircraft noise issues and the NCP.

**FAA Action: Approved.** Publication of the Noise Compatibility Program is permitted. Publication of inserts or other information must be coordinated with the appropriate FAA office. This information must not be construed as a mandatory air traffic procedure(s) and should clearly state that pilots are always required to follow the directions provided by air traffic control despite whatever voluntary noise abatement measures are in place.

#### **2. Periodic Evaluation of Noise Exposure. (Pg. 9-4, Table 9.1)**

**Description:** This measure recommends that the MAA periodically evaluate when significant changes are made in airport operations or procedures that would signal an update to NEMs.

**FAA Action: Approved.**