



U.S. Department
of Transportation

**Federal Aviation
Administration**

Memorandum

Subject: **ACTION:** Program Guidance Letter 03-02

Date: August 4, 2003

From:

Manager, Airports Financial Assistance
Division, APP-500

Reply to
Attn. of:

To: PGL Distribution List

03-2.1, Determining Justification of Projects for the Noise Set-Aside Based on Currency of Noise Exposure Maps - Vicki Catlett (202) 267-8770, Pat Sullivan (202) 267-3707, and Jim Borsari (202) 267-8822.

Program Guidance Letter 01-1 regarding the currency of Noise Exposure Maps (NEM) is cancelled.

On October 1, 2002, the Office of Airport Planning and Programming (APP) issued a report entitled "Evaluation of Noise Set Aside Portion of the Airport Improvement Program." That report reviewed the residential population benefits resulting from noise compatibility projects funded under the FY 2000 and 2001 noise set-aside. The report is included as Attachment A.

The study revealed that some of the reported population benefits were based on NEMs that were last determined to be in compliance in the 1980's and early 1990's. Consistent with the FAA's obligations for responsible fiscal management of the AIP trust fund, the report provided that "starting with the FY 2003 program, the regional Airports Division managers will be tasked with ensuring that 100% of all AIP programming decisions are based on noise contours that were either developed not more than five years prior to the grant application, or are otherwise certified as current."

- **General:**

Descriptions in this PGL of noise mitigation measures such as soundproofing and acquisition are only examples of some of the ways in which people's exposure to adverse noise impacts is reduced.

Since the late 1980's and early 1990's there may have been changes in conditions bearing upon the continued priority rating for approved airport compatibility projects at particular airports. For example, the Airport Noise and Capacity Act of 1990 (ANCA) stage 2 turbojet aircraft weighing more than 75,000

pounds with quieter Stage 3 aircraft, effective January 1, 2000. NEMs prepared for commercial service airports prior to the enactment of ANCA in November 1990 that were determined in compliance with Part 150 by the FAA should be reviewed. This review is to determine whether the NEMs still reflect current conditions for the DNL 75, 70, and 65 dB noise contours such that derivative noise compatibility projects should retain priority ratings for purposes of funding.

Under current law projects contained in an approved NCP are eligible for AIP funding no matter when the NCP was approved unless some modification is made by a subsequent amendment under Part 150. However, not all projects in an approved NCP compete evenly for AIP funding. The AIP priority ratings provide a higher number for mitigation within the “significant” (DNL 65 dB or greater) DNL contours. Projects may also be funded, with a lower rating, in areas of moderate noise impact in accordance with the provisions of paragraph 810b, FAA Order 5100.38B, “AIP Handbook.” In choosing which eligible projects to fund at a given time, regions should be mindful that with limited resources it is necessary to differentiate between projects. One such method is to consider whether clear and convincing evidence since acceptance of the NEM leads the region to conclude that projects at other airports should take priority for funding using the noise set-aside. This internal agency review is solely for the purpose of ensuring that the public receives the maximum benefit for its expenditure, consistent with the FAA’s obligations under Federal law.

- **Guidance on Priority Ratings for AIP Noise Set-Aside Funding:**

Regions and Airports District Offices should determine the relative priority ratings for Part 150 noise projects based on the following criteria. Any NEM less than 5 years old may be conclusively presumed to be current. For NEMs older than 5 years, it may generally be presumed the information contained in an NEM is current. However, regions and ADOs should consider whether, on the basis of clear and convincing information, the approved NEM continues to reflect current conditions for the DNL 75, 70 and 65 dB noise contours in establishing priorities for competing requests for noise compatibility program funding. Such information may be the existence of other noise data developed as part of state requirements, more recent environmental studies, and dramatic changes in operations at the airport such as permanent closure of runways or greatly reduced commercial air carrier service. Some regions may have states that mandate publishing annual or quarterly noise exposure maps.

This program guidance letter does not affect conferred eligibility of projects contained in an approved NCP. Only an official and subsequent Part 150 action will affect the eligibility. Airports may not be required to revise or update NEMs, nor be requested to do so unless their Part 150 NCP permits the request. However, eligibility does not guarantee AIP funding; FAA relies on its AIP priority system to identify and select among various projects. Further, the FAA may rescind its approval of measures that are deemed to no longer satisfy 150.35(b) approval criteria, with 30 days written notice to the sponsor as provided in

150.35(d), if it is determined that the changes are so significant as to warrant a rescission. As with any AIP project request, regions should advise airports of the likelihood of funding in a given fiscal year based upon the project's ability to compete for discretionary funding.

Although clear and convincing evidence may exist that the NEM no longer represents current conditions for the DNL 65, 70, or 75 dB noise contours, the rating for an approved noise compatibility project nonetheless can be "grandfathered" in cases of neighborhood equity, as described in Order 5100.38B, or in the case of noise mitigation work performed prior to a grant as permitted under the statute for which the sponsor is seeking reimbursement. In the case of the reimbursement project, the project would have a priority rating equivalent to its rating at the time that the work was performed. For further information on either of these situations, please contact APP-520.

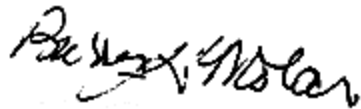
03-2.2, Annual Reporting of Residential Population Benefits Resulting from the Airport Improvement Program Set-Aside - Pat Sullivan (202) 267-3707.

By October 15 of each year, each Regional Airports Division Manager shall provide a report to APP-400 on the residential population benefits resulting from the prior fiscal year's AIP noise set-aside program. The next report will be due on October 15, 2003, and will be for the completed FY 2003 program. Included as Attachment B is a spreadsheet, with instructions, for your use in reporting. It is recommended that, as part of each grant application for a project with residential population benefits, the airport sponsor be asked to include with the grant application the expected residential population benefits of the project in addition to the number of homes. For each project with a residential population benefit, please indicate under the project description column of Attachment B whether the benefit is due to residential sound insulation or to residential relocation. If project involves both a sound insulation element and a relocation element, the amount of the estimated population benefit attributable to each type of project should be noted. The spreadsheet also asks for student benefits expected as a result of school insulation or relocation projects. For each project with a school student population benefit, please indicate under the project description column of Attachment B whether the benefit is due to school sound insulation or to school relocation. If project involves both an insulation element and a relocation element, the amount of the estimated student benefit attributable to each type of project should be noted. The student benefits should only be reported for the final phase of a multi-phased project.

Land purchased under a grant for airport noise compatibility purposes is to be disposed of when the land is no longer needed for such purposes. Section 811e of FAA Order 5100.38B, "Airport Improvement Program Handbook" should be consulted for additional requirements related to the disposal of land purchased under an AIP grant for airport noise compatibility purposes. Based upon FAA concurrence, the project sponsor can reinvest the U.S. portion of the proceeds of the land disposition in an approved noise compatibility project. Residential

population or school student benefits of the reinvestment are secondary benefits of the original AIP grant. As such, they should be reported on Attachment for the later of; 1) the year that the proceeds of sale were realized, and 2) the year that the decision was made to reinvest the proceeds in a residential insulation or relocation project or in a school insulation or relocation project.

The regional Airports divisions provided APP-400 a report on the residential population benefits of the FY 2002 noise set-aside program recently. The format used was similar to Attachment B. This data will be used, along with FY 2000 and FY 2001 submittals, to maintain complete national records on this new reporting requirement.

A handwritten signature in black ink, appearing to read "Barry L. Molar". The signature is written in a cursive, somewhat stylized font.

Barry L. Molar

Attachments