

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Approval of Noise Compatibility Program; Palm Beach International Airport, West Palm Beach, Florida**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Palm Beach County under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On February 1, 1993, the FAA determined that the noise exposure maps submitted by Palm Beach County under Part 150 were in compliance with applicable requirements. On November 18, 1994, the FAA determined that the revised future noise exposure map was in compliance with applicable requirements. On May 17, 1995, the Administrator approved the Palm Beach International Airport noise compatibility program. Twenty-four (24) recommendations of the program were approved and one (1) recommendation was partially approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Palm Beach International Airport noise compatibility program is May 17, 1995.

FOR FURTHER INFORMATION CONTACT: Tommy J. Pickering, P.E., Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827-3596, (407) 648-6583. 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 the Palm Beach International Airport, effective May 17, 1995.

Under Section 104(a) of the Aviation Safety and Noise Abatement Act (ASNA) 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 noncompatible land uses and prevention of additional

noncompatible 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 measure 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 noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types of classes of aeronautical users, 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, Section 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 FAA Airports District Office in Orlando, Florida.

Palm Beach County submitted to the FAA on January 29, 1993, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from March 21, 1991, through October 4, 1994. The Palm Beach International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on February 1, 1993. A revised future noise exposure map was submitted to the FAA on October 6, 1994. The revised future noise exposure map was determined by FAA to be in compliance with applicable requirements on November 18, 1994. Notice of these determinations was published in the **Federal Register**.

The Palm Beach International 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 to the year 1998. It was requested that 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 November 19, 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 approval of such program.

The submitted program contained twenty-five (25) 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 May 17, 1995.

Outright approval was granted for twenty-four (24) of the specific program elements. One (1) program element for local environmental review was partially approved. Measures pertaining to FAR Part 77 height criteria associated with Part 77 height/hazard zoning was disapproved. The approval action was for the following program elements: