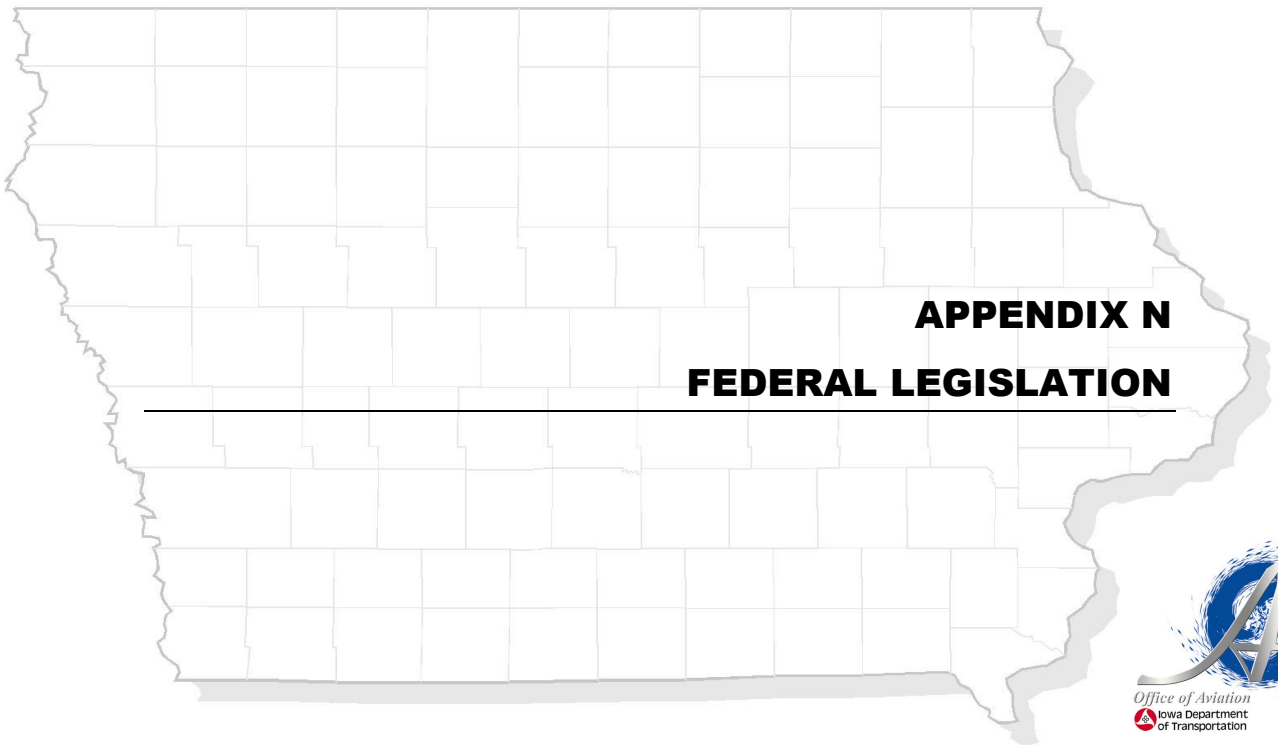




# Iowa Airport Land Use Guidebook



## APPENDIX N

## FEDERAL LEGISLATION

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## Iowa Airport Land Use Guidebook

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### ***Federal Regulations Related to Land Use***

Advisory Circulars (AC), Code of Federal Regulations (CFR), and the Federal Aviation Regulations (FAR) provide the primary legislation and policies for controlling incompatible land uses near airports. The majority of this information is provided to the public and airport sponsors by the FAA. These resources create the foundation for the development and implementation of the airport planning process as well as the planning necessary for compatible land use.

The following list of regulations is not all inclusive of the resources which relate to compatible land use planning. As noted previously, there are a multitude of federal and state agencies with regulatory authority over a wide range of areas that could impact land use decisions near airports. Trying to identify each of these groups and the associated legislation would be a daunting task; consequently, it is suggested that each airport and its host community evaluate the specific needs of their airport and surrounding community to identify other agencies that may need to be consulted prior to development of a land use plan.

### **Planning and Design Related Regulations and Policies**

This section includes federal statutes, ACs, CFRs, and FARs relevant to land use compatibility and provides a summarization of the primary regulations. The sources listed below are not meant to be all inclusive, but rather a general summary and overview of resources relating to planning and design.

#### ***Grant Assurances, Airport and Airway Improvements Act of 1982, US Code, Title 49. Pursuant to the provisions of Title 49, United States Code (USC), subtitle VII***

Grant assurances are covered in greater detail within Chapter 2, as well as a complete list of assurances can be found at Web site:

[www.faa.gov/airports\\_airtraffic/airports/aip/grant\\_assurances/media/airport\\_sponsor\\_assurances.pdf](http://www.faa.gov/airports_airtraffic/airports/aip/grant_assurances/media/airport_sponsor_assurances.pdf)

#### ***FAR Part 77, Objects Affecting Navigable Airspace, CFR Title 14***

FAR Part 77 Surfaces are covered in greater detail within Chapter 2, as well as a complete list of assurances can be found at Web site:

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>



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### **AC 70/7460-1K Change 2, *Obstruction Marking and Lighting***

This AC works within the requirements of FAR Part 77. A sponsor proposing any type of construction or alteration of a structure that may affect the National Airspace System (NAS) is required to submit FAA Form 7460-1 Notice of Proposed Construction or Alteration. This form should then be sent to the Obstruction Evaluation Service (OES). You can reference the complete document at this Web site:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/B993DCDFC37FCDC486257251005C4E21?OpenDocument&Highlight=70/7460](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/B993DCDFC37FCDC486257251005C4E21?OpenDocument&Highlight=70/7460)

### **AC 70/7460-2K, *Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace***

This AC provided information regarding the erection or alteration of an object on or near an airport that may affect the navigable airspace as required in FAR Part 77. In addition, this AC explains the process by which to petition for discretionary review, thereby providing the FAA the opportunity to:

- Recognize potential hazards and minimize the effects to aviation.
- Revise published data and/or issue a Notice to Airmen (NOTAM).
- Recommend appropriate marking and lighting to make objects visible.
- Depict obstacles on aeronautical charts.

The complete document can be referenced at:

[www.airweb.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/22990146db0931f186256c2a00721867/\\$FILE/ac70-7460-2K.pdf](http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/22990146db0931f186256c2a00721867/$FILE/ac70-7460-2K.pdf)

### **Form 7460-1, *Proposed Construction of Alteration of Objects that may affect the Navigable Airspace* and Form 7460-2, *Supplemental Notice of Actual Construction or Alteration***

Form 7460-1 & Form 7460-2 are required at all federally obligated airports to assess each proposed or temporary construction in the vicinity of the airport. The FAA conducts an aeronautical study and issues a determination to the airport sponsor. The determination identifies whether or not the proposed development is a hazard to airspace. It is imperative that local planners be aware of the various critical safety considerations when developing around airports. Notice is required for the following:



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- Form must be submitted at least 30 days prior to the date the construction or alteration is to begin.
- On or before the date an application for a construction permit is filed with the Federal Communication Commission (FCC), well in advance of the 30 day period.

Sample Forms for 7460-1 and 7460-2 are located at the end of this section for reference. The complete documents can be found online at <http://forms.faa.gov/forms/faa7460-1.pdf> and <http://forms.faa.gov/forms/faa7460-2.pdf>

### ***FAR Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports***

This part provides guidelines, procedures, and standards that shall be used in determining what effect construction, alteration, activation, or deactivation of an airport will have on the safe and efficient use of the navigable airspace by aircraft. The complete document can be referenced at:

[www.faa.gov/airports\\_airtraffic/airports/regional\\_guidance/central/construction/part157/](http://www.faa.gov/airports_airtraffic/airports/regional_guidance/central/construction/part157/)

### ***Form 7480-1, Notice of Landing Area Proposal***

This form works in conjunction with FAR Part 157 which requires a 90-day notification prior to any construction, alteration, deactivation, or change to the use of an airport. Notice is required for the following:

- Construct or otherwise establish a new airport or activate an airport.
- Construct, realign, alter, or activate any runway, or other aircraft landing or takeoff area of an airport.
- Construct realign, alter, or activate a taxiway associated with a landing or takeoff area on a public-use airport.
- Deactivate, discontinue using, or abandon an airport or any landing or takeoff area for a period of one year or more.
- Deactivate, abandon, or discontinue using, a taxiway associated with a landing or takeoff area on a public-use airport.
- Change to status of an airport from private use to an airport open to public or from public-use to another status.
- Change status from IFR to VFR or VFR to IFR.
- Establish or change any traffic patterns or traffic pattern altitude or direction.

A sample Form 7480-1 is located at the end of this section for reference. The complete document can be found at: <http://forms.faa.gov/forms/faa7480-1.pdf>



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### **AC 150/5070-6B, *Airport Master Plans***

AC 150/5070-6B is covered in greater detail within Chapter 5, as well as the complete AC can be found at this Web site:

[www.faa.gov/airports\\_airtraffic/airports/resources/advisory\\_circulars/media/150-5070-6B/150\\_5070\\_6b\\_chg1.pdf](http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5070-6B/150_5070_6b_chg1.pdf)

### **AC 150/5070-7, *Airport System Planning Process***

This document outlines the development of effective airport system planning. Developing an airport system plan provides guidance and establishes a balanced integrated system of public-use airports. The airport system planning process should be consistent with state or regional goals that involve examining the relationship between airports and aviation user requirements. Once these relationships are established, the airport system planning process should result in the identification, preservation, and enhancement of both the current and future aviation demand. This AC provides a detailed outline for the development of an acceptable airport system plan and can be found at Web site:

[www.faa.gov/airports\\_airtraffic/airports/resources/advisory\\_circulars/media/150-5070-7/150\\_5070\\_7.pdf](http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/media/150-5070-7/150_5070_7.pdf)

### **FAA AC 150/5300-13 Change 10, *Airport Design***

AC 150/5300-13 Change 10 is covered in greater detail within Chapter 2, as well as the complete AC can be found at this Web site:

[www.faa.gov/airports\\_airtraffic/airports/resources/advisory\\_circulars/index.cfm?template=Document\\_Listing&Keyword=150/5300-13&DocumentSelected=1](http://www.faa.gov/airports_airtraffic/airports/resources/advisory_circulars/index.cfm?template=Document_Listing&Keyword=150/5300-13&DocumentSelected=1)

### **Order 8260.3 B Change 19 through 22, *United States Standard for Terminal Instrument Procedures, TERPS***

This document contains standards for establishing and designing Terminal Instrument Flight Procedures (TERPS). The criteria are applicable at any location over which the U.S. has jurisdiction. TERPS are similar to FAR Part 77 in that there are constraints placed on the airspace in the vicinity of the airport that may have an impact on the land uses allowable beneath those surfaces. The complete document can be referenced at:

[www.airweb.faa.gov/regulatory\\_and\\_guidance\\_library/rgorders.nsf/0/DD2DF48D4E0BA2F0862572A600622680?OpenDocument](http://www.airweb.faa.gov/regulatory_and_guidance_library/rgorders.nsf/0/DD2DF48D4E0BA2F0862572A600622680?OpenDocument)



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### **Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments***

This order establishes regular consultation and collaboration with tribal officials that strengthen government-to-government relationships with Indian tribes. Set forth within the constitution of the United States, Indian tribes have the right to self-government. Indian tribes exercise the sovereign powers over their members and territory, and also strive to meet the responsibilities that arise between federal government and Indian tribal governments. This complete document can be found at the following Web site:[www.epa.gov/fedrgstr/eo/eo13175.htm](http://www.epa.gov/fedrgstr/eo/eo13175.htm)

### **Noise Related Laws and Policies**

This section of the AC addresses federal laws on noise impacts. The following regulations provide federal guidelines for two primary areas: measurement of noise and methods of noise mitigation. This section is not meant to present an all-inclusive list, rather, a summary of primary federal laws related to noise issues. The FAA provides guidance for the development of plans for areas affected by aircraft noise in several FARs, each of which is discussed below.

#### **FAR Part 91, *General Operating and Flight Rules, CFR Title 14***

This federal regulation establishes general rules for the operation of aircraft with regard to diverse airport types. This includes various flight conditions, such as Instrument Flight Rules (IFR) or Visual Flight Rules (VFR), maintenance, special flight operations, foreign aircraft operations, and operating noise limits. FAR Part 91 is specifically concerned with planning regulations, further mandating a deadline of December 31, 1999 for the retirement of all Stage 2 aircraft.



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Between December 31, 1999 and December 31, 2003, waivers were granted (under special circumstances) authorizing Stage 2 aircraft operations, as indicated by FAR Part 91-873. However, effective January 1, 2004, under no circumstances were Stage 2 aircraft permitted to operate. The United States' commercial airline fleet is now completely comprised of Stage 3 aircraft. This transition to a quieter fleet mix results in smaller noise contours, thus reducing the noise impact areas surrounding many airports. The complete document can be found at this Web site

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=e7de1acb78a1df6e934c2599c57b480c&rgn=div5&view=text&node=14:2.0.1.3.10&idno=14#14:2.0.1.3.10.9>

### **FAR Part 150, Noise Compatibility Program, CFR Title 14**

This document establishes the measures required by the *Aviation Safety and Noise Abatement Act* (ASNA) and was revised to include a standardized airport noise compatibility program including:

- Voluntary Noise Exposure Maps (NEM) and Noise Compatibility Programs (NCP) submitted by airport owners to the FAA.
- Standard noise measurement methodologies and units.
- Identification of land uses which are normally compatible or incompatible with various levels of noise.
- Procedures and criteria for preparing and submitting NEM and NCP.

The final ruling included language stating that Part 150 regulations apply to any public use airport as defined by Section 501(17) of the *Airport and Airway Improvement Act* of 1982.

FAR Part 150 contains many regulations found in the ASNA. Under FAR Part 150, local jurisdictions can prepare and submit to the FAA a NEM for the airport's environs and a NCP. This voluntary program applies to all publicly owned, public use airports included in the National Plan of Integrated Airport Systems (NPIAS). The NPIAS identifies the estimated costs and type of airport development eligible for FAA Airport Improvement Plan (AIP) funds. The NPIAS is considered the planning document while the AIP is the implementing program. The FAR Part 150 regulation does not apply to privately owned airports (unless they are included in the NPIAS), heliports, or military facilities. Other provisions established by FAR Part 150 include:





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- Making the decibel A-weighted (dBA) scale the universal noise measurement tool.
- Making the Day-Night Level (DNL) the universal noise contour measure.
- Defining acceptable land uses for areas within each DNL noise contour.

FAR Part 150 also describes acceptable types of land use for each DNL sound level. FAR Part 150 is covered in greater detail within Chapter 5, as well as the complete FAR can be found at this Web site:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=e7de1acb78a1df6e934c2599c57b480c&rgn=div5&view=text&node=14:3.0.1.2.7&idno=14>

### ***FAR Part 161, Notice and Approval of Airport Noise and Access Restrictions, CFR Title 14***

This regulation established the implementation of the *Airport Noise and Capacity Act of 1990* (Title 49, US Code App. 2153, 2154, 2155 and 2156), which requires notification and creation of procedures for the operation of Stage 2 and Stage 3 aircraft noise restrictions. This regulation defines requirements and procedures for airport proprietors to follow when implementing Stage 3 aircraft noise and access restrictions. Under this regulation, airport proprietors can impose limitations on Stage 2 or 3 aircraft used by commercial carriers, for the purpose of controlling airport noise. These restrictions include, but are not limited to:

- Limiting noise generated on either a single-event or cumulative basis.
- Limiting the total number of Stage 2 or Stage 3 aircraft operations, implementing a noise budget or noise allocation program that includes Stage 2 or Stage 3 aircraft.
- Limiting the number of hours of Stage 2 or Stage 3 aircraft operations and implementing a program of airport use charges, which has the direct or indirect effect of controlling airport noise.



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- Before these restrictions are adopted, the airport sponsor must inform the public of the proposed restriction, its anticipated or actual costs and benefits, an alternative restriction, and a comparison of the two. The sponsor must allow the public to comment on the proposed restriction. The airport sponsor must then submit an application to the FAA for approval of the proposed noise or access restrictions. A written agreement between the airport sponsor and the commercial operators affected by the proposed restriction must be in effect 180 days prior to the date of the proposed restriction. FAR Part 161 provides for improved airport land use compatibility by permitting the airport sponsor to implement noise and access restrictions at the airport.

Additionally, FAA FAR Part 36 provides guidelines on the retirement of various categories of aircraft based upon noise emissions. Aircraft are categorized by the level of noise they generate. The categories are referred to as: Stage 1 (the loudest), Stage 2, and Stage 3 (the quietest). Those aircraft that meet Stage 1 noise levels are already retired and no longer operate in the United States' commercial fleet. By 2006, all aircraft being built must meet newly established Stage 4 criteria. The complete document can be found at this Web site:

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=e7de1acb78a1df6e934c2599c57b480c&rgn=div5&view=text&node=14:3.0.1.2.14&idno=14>

### **US Code Title 49 *Transportation*, Subtitle VII *Aviation Programs*, Part B, Chapter 471 *Airport Development***

This document entitles the FAA the ability to protect the public's freedom of airspace transit given to all airspace users, including national defense, commercial and general aviation, and space operations. The FAA is also charged with the task of ensuring the safety of aircraft, its efficiency, and the preservation of navigable airspace as it relates to the public interest. This document can be referenced at:

[www.access.gpo.gov/uscode/title49/subtitlevii\\_partb\\_chapter471\\_.html](http://www.access.gpo.gov/uscode/title49/subtitlevii_partb_chapter471_.html)



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### **US Code Title 49 *Transportation*, Subtitle VII *Aviation Programs*, Part B, Chapter 471 *Airport Development*, Subchapter I *Airport Improvements*, Section 47101 (a)(8)**

This code describes policy that regulates navigable airspace. It states that: "It is the policy of the United States...to ensure that non-aviation usage of the navigable airspace be accommodated but not allowed to decrease the safety and capacity of the airspace and airport system." This document can be referenced at:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+49USC47101](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+49USC47101)

### **US Code Title 49 *Transportation*, Subtitle VII *Aviation Programs*, Part B, Chapter 471 *Airport Development*, Subchapter I *Airport Improvements*, Section 47107 (a) General (7)**

This code describes policy that regulates navigable airspace. It states that: "It is the policy of the United States... that airport construction and improvement projects that increase the capacity of facilities to accommodate passenger and cargo traffic be undertaken to the maximum feasible extent so that safety and efficiency increase and delays decrease. This document can be referenced at:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+49USC47107](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+49USC47107)

### **US Code Title 49 *Transportation*, Subtitle VII *Aviation Programs*, Part B, Chapter 471 *Airport Development*, Subchapter I *Airport Improvements*, Section 47107 (a) General (9)**

This code describes policy that regulates navigable airspace. It states that: "It is the policy of the United States...that artificial restrictions on airport capacity:

- Are not in the public interest.
- Should be imposed to alleviate air traffic delays only after other reasonably available and less burdensome alternatives have been tried.
- Should not discriminate unjustly between categories and classes of aircraft".

The complete document can be referenced at:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+49USC47107](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+49USC47107)



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**US Code Title 49 *Transportation*, Subtitle VII *Aviation Programs*, Part B, Chapter 471 *Airport Development*, Subchapter I *Airport Improvements*, Section 47107 (a) *General* (10)**

This code describes policy that regulates navigable airspace. It states that: “It is the policy of the United States...that special emphasis should be placed on converting appropriate former military air bases to civil use and identifying and improving additional joint-use facilities.” The complete document can be referenced at:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+49USC47107](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+49USC47107)

**US Code Title 49 *Transportation*, Subtitle VII *Aviation Programs*, Part B, Chapter 471 *Airport Development*, Subchapter I *Airport Improvements*, Section 47107 (c) *Capacity Expansion and Noise Abatement***

This code describes policy that regulates navigable airspace. It states that: “It is the policy of the United States... it is in the public interest to recognize the effects of airport capacity expansion projects on aircraft noise. Efforts to increase capacity through any means can have an impact on surrounding communities. Noncompatible land uses around airports must be reduced and efforts to mitigate noise must be given a high priority.” The complete document can be referenced at:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse\\_usc&docid=Cite:+49USC47107](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+49USC47107)

**US Code Title 49 *Transportation*, Subtitle VII *Aviation Programs*, Part B, Chapter 475 *Noise*, Subchapter II *National Aviation Noise Policy Airport Noise and Capacity Act of 1990***

Increasing public outcry against aircraft noise required the establishment of a procedure to eliminate Stage 1 (the noisiest) and Stage 2 aircraft from operating in the United States. As of December 31, 1999, all turbojet aircraft must meet Stage 3 (the quietest) noise levels or cease operations. These requirements are predominantly focused on aircraft used by the airline industry. The complete document can be referenced at:

[www.access.gpo.gov/uscode/title49/subtitlevii\\_partb\\_chapter475\\_subchapterii\\_.html](http://www.access.gpo.gov/uscode/title49/subtitlevii_partb_chapter475_subchapterii_.html)



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### **US Code Title 49 *Transportation*, Subtitle VII *Aviation Programs*, Part B, Chapter 475 *Noise*, Subchapter I *Noise Abatement***

The Aviation Safety and Noise Abatement Act (ASNA) of 1979 require that a single system be developed for measuring noise and determining the level of noise exposure caused by airport operations. It also requires identification of land uses normally compatible with exposure to noise. Section 103 of the act authorizes the issuance of grants for airport noise compatibility planning to minimize noise impacts in communities around airports. The complete document can be referenced at:

[www.access.gpo.gov/uscode/title49/subtitlevii\\_partb\\_chapter475\\_subchapteri\\_.html](http://www.access.gpo.gov/uscode/title49/subtitlevii_partb_chapter475_subchapteri_.html)

### **AC 150/5020-1, *Noise Control and Compatibility Planning for Airports***

This document provides guidance for the implementation of FAR Part 150, which allows for the development of an airport plan that establishes a compatible relationship between land uses and noise-related issues. This is accomplished by the reduction of incompatible land uses around airports and noise sensitive areas, and the prevention of additional incompatible land uses. You can reference the complete document at this Web site:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/F4FAE43A49D9F2FE86256C720077AD35?OpenDocument](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/F4FAE43A49D9F2FE86256C720077AD35?OpenDocument)

### **AC 150/5020-2, *Guidance on the Balanced Approach to Noise Management***

This document provides guidance for noise control and compatibility planning for airports and the guidance for preparing airport noise exposure maps and airport noise compatibility programs implemented in FAR Part 150, and the Aviation Safety and Noise Abatement Act of 1979. You can reference the complete document at this Web site:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/6E0AA56559A057D686256F1E0072B8F4?OpenDocument](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/6E0AA56559A057D686256F1E0072B8F4?OpenDocument)

### **AC 150/5320-14, *Airport Landscaping for Noise Control***

This document establishes guidance for the implementation of landscaping for noise control purposes. It also recommends a variety of vegetative species to use for such purposes. You can reference the complete document at this Web site:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/8AEA0032E61288BB86256C750060F344?OpenDocument](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/8AEA0032E61288BB86256C750060F344?OpenDocument)



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### Environmental Related Laws and Policies

This section is not intended to be an all-inclusive list of federal law, rather, as a general guide for the review of environmental impacts. For example, the National Environmental Policy Act (NEPA) of 1969 is referenced, as is the FAA's *Airport Environmental Handbook*, which includes more than 20 different categories of environmental consideration. This illustrates the diverse range of issues that may be impacted by or create an impact on airport development. Each airport project sponsor should seek both FAA and state-agency assistance regarding site-specific environmental issues.

#### **Order 1050.1E, *Environmental Impacts***

This orders policies and procedures comply with NEPA implementation regulations. Also, the order considers the application of the effects a proposed action and its alternatives have on human quality of life, avoid or minimize adverse effects of the proposed action, and restores and enhances environmental resources and environmental quality. The complete document can be referenced at:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgOrders.nsf/0/9552DB552FD4495B862570660068ADB1?OpenDocument&Highlight=order%201050.1e](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/0/9552DB552FD4495B862570660068ADB1?OpenDocument&Highlight=order%201050.1e)

#### **Order 5050.4B, *Airport Environmental Handbook***

This regulation establishes the instructions and guidance for preparing and processing an environmental assessment (EA), Finding-of-No-Significant-Impacts (FONSI), and an Environmental Impact Statement (EIS) for the federal action on airport development proposals requiring federal environmental approval. Categories of impacts to be evaluated are found in Chapter 5 of Order 5050.4A. They include:

- **Noise.**  
This category outlines the parameters that an airport must meet before a noise analysis is required. It is predominately associated with the fleet mix of aircraft and an annual number of more than 700 jet operations.
- **Compatible Land Use.**  
This category is defined as *“the compatibility of existing and planned land uses in the vicinity of an airport ... usually associated with the extent of the noise impacts related to that airport.”*



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- ***Social Impacts.***

This category is associated with relocating residences or businesses, altering surface transportation patterns, dividing or disrupting established communities, or disrupting orderly, planned development.
- ***Induced Socioeconomic Impacts.***

This category addresses such issues as population movement and growth, public service demands, and changes in the business and economic activity in the community created by the proposed airport development. These impacts are further affected by significant factors in the noise, land use, and direct social impact categories.
- ***Environmental Justice.***

This category is intended to identify, address, and avoid disproportionately high and adverse human or environmental effects on minority and low-income populations.
- ***Air Quality.***

The Clean Air Act (CAA), administered by US Environmental Protection Agency (EPA), establishes national air quality standards. An air quality analysis is required for airport development involving airport location, runway development, or physical airside and/or landside improvements that increase airport capacity. An air quality analysis is also required for any proposed development that does not conform to an approved state implementation plan for controlling area-wide air pollution impacts.
- ***Water Quality.***

The quality of ground and surface water must not be degraded by planned construction. The Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, provides the authority to establish water quality standards. Section 404(b)(1) of the Clean Water Act of 1977, provides for the protection of waters, including wetlands, and requires that alternatives, including mitigation, be considered. Section 401 of the Clean Water Act is administered at the state level through individual departments. Section 401 works to protect waters from being polluted by water runoff from such activities as aircraft refueling, aircraft deicing, and general storm water runoff.



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- ***Department of Transportation, Section 4(f).***

This category provides that no program or project requiring the use of any publicly owned land from a public park, recreation area, wildlife or waterfowl refuge be permitted, unless there is no other alternative and that the planning of such program or project includes plans to minimize harm resulting from the use of the property. This legislation was superseded by Section 303C of the Title 49, USC; however, the criteria remain the same.
- ***Historical, Architectural, Archaeological, and Cultural Resources.***

Based upon the requirements of the National Historic Preservation Act of 1969, the coordination of federal historic preservation matters and recommended measures for coordinating federal historic preservation activities are required prior to obtaining environmental clearance. Comments on federal actions affecting properties included in or eligible for inclusion in the *National Register of Historic Places* are also referenced. The Secretary of the Interior is authorized to maintain a record, the National Register, of objects of significance to American history, architecture, archaeology, and culture.
- ***Biotic Communities.***

These requirements protect living communities, including native and introduced plants and animals in the project area.
- ***Endangered and Threatened Species of Flora and Fauna.***

The Endangered Species Act, Section 7, as amended, requires each federal agency to ensure that any action authorized, funded, or carried out by such an agency is not likely to jeopardize the continued existence of any endangered or threatened species. Administered by the US Fish and Wildlife Service, this act ensures that proposed projects do not result in loss of habitat.
- ***Wetlands.***

This category protects wetland areas which can be defined by numerous methods. One wetland definition includes an area being inundated by surface or ground water with a frequency sufficient to support a prevalence of vegetative or aquatic life requiring saturated or seasonally saturated soil conditions for growth and reproduction.





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- **Floodplain.**

Floodplains protect “the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands that are subject to a one percent or greater change of flooding in any given year.”
- **Coastal Zone Management.**

This category preserves and protects the nation’s coastal zone and encourages wise use of a coastal zone’s land and water resources. It also prepares a plan to provide protection for natural resources and coordinates public, federal, state, local, interstate, and regional agencies and governments affecting the coastal zone.
- **Coastal Barriers.**

The Coastal Barriers Resources Act of 1982, PL 97-348, prohibits, with some exceptions, federal financial assistance for development within the Coastal Barrier Resources System, which consists of undeveloped coastal barriers along the Atlantic Ocean or Gulf Coasts.
- **Wild and Scenic Rivers.**

The Wild and Scenic Rivers Act describes those river areas eligible for protection under the act as flowing and possessing “*outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.*”
- **Farmland.**

The Farmland Protection Policy Act authorizes the Department of Agriculture to develop criteria for identifying the effects of federal programs on the conversion of farmland to non-agricultural uses.
- **Energy Supply and Natural Resources.**

Energy requirements generally fall into two categories: those that relate to changed demands or stationary facilities (e.g., airfield lighting and terminal building heating) and those that involve the movement of air and ground vehicles. Changes in energy or other natural resource consumption will not result in significant impacts for most airports.
- **Light Emissions.**

Consideration will be given to any lighting associated with an airport that will create an annoyance among people in the vicinity. An environmental assessment or environmental impact statement should consider site location, type of system, and measures to lessen the annoyance.



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- **Solid Waste Impacts.**

Airfield development (runways, taxiways, and related items) usually will not have any direct relationship to solid waste collection. Terminal area development may require consideration of solid waste impacts. Consultation with local officials regarding solid waste disposal facilities must be documented in the environmental assessment or impact statement.

- **Construction Impacts.**

Any specific activities that may create adverse environmental conditions including noise, dust, air pollution from burning debris, and water pollution from erosion, must be discussed in the environmental assessment or impact statement. In general, a description of the type and nature of the construction and measures taken to minimize potential impacts should be detailed.

- **Design, Art, and Architectural Application.**

Normally, the EA or impact statement will include some discussion of design, art, and architecture, in mitigating adverse visual and other environmental impacts, and will encourage enhancement of the environment. The FAA's *Airport Improvement Program Handbook* presents guidelines for treating and promoting design, art, and architectural objectives in airport aid projects.

The complete document can be referenced at:

[www.faa.gov/airports\\_airtraffic/airports/resources/publications/orders/environmental\\_5050\\_4/](http://www.faa.gov/airports_airtraffic/airports/resources/publications/orders/environmental_5050_4/)

### ***National Environmental Policy Act (NEPA) of 1969***

The NEPA resulted from the development of guidelines for the application of a federal government national policy to consider impacts of proposed action on the environment. The act specifically states that “*governments, and other public and private organizations, use all practical means and measures to create and maintain conditions under which man and nature can exist in harmony.*” When an airport sponsor proposes a project or action requiring federal approval, then all actions are reviewed to determine their impacts on the environment. The complete document can be referenced at:

[www.nepa.gov/nepa/regs/nepa/nepaeqia.htm](http://www.nepa.gov/nepa/regs/nepa/nepaeqia.htm)



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### **AC 150/5200-33, *Hazardous Wildlife Attractants on or near Airports***

This document provides guidance regarding the types of land uses considered to be incompatible near airports due to their nature as wildlife attractants. These uses include, but are not limited to, wastewater treatment facilities, wetlands, dredge spoil containment areas, and solid waste landfills. Typically, these uses should be located at least 5,000 feet away from an airport runway end, if the airport serves piston-type aircraft, and at least 10,000 feet away from an airport runway end, if the airport serves turbojet aircraft. You can reference the complete document at this Web site:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/51EB9AB12A224E8586256F160052C678?OpenDocument&Highlight=ac%20150/5200-33](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/51EB9AB12A224E8586256F160052C678?OpenDocument&Highlight=ac%20150/5200-33)

### **FAR Part 139.337, *Wildlife Hazard Management Plan***

A wildlife hazard assessment is conducted by a wildlife damage management biologist to provide the scientific basis for the development, implementation, and refinement of a Wildlife Hazard Management Plan, if needed. Part of the Wildlife Hazard Management Plan can be prepared by the biologist who conducts the wildlife hazard assessment. However, some parts can be prepared only by airport staff. For example, airport management assigns airport personnel responsibilities, commits airport funds, and purchases equipment and supplies. Airport management should request that the wildlife biologist review the finished plan prior to submitting it to the FAA for review and approval. You can reference the complete document at this Web site:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/850e21c0f0cf5be086256e9a00685567/\\$FILE/150-5210-22.pdf](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/850e21c0f0cf5be086256e9a00685567/$FILE/150-5210-22.pdf)

### **FAR Part 258, Subpart B, *Criteria for Municipal Solid Waste Landfills, CFR Title 40***

This subpart establishes criteria for the expansion and/or development of new landfills with regard to airports. In part, it states: *“Owners or operators of new Municipal Solid Waste Landfills (MSWLF) units and lateral expansions located within 10,000 feet (3,048 meters) of any airport runway end used by turbojet aircraft, or within 5,000 feet (1,524 meters) of any airport runway end used by piston-type aircraft only, must demonstrate that the units are designed and operated in such a way that the MSWLF unit does not pose a bird hazard to aircraft.”*



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Owners or operators proposing to site new MSWLF units and lateral expansions within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the FAA. You can reference the complete document at this Web site: [www.access.gpo.gov/nara/cfr/waisidx\\_05/40cfr258\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/40cfr258_05.html)

### ***AC 150/5200-34, Construction or Establishment of Landfills near Public Airports***

This AC provides guidance regarding compliance with new federal statutory requirements for the construction or establishment of MSWLF units near public airports. Section 503 of the *Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21)*, Pub. L. No. 106-181 (April 5, 2000) replaced Section 1220 of the 1996 *Reauthorization Act, 49, USC Statute 44718(d)*, with new language that further limits the construction or establishment of a MSWLF unit near certain smaller public airports.

These new limitations apply only to airports receiving federal grants, or to those that primarily serve general aviation aircraft and scheduled air carrier operations using aircraft with fewer than 60 passenger seats. The new restrictions require a minimum separation distance of six miles between a new MSWLF unit and a public-use airport. You can reference the complete document at this Web site:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/52469B5487918B81862571E10072FB44?OpenDocument&Highlight=ac%20150/5200-34](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/52469B5487918B81862571E10072FB44?OpenDocument&Highlight=ac%20150/5200-34)

## **Land Acquisition**

Land Acquisition Related Laws and Policies is primarily focused on the fair and equitable treatment of land owners. Uniform methods of acquisition are outlined in these documents. Please refer to **Appendix L** for addresses to helpful land acquisition Web sites.

### ***The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970***

This act is the most comprehensive and equitable legislation in U.S. history on land acquisition and the associated relocation of displaced persons. Under this act, persons will not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.



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The Uniform Act provides minimum real property acquisition policies and requires uniform and equitable treatment of persons displaced as a result of a federally-assisted program or project. Property can be acquired through several methods, such as the purchase of property interests (fee) or through eminent domain (condemnation). It can also be acquired through easements or by donation or exchange. The complete document can be referenced at:

[www.fhwa.dot.gov/realestate/act.htm](http://www.fhwa.dot.gov/realestate/act.htm)

### ***The Federal Aviation Authorization Act of 1994***

This act authorizes the Airport Improvement Program (AIP), which provides federal assistance for airport development and noise compatibility programs. Title 49, CFR Part 24 implements the “*Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.*”

### ***AC 150/5100-17, Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects***

This AC provides guidance to sponsors of an AIP to develop land acquisition and relocation assistance procedures in conformance to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PI 91-646, as amended). You can reference the complete document at this Web site:

[http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/D90E78FFFC2A493586256C690074E8A7?OpenDocument&Highlight=ac%20150/5100-17](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/D90E78FFFC2A493586256C690074E8A7?OpenDocument&Highlight=ac%20150/5100-17)

## **Operational and Management Guidance**

This section includes federal statutes, ACs, and CFRs relevant to operational and management guidance and provides a summarization of the primary regulations. The sources listed below are not meant to be all inclusive, but rather a general summary and overview of resources relating to operational and management guidance.

### ***Order 5100.38, Airport Improvement Program Handbook***

This order provides guidance to be used during the administration of the Airport Improvement Program. The handbook also references tools and techniques and summarizes information and guidance from multiple orders and ACs. The complete document can be referenced at:

[www.faa.gov/airports\\_airtraffic/airports/aip/aip\\_handbook/](http://www.faa.gov/airports_airtraffic/airports/aip/aip_handbook/)



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### **Order 5190.6, *Airport Compliance Requirements***

This order provides guidance relating to airport compliance. The Airport Compliance Program monitors the performance of airport owners to maintain a high degree of safety and efficiency in airport design, construction, operation, and maintenance. The complete document can be referenced at: [www.faa.gov/airports\\_airtraffic/airports/resources/publications/orders/media/Obligations\\_5190\\_6a.pdf](http://www.faa.gov/airports_airtraffic/airports/resources/publications/orders/media/Obligations_5190_6a.pdf)

### **Order 7400.2, *Procedures for Handling Airspace Matters***

This order specifies procedures in the joint administration of the airspace program. Actions associated with airspace allocation and utilization, obstruction evaluation, obstruction marking and lighting, airport airspace analysis, and the management of air navigation aids. The complete document can be referenced at:

[www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/at\\_orders/media/AIR.pdf](http://www.faa.gov/airports_airtraffic/air_traffic/publications/at_orders/media/AIR.pdf)