



4910-13

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 150

Burlington International Airport, South Burlington VT; Approval of Noise Compatibility Program

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notification.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Burlington, Vermont under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 . These findings are made in recognition of the description of federal and non-federal responsibilities in Senate Report No. 96-52 (1980). On October 14, 2020, the Airports Division Deputy Director approved the Burlington International Airport noise compatibility program. This supersedes the approval issued August 27, 2020. All of the proposed program elements were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Burlington International Airport noise compatibility program is[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT:

Richard Doucette

Federal Aviation Administration

New England Region, Airports Division

1200 District Avenue

Burlington, Massachusetts 01803
Telephone (781) 238-7613
Email: richard.doucette@faa.gov

Documents reflecting this FAA action may be obtained from the same individual. The Noise Compatibility Plan and supporting information can also be found at www.btvsound.com.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Burlington International Airport noise compatibility program, effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Under Section 104 (a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter 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 14 CFR 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 the 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 as prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in 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 a 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 under the Airport and Airway Improvement Act of 1982. Where Federal funding is sought, requests for project grants must be submitted to the FAA Regional Office in Burlington, Massachusetts.

The Burlington International Airport study contains a proposed noise compatibility program comprised of actions designed for implementation by airport management and adjacent jurisdictions. The Burlington International Airport, South Burlington, Vermont 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 April 15, 2020, 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 a program within the 180-day period shall be deemed to be an approval of such a program.

The submitted program contained 9 noise mitigation measures, including 2 to be removed. The FAA completed its review and determined that the procedural and substantive requirements of the Act and Part 150 have been satisfied. All 7 recommended measures were approved, and 2 recommended for removal were approved for removal. The new program will de-emphasize land acquisition in lieu of sound insulation, as the primary noise mitigation measure.

The Airports Division originally approved the program on August 27, 2020. After issuance of the Record of Approval, the FAA discussed its implementation with the City of Burlington. Based on this discussion, the FAA made two small revisions to the Record of Approval and issued a revised approval on October 14, 2020. These revisions clarify FAA funding of the Purchase Assurance and Sales Assistance programs (measures #6 and #7). That prior approval is superseded by issuance of a new Record of Approval on October 14, 2020.

FAA's determinations are set forth in detail in a Record of Approval approved on October 14, 2020. 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 administrative offices of Burlington International Airport, South Burlington, Vermont.

Issued in Burlington, Massachusetts on October 14, 2020.

Julie Seltsam-Wilps, Airports Division Deputy Director,
FAA New England Region.

[FR Doc. 2020-23299 Filed: 10/29/2020 8:45 am; Publication Date: 10/30/2020]