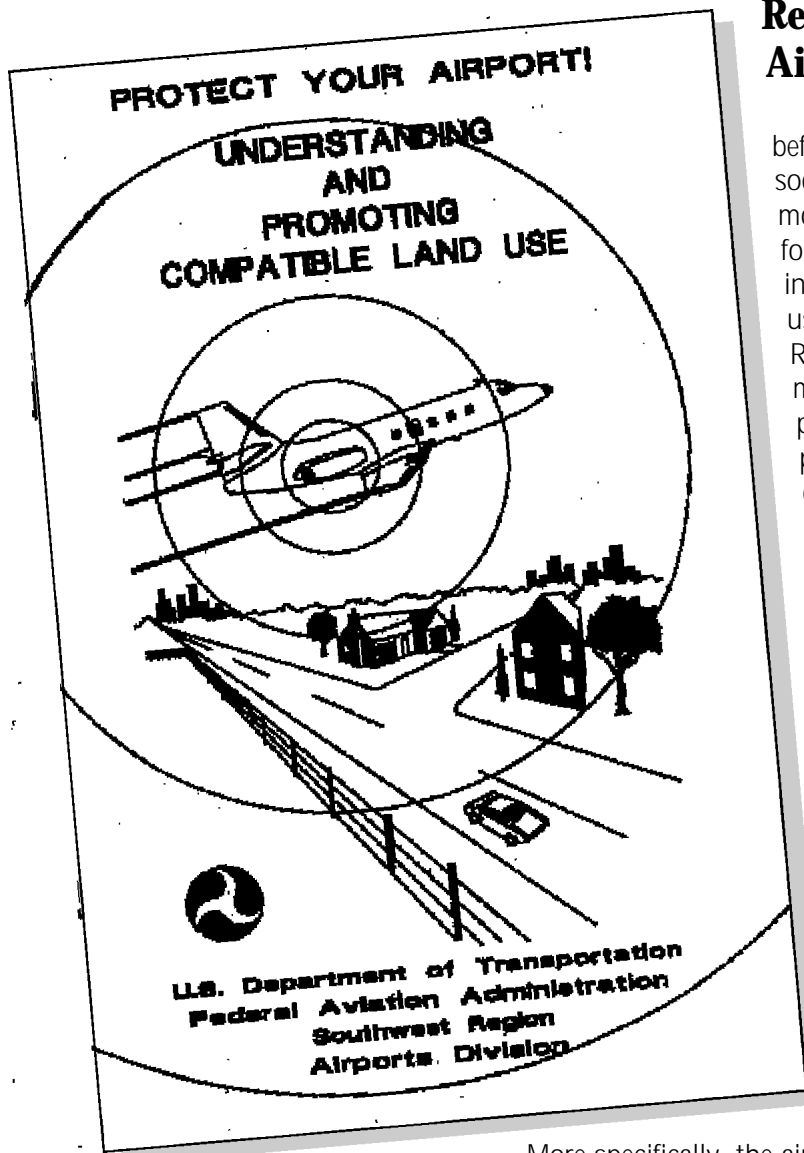


PART 2: Airport Compatible Land Use

Zoning and Land Use Planning

As discussed in Part 1, almost every complaint imposed against the airport can be attributed to poor, inadequate, or non-existent land use planning and zoning. The objective of airport land use compatibility planning and implementation is the achievement and maintenance of compatibility between the airport and its environs. There is an absolute need to protect both airports and the surrounding urban environment. No other long-term solution is as effective.

This failure to protect the airport environs has led to the loss of many airports from our national inventory of landing facilities. In the past five years, an average of over 60 public-use landing facilities has been lost every year. Today we continue to hear calls to close airports for the above reasons. In virtually each and every one of these cases, zoning laws - or the lack thereof - is a major contributor.



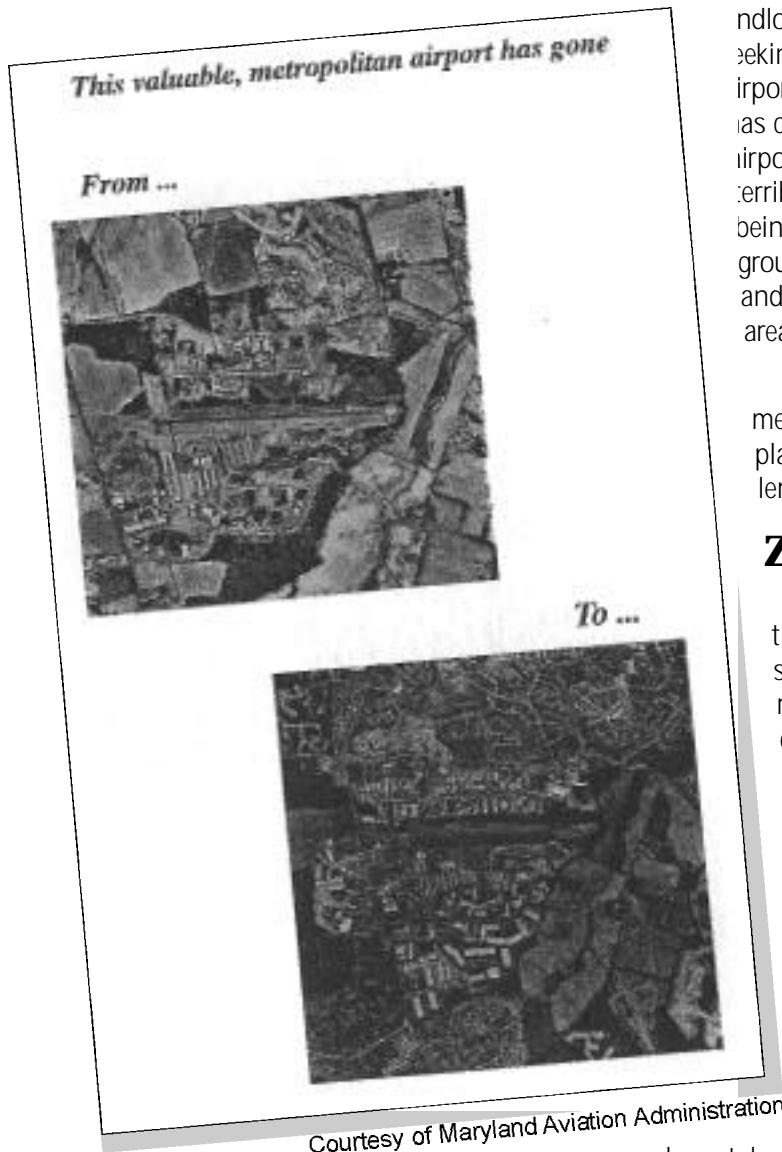
Residential Encroachment - An Airport's Death Warrant

The old argument "the airport was here before the houses" is not valid in today's urban social-economic environment. The forces behind modern urbanization are tremendous, and therefore, development and land use near airports are increasing. One of the most incompatible land uses near airports is residential encroachment. Residential encroachment too close places the most stress on an airport because of the complaints generated by individuals. In many cases politicians, in an effort to expand the tax base of local government, turn their backs on the airport, opting instead for short-term financial gains. Seldom do these elected officials have any understanding of the airport's economic impact on the community at large.

New residents move near the airport, knowing the airport exists. However, once the subdivision begins to flourish, these same residents organize and begin to pressure elected officials to do something about the noisy airport.

For example, examine the case of Montgomery County Airpark in Gaithersburg, Maryland, a designated reliever airport to Reagan National, Dulles, and Baltimore-Washington airports. When the Montgomery County Airpark was first established, few residences were nearby.

More specifically, the airport was considered to be out in the "boonies." Through the years, that particular part of Montgomery County in Maryland has seen tremendous residential and industrial development, some of it because of the airport. Unfortunately, poor local zoning allowed too many residences, too close. Today, noise-related phone calls are a common occurrence and are a real problem for the airport. In addition, because the sponsor failed to plan for the future of the airport, the airport is



ndlocked, with little, if any, potential for expansion. By seeking excessive industrial development near the airport, and using much of the land that way, the airport has cut off its ability to expand. Subsequently, the airport faces parking and hangar problems, which is a terrible thing today because that particular airport, being so close to Washington, DC, and to adequate ground transportation, could have been a terrific GA and corporate airport for the Washington metropolitan area.

No airport is safe from the threat of encroachment unless good zoning decisions and advance planning documents are put in place before a problem arises.

Zoning On and Around Airports

Land use and development plans are among the most potent ways to protect an airport while still allowing development near an airport. Done right, this process could save local taxpayers many dollars by avoiding the purchase of additional property by the airport sponsor.

When an airport sponsor (owner) accepts an AIP grant, the sponsor agrees to the following conditions (assurances) in accepting that grant:

Assurance 20, Hazard Removal and Mitigation: It [the airport owner] will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be

adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airports hazards.

Assurance 21, Compatible Land Use: It [the airport owner] will take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility measures upon which federal funds have been expended.

In addition to these two assurances representing FAA's zoning requirements, some states, such as Wisconsin, have similar requirements. In Chapter 114 "Aeronautics" of the state's statutes, under Section 114.135 "Airport Protection," the State of Wisconsin allows the airport sponsor to maintain clear and safe approaches through the adoption of ordinances to limit heights near the airports.

CHAPTER 114

AERONAUTICS

114.001	Definitions.	114.136	Airport approach protection.
114.002	Definitions.	114.14	Equipment, control of airport; expense; regulations.
114.01	State airport system.	114.15	Appropriation, taxation for airports.
114.02	Sky sovereignty.	114.151	Union airports.
114.03	Landowner's rights skyward.	114.16	Pilots; federal license or permit.
114.04	Flying and landing, limitations.	114.17	Mechanic's license, issue, presentation.
114.05	Damages by aircraft.	114.18	Aircraft; airworthiness; federal license.
114.06	Inter-aircraft liability.	114.19	Display of licenses.
114.07	Criminal jurisdiction.	114.195	Ultralight identification.
114.08	Contracts made in flight.	114.20	Aircraft registration.
114.09	Reckless flying; penalty.	114.27	Penalty.
114.095	Dropping objects prohibited.	114.31	Powers and duties of the secretary of transportation.
114.10	Killing birds or animals.	114.315	Review.
114.103	Private security personnel; report to a law enforcement authority.	114.316	Use of department airplanes for transportation.
114.105	Local regulation.	114.32	Federal aid for airports.
114.11	Local airports; interstate reciprocity.	114.33	Initiation of airport project; sponsorship; land acquisition.
114.12	Condemnation of lands for airports.	114.34	State and sponsor's share of cost.
114.13	Purchase of land for airports.	114.35	Federal aid; state and local funds.
114.134	Airport standards and approval.	114.37	Advance land acquisition loan program.
114.135	Airport protection.	114.40	Disclosure of insurance coverage for renter pilots.

The objectives of zoning land on and around the airport assure that future uses of the land are compatible with airport operations, to protect and preserve the airport, the public investment in the airport, and prevent noise impacts to adjacent communities.

Zoning objectives are to prevent the following incompatible uses with regard to compatibility with airport noise, public safety, and airspace protection:

- Residential and other noise-sensitive uses.
- Congregations of people in approach and departure areas to protect people and property on the ground.
- Man-made and natural structures that can interfere with flight.
- Uses that may generate light emissions that interfere with airport-related activities.
- Uses of land on the airport that interfere with areas needed for aviation-related activities.
- Wildlife attractants such as landfills and certain types of agricultural uses.

Proper zoning of land on and around the airport can prevent the need to acquire land in fee or easement to protect the airport. (Because zoning law is individual to each state, the state statutes must be referred in order to determine the extent of zoning authority.) However, typical state aeronautical statutes generally provide greater zoning latitude for airports. A legal determination of the zoning authority available in the jurisdiction of your airport may be necessary. Consult your attorney.

Zoning Protection for the Safety of Airport Users:

Airspace protection is required to preserve and protect public airports as well as the navigable airspace necessary to operate them safely and efficiently.

The first step in airport zoning is to develop a current Airport Layout Plan (ALP) for your airport. The ALP depicts land, which the airport should own in fee, as well as land for which easements may be necessary. The airspace drawings show obstructions to navigation and indicate areas that may need to be regulated to prevent or remove such obstructions. The Part 77 imaginary surfaces should be protected through height limitations on development both on and around the airport, especially in the approach areas and departure areas of the runways. The FAA has developed an advisory circular for this purpose titled "A Model Zoning Ordinance to Limit the Height of Objects Around Airports" (AC 150/5190-4A).



A Model Zoning Ordinance to Limit Height of Objects Around Airports

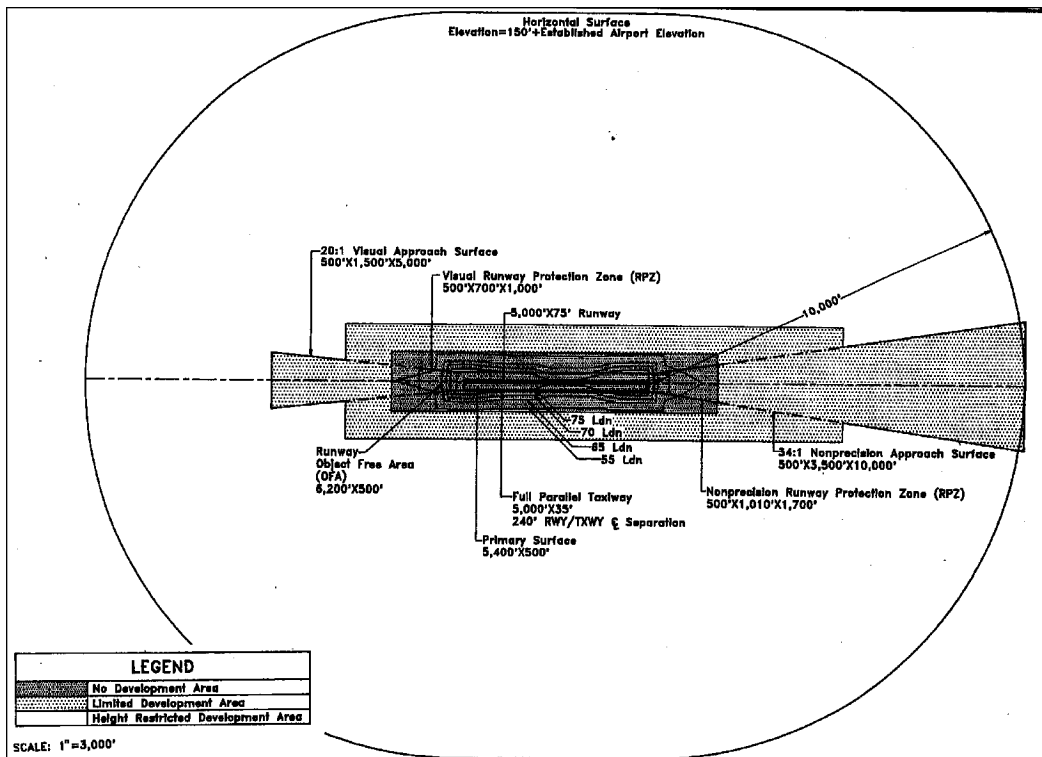
AC: 150/5190-4A
DATE: 12/14/87

Advisory Circular

The ALP may be adopted by reference and used to limit the height of objects that would interfere with airport usage. Such adoption needs to be coordinated with local zoning authorities such as the city or county of jurisdiction. Close coordination with the county or city planning departments is essential for successful implementation of airport zoning.

Zoning solely to limit the height of objects around the airport will, however, be insufficient to prevent the construction of incompatible uses, such as housing, or uses that attract congregations of people in the approach areas. To control these types of uses, exclusionary zoning is necessary to prevent incompatible uses from occurring. The FAA has also developed guidance on what uses are considered to be incompatible with airports. This guidance is contained in the advisory circular "Noise Control and Compatibility Planning for Airports" (AC 150/5020-1).

A comprehensive model zoning ordinance was also developed in 1981 and revised in 1994 by the Oregon Department of Transportation, titled "Airport Compatibility Guidelines." This publication was developed as part of the state airport system plan and presents a comprehensive overview of most zoning issues that an airport owner might face. Copies are available from the Oregon Aeronautics Division, 3040 25th St. S.E., Salem, OR 97310. Another valuable document is the Florida Department of Transportation's "Airport Compatible Land Use Guidance for Florida," which is available through its Aviation Office at 605 Suwannee Street, MS 46, Tallahassee, FL 32399-0450.



The airport owner has an obligation (due to the grant assurances) to request that the zoning authority enact zoning restrictions sufficient to protect the airport. Where the zoning authority and the airport owner are the same, it is reasonable to expect that the jurisdiction will enact the appropriate zoning. Good-faith efforts to enact appropriate zoning should include a written request from the airport owner to the zoning authority.

Where the zoning authority refuses to enact appropriate zoning to protect the airport, the airport authority must be prepared to acquire the necessary control of land, especially in the approach areas, to ensure right of flight. Such acquisition is clearly more expensive than appropriate zoning. Failure to properly zone property creates the potential for conflicts with adjacent land uses that not only can cause expensive legal fees, but also endanger the public and users of the airport. The FAA encourages appropriate zoning and planning to prevent encroachment by incompatible uses around the airport that can ultimately cause an airport to close.

Remember — these obligations only apply to airports that have received federal airport funding. However, regardless of federal obligations, responsible land use planning benefits everyone.

Land Use Controls

There is no quick solution to cohabitation problems between airports and incompatible land uses. There are a number of measures that may be implemented to protect property around airports from incompatible land use and minimize friction. Some of the more common controls that might be implemented include:

■ A Comprehensive Plan

This may also be referred to as the community's "master" or "general" plan. It is a policy guide to decisions affecting physical development of property within the control of the local governmental body. It generally deals with land use management practices. A comprehensive plan should consist of and include land use planning, transportation planning, and community facilities planning². All three should mention and cover the respective implications of the airport and its needs.

■ Zoning

Contrary to certain beliefs, the FAA does not own airports, except for the FAA research facility in Atlantic City, New Jersey. In the past, FAA had control over Washington National Airport and Dulles International, but both of those facilities have been transferred to an airport authority. FAA not owning airports is not a trend, but rather a function of legislative policy. In fact, Section §302 of the Civil Aeronautics Act of 1938 specifically mentions "The Administrator may not acquire any airport by purchase or condemnation."³

Since 1928, zoning has been the answer to the problem of airport compatible land use and protection from obstructions. In that year, a California county enacted a local ordinance protecting navigable airspace from obstructions by restricting the height of structures⁴. In 1930, the U.S. Department of Commerce recommended: "Municipalities and other political subdivisions authorized to do so, exercise the police power in promulgation of properly coordinated zoning ordinances applying equitably to the public airports and intermediate landing fields, and to commercial airports of the public utility class, as well as other land uses."

This same concern was vividly made public again in 1938 by the Civil Aeronautic Authority (CAA), when it mentioned: "...solutions to these problems that have been suggested, there is none as satisfactory, in many respects, as airport zoning." Following federal leadership in this domain, many states since then have adopted legislation authorizing cities and counties to adopt regulations and ordinances promoting compatible land use and limiting the height of structures around airports.

2 Anderson, Robert M. *American Law of Zoning*, 2d, Volume 3, § 21.08, The Lawyers Co-Operative Publishing Co, New York, 1977.

3 Fixel, Rowland W. *The Law of Aviation*, 2d, The Michie Company, Charlottesville, Virginia, 1945, 198.

4 Anderson, Robert M. *American Law of Zoning*, 2d, Volume 2, § 12.34, The Lawyers Co-Operative, New York, 1976.



By 1944, 30 states had this type of legislation enacted⁷. Many more do today. By examining the statutes relative to the FAA, we can confirm there is no specific authorization for federal regulations that would mandate compatible land use or limit structure heights outside the AIP assurance on compatible land use and hazard removal and mitigation (Assurance 21 and 20, respectively) — including the standards promulgated under CFR 14, Part 77, and in Advisory Circular 150/5190-4A “A Model Zoning Ordinance to Limit Height of Objects Around Airports.” These obstruction standards under Part 77 and AC 150/5190-4A are not regulatory but are precatory only, meaning they codify recommended good practices but have no enforceable provisions unless

enacted and incorporated into local zoning regulations.

Congress chose to withhold zoning authority because it would involve federal zoning regulations and due process actions, including the taking of property and the paying of compensation. **Legislators concluded the matter was best left with the states and the local authorities.**

The states pass enabling legislation, the local governments then promulgate the necessary laws, regulations, and ordinances. This void, intentionally left by federal lawmakers, is filled by state and local authorities. States and local governments have the responsibility of enacting and enforcing airport-compatible land use legislation.

A good example of this can be found in the State of Florida Statutes, Chapter 333.02, “Airport Zoning,” where airport hazards are recognized along with uses of land in airport vicinities contrary to public interest:

- (1) It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the taking off, maneuvering, or landing of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. It is further found that certain activities and uses of land in the immediate vicinity of airports as enumerated in s. 333.03(2) are not compatible with normal airport operations, and may, if not regulated, also endanger the lives of the participants, adversely affect their health, or otherwise limit the accomplishment of normal activities. Accordingly, it is hereby declared:
 - (a) That the creation or establishment of an airport hazard and the incompatible use of land in airport vicinities are public nuisances and injure the community served by the airport in question;
 - (b) That it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards and incompatible land uses be prevented; and
 - (c) That this should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.
- (2) It is further declared that the limitation of land uses incompatible with normal airport operations, the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein, or air rights thereover.

Zoning regulations can only be effective if the Comprehensive Plan has been implemented. There are many ways of achieving implementation, but it all starts with a plan that incorporates the needs of the airport sponsor and its zoning authority, airport users, and the surrounding communities. Zoning is the most popular method of regulating land development, and it is a legal technique that dictates various aspects of land development. Zoning laws legally dictate what uses are permitted for each parcel of land within the control of the local governmental body. Most cities and larger towns have zoning authority; however, many counties have only limited or no zoning authority.

⁵ Anderson, Robert M. *American Law of Zoning*, 2d, Volume 2, § 12.34, The Lawyers Co-Operative, New York, 1976.

This, again, can be seen in Florida Statutes, Chapter 333, section 333.05, which specifies procedures for adoption of zoning regulations:

- (1) NOTICE AND HEARING.— No airport zoning regulations shall be adopted, amended, or changed under this chapter except by action of the legislative body of the political subdivision in question, or the joint board provided in s. 333.03(1)(b) by the bodies therein provided and set forth, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be published at least once a week for 2 consecutive weeks in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which are located the airport areas to be zoned.
- (2) AIRPORT ZONING COMMISSION.—Prior to the initial zoning of any airport area under this chapter the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take any action until it has received the final report of such commission, and at least 15 days shall elapse between the receipt of the final report of the commission and the hearing to be held by the latter board. Where a city plan commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

Zoning has a number of limitations, not the least of which is that it isn't necessarily permanent. As the local legislative body changes, so can zoning. Also, most zoning laws allow an appeal process for the issuance of variances from zoning requirements. By far the biggest problem is inconsistency. In the late 1960s and early 1970s, while the city of San Francisco was suing the airport for over \$3 million, its zoning authority was allowing new residential areas near the "noisy" airport.

■ Housing and Building Codes

Housing and building codes are designed to protect the health, safety, and welfare of the community by instituting minimum standards for the construction of structures. These codes are legally adopted by local government and require structures to meet certain interior noise limits for either new or existing structures near airports. However, because they are local laws, these codes may differ from city to city.

In order to reduce noise exposure, the FAA actually has a program designed to insulate homes near airports and reduce noise complaints. The irony of this is that funds originally slated to be used in airport improvement programs are the ones used to mitigate noise, noise that could have been prevented by adequate compatible land use to begin with.

■ Real Estate Disclosure

Disclosure of the airport location and potential noise impacts from the airport is becoming increasingly common. A number of states have legislation in place requiring real estate agents and developers to disclose the location and traffic patterns of the airport in residential property sales. Michigan and Indiana have laws where airport location is an actual item on the disclosure form.



In Maryland, for example, real estate disclosure documents include a section listing all landing facilities in the state in an attempt to inform potential buyers that landing facilities, including airports, may be located within 5 miles of their prospective property.

In Hawaii, the seller must disclose the location of noise-exposure areas. Other states have taken a more generic approach, opting for a statement to the effect of “potential disturbance disclosure” which warns of noise, crime, and routine inconveniences not otherwise specifically addressed. Mandatory seller disclosure has resulted in more educated buyers, sellers, and brokers, as well as reducing the number of lawsuits.

Consumer education is perhaps the best form of consumer protection, and in the case of real estate disclosure statements, can go a long way in protecting both the airports and the well being of the communities.

■ Land and Land/Air Rights Acquisition

Other common land use control techniques include the airport sponsor acquiring ownership of the land or specific air or land rights surrounding the airport. When applied as an afterthought to fix earlier incompatible land uses near the airport, this method can be a costly one for local residents, as well as the airport.

The airport sponsor may choose to purchase outright existing or future non-compatible land uses around the airport. Without direct public consent to the sale of their property, airport sponsors can attempt to purchase aviation easements or development rights to the properties. These options would, in effect, provide the sponsor the right to produce noise over the property (aviation easement) and/or give the sponsor the right to ensure the compatible development of the land while leaving the property owner with all other rights of ownership.

Specifically, an aviation easement is a conveyance of a specified property interest that creates a servitude on a particular area, restricting the use by the owner of the surface and assuring the owner of the easement the right and privilege of a specific use contained in the easement document⁶. Such rights may consist of the right-of-flight of aircraft; the right to cause noise, dust, etc.; the right to remove all objects protruding into the airspace, together with the right to prohibit future obstructions in the airspace; and the right of ingress/egress on the land to exercise the rights acquired. The easement may also contain any number of additional restrictions as the airport owner deems necessary. The right-of-flight is the essence of an aviation easement. Therefore, it is imperative that the appraisal reflects the specific easement estate proposed for acquisition.

Other types of easements, such as clearance easements, do not protect an airport owner from future property-owner claims against overflights. It is important to recognize that a clearance easement only provides protection from obscurations and does not include the right-of-flight. For more information on aviation easements, FAA Order 5100.37A, “Land Acquisition and Relocation Assistance for Airport Projects,” should be consulted.

Appendix 2, “Land Use Control Examples” (p. 30) includes a sample aviation easement document, along with a model building code, real estate disclosure form, and zoning ordinance for informational purposes only.

This is but a brief discussion of some of the methods that can be put in place to protect the airport from incompatible land use. There are others available such as land banking, navigation easements, tax incentives, and development rights.

All of these land use control methods are discussed in further detail in the FAA’s new “Land Use Compatibility and Airports” guidebook. A Compatible Land Use Planning Task Force enabled by the FAA to identify better methods of airport planning coordination with the local comprehensive land use planning process has prepared this document. The guide is available through the FAA at <http://www.faa.gov/arp/app600/5054a/landuse.htm>.

In general, it is quite difficult to fix the problem once it exists. However, as discussed above, there are remedies available that, if applied properly, can protect not only the airport, but also the community at large, while maintaining the full economic benefits of the airport. We are feeling today, more than ever, the real cost of insufficient airport compatible land-use planning near airports.

6 FAA Order 5100.37A “Land Acquisition and Relocation Assistance for Airport Projects.”

Pilots and Users Pay for Noise Mitigation

As users, we cannot ignore noise problems. As noise concerns increase, so does the attempt to minimize it, which has significant costs. Under current law requirements stipulated under Section 47501 et seq. of Title 49 USC, the FAA increasingly spends millions of dollars of Airport Improvement Program (AIP) funds annually acquiring land, soundproofing homes, and paying for noise studies at airports with significant noise problems⁷. Over 30% of the discretionary AIP funds are reserved for noise compatibility planning and implementing noise compatibility programs⁸.

Through FY 1998, there were a total of 235 airports participating in the Airport Noise Compatibility Planning program. Of these, 217 have FAA grants for Part 150 studies. Total AIP funds through FY 1998 dedicated to noise include over \$45 million for preparing Part 150 studies and over \$2.2 billion for implementing noise mitigation projects⁹. For FY 1995, the Memphis International Airport and Nashville, Tennessee, both used \$4.5 million in federal funds to acquire land for noise compatibility, soundproof residences, and provide relocation assistance to displaced property owners¹⁰.

Near San Francisco International Airport, South San Francisco has 7,500 homes to insulate with regard to the 65-dB noise contour defining the noise impact boundary. The Clark County Department of Aviation in Las Vegas, Nevada, has spent over \$40 million on land/home acquisitions in high-noise areas.

A private company managing aircraft noise insulation projects prides itself in spending \$94 million of AIP funds in noise mitigation projects in 12 years. These are just examples for countless other airports, from primary air carrier to general aviation, literally spending millions on noise compatibility programs that could have been avoided had adequate and timely airport zoning been in place.

The sad part of this is AIP funds were initially supposed to be used to improve airport infrastructure such as runways and taxiways! Airport improvement money is being used for noise compatibility programs in order to minimize noise impacts near airports to the detriment of actual airport improvements. Furthermore, because the airport owner will have to pay some of the expenses in a noise mitigation program, the users subsequently feel this additional cost.

Your Role – Be Alert, Be Informed

As an airport advocate, you should investigate what measures the local governmental authority has taken in advance land use planning and zoning regulations. Obtain a copy of the local zoning map. This map will show how parcels of land near the airport are currently zoned. With this in hand, you'll have a good idea of where problem areas are located or will be located in the future.

A strategy can then be developed to seek zoning changes of these parcels of land before they become a problem for the airport. Then, follow through. Meet with local officials who are legally empowered to make and implement changes to zoning laws. Take a proactive stance and stick to it.

You or other members of your airport support group should attend planning commission meetings. This is the place where a request for a variance from applicable zoning laws will arise. The agenda for these meetings is usually published in advance of the meeting, so it's a good idea to have your name added to the list of those receiving this agenda.

Most importantly, be knowledgeable and prepared to speak up at these meetings with factual data that will convince the decision-makers to protect the airport and the surrounding areas.

Advance planning of compatible land uses for parcels surrounding the airport with airport operations will go a long way in solving many of tomorrow's airport noise and safety complaints.

7 USC Title 49, Section 47504.

8 Formula Distribution of AIP Funds, National Civil Aviation Review Commission, 1998.

9 Summary of Part 150 Program Activity, Status of Maps and Programs Through FY 1998, November 1998.

10 Airport Improvement Program, FY 95 Grants Awarded, FAA.

The Future

The future of the noise problem near airports is not likely to disappear anytime soon. The FAA has issued regulations phasing out noisier airplanes. The noisiest Stage 1 airplanes were phased out of commercial operations in the U.S. by 1988. The current phase-out will eliminate Stage 2 airplanes from operations in the U.S. by the year 2000¹¹. In a "Compatible Land Use Planning Initiative" published in the *Federal Register* by FAA in 1998, the agency stated it expected a reduction in the noise contours at most airports¹². While current trends and legal requirements indicate and mandate a reduction in the number of noisier Stage 1 and Stage 2 aircraft operating in the U.S., the fact remains that more and more money is being spent in mitigating noise around airports. So what Why isn't the noise problem diminishing?



There is no simple answer to those questions. More and more land initially zoned farming or light industrial is being converted to residential by local zoning boards. So even though the aviation industry is doing the best it can to minimize noise, and even paying for it, the lack of adequate zoning protection for airports is the real problem, for it brings an increasing number of residential homes near airports.

¹¹ Compatible Land Use Planning Initiative, Federal Aviation Administration, Docket No. 2923, Federal Register, May 21, 1998.

¹² Compatible Land Use Planning Initiative, Federal Aviation Administration, Docket No. 2923, Federal Register, May 21, 1998.