

AC NO: 150/5100-8

DATE: 19 Jan 71



ADVISORY CIRCULAR

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

SUBJECT: REQUEST FOR AID; DISPLACED PERSONS; PUBLIC HEARINGS;
ENVIRONMENTAL CONSIDERATIONS; OPPOSITION TO THE PROJECT

1. PURPOSE. This advisory circular provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.
 2. BACKGROUND.
 - a. The Airport and Airway Development Act of 1970, which was signed into law on 21 May 1970, imposes certain requirements relating to environmental, social, and economic aspects of an airport development project as a condition to project approval. Additionally, the National Environmental Policy Act of 1969 requires full evaluation of the environmental impact of airport development projects as a part of the review and approval process. Humanitarian considerations require full consideration of the potential impact of such projects on persons residing in the vicinity of the airport.
 - b. Generally, the procedures established by Part 151 of the Federal Aviation Regulations (FARs), Advisory Circular 150/5100-3A, Federal-aid Airport Program Procedures Guide for Sponsors, Advisory Circular 150/5100-5, Land Acquisition in the Federal-aid Airport Program, and Advisory Circular 150/5100-6, Labor Requirements in Federal-aid Airport Program Contracts, will be applicable to the new program. There are several new requirements with which sponsor must comply in the submission of requests for aid under the new program.
 - (1) Displacement and Relocation of Persons. Section 151.21 of the FARs now requires the sponsor to submit with his request for aid information concerning the possible displacement and relocation of persons by the proposed airport development.
-

Initiated by: AS-650

- (2) Public Hearings. Section 16(d)(1) of the Airport and Airway Development Act provides that sponsors must afford the opportunity for public hearings on the social, economic, and environmental effect of any project involving the location of an airport, the location of a runway, and a runway extension.
- (3) Approval by Community Where Airport is Located. Section 16(f)(2) of the Airport and Airway Development Act provides that in case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.
- (4) Environmental Statement. The National Environmental Policy Act of 1969 requires the preparation of a detailed environmental statement for all Federal airport development projects significantly affecting the quality of the environment.
- (5) Opposition to the Project.
 - (a) The delegation of authority issued on 27 October 1970 by the Secretary of Transportation to the Federal Aviation Administrator for carrying out the functions vested in the Secretary by the Airport and Airway Development Act of 1970 contains certain exceptions to the delegation. The Secretary reserved the authority for approval of airport development projects when a Federal, State, or local governmental agency, or a substantial number of persons oppose the project on the grounds of:
 - 1 Inconsistency with area plans;
 - 2 Interest of the community;
 - 3 Environment;
 - 4 Hearings;
 - 5 Air and water quality standards; and
 - 6 Site selection.

- (b) Opposition to an airport project based on its consistency with area plans or the interest of communities applies to all airport development projects, and such projects would require approval by the Secretary. The other exception to the delegated authority is limited to opposition to projects involving new airports, runway locations, or runway extensions.

3. GUIDANCE.

- a. The current request for aid form will continue to be used pending issuance of a revised form since the new legislation does not require any substantial changes.
- b. Sponsors are required to conform to the new policy on projects involving the displacement and relocation of persons and of the requirements of the new legislation relating to public hearings, approval of communities where the airport is located and environmental considerations. Set forth below is general guidance on these subjects:

- (1) Displaced Persons. The request for aid in all cases must be accompanied by statement from the sponsor substantially as follows:

- (a) The airport development proposed in this request does _____, does not _____ involve the displacement and relocation of persons residing on land needed for such development.

- (b) If the answer is affirmative, the sponsor's representative must execute the following assurance:

In connection with this request, the sponsor assures that adequate replacement housing will be available or provided for (built, if necessary) for those persons residing on land physically acquired or to be acquired for the project development; and that such replacement housing will be available to such persons without regard to their race, color, religion, sex or national origin before the execution of a grant agreement for the project.

(2) Public Hearings.

- (a) For those projects involving the location of an airport, location of a runway, or a runway extension, the sponsor may satisfy the requirement for public hearings by:
- 1 Publishing a notice of opportunity for public hearing in a newspaper of general circulation.
 - 2 Holding a public hearing when a written request for such hearing is received.
- (b) The deadline for submission of a request for hearing may not be less than two weeks after the date of publication of the notice of opportunity for a public hearing. The notice must also set forth the manner in which a hearing may be requested.
- (c) Examples of some of the reasons upon which a request for a hearing might be based are:
- 1 Anticipated deprivation of housing accommodations in consequence of the project.
 - 2 Alleged inconsistency of the project with community urban planning.
 - 3 Anticipated depreciation of property value because of the project.
 - 4 Anticipated loss of property enjoyment because of increased aircraft noise.
 - 5 Anticipated injury to or interference to the local ecology (including contamination or pollution of air and water resources).
- (d) While the Act does not require that a hearing be held prior to the request for aid, it is considered desirable since the hearing is for the purpose of resolving primarily local issues. In any event, no action will be taken on the request for aid until the opportunity for a hearing has been afforded and held when requested.

- (e) When a hearing is held, the sponsor is required to submit with, or as a part of, the request for aid a certification to the area manager that a hearing was held together with a concise statement of the issues involved and his conclusion thereon as to the feasibility of the project. The environmental issues considered at the hearing should be included in the environmental statement discussed in subparagraph (4) below rather than in the certification to the area manager required in this subparagraph.
 - (f) The sponsor will submit a written transcript of the hearing to the area manager when requested. If no hearing is requested and none is held, the sponsor is required to submit either with, or as a part of the request for aid, a certification addressed to the area manager that opportunity was afforded for a hearing in the prescribed manner and no request was received.
- (3) Approval by Community Where Airport is Located. In projects involving a new airport serving any area, which does not include a metropolitan area, the sponsor must furnish with his request for aid, certification by the appropriate officials of the community or communities in which the airport is proposed to be located that the governing body has taken official action approving the airport site. This action is not required when the sponsor and the community are one and the same.
- (4) Environmental Statement.
- (a) In order to provide the Federal Aviation Administration with information necessary to the preparation of a detailed environmental statement required by Section 102 (2)(C) of the National Environmental Policy Act of 1969, and to serve as a basis for the environmental evaluations and coordinations required by Section 4(f) of the Department of Transportation Act and Section 16 of the Airport and Airway Development Act, sponsors must submit with the request for aid a draft environmental statement of the probable impact of the proposed airport development on the environment or a negative statement reflecting the sponsors studied judgment that the proposed airport development will not have a significant effect on the environment.

- (b) The environmental statement should cover the following points:
- 1 A description of the proposed development and its purpose.
 - 2 The probable impact of the proposed development on the environment.
 - 3 Any probable adverse environmental effect which cannot be avoided.
 - 4 Alternatives to the proposed development.
 - 5 Assessment of the proposed development for cumulative and long-term effects.
 - 6 Any irreversible and irretrievable commitments of resources which would result from the proposed development.
 - 7 Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local bodies in the review process and the disposition of the issues involved.
- (c) If it is determined that the proposed project should be recommended for programming from an aeronautical standpoint, an environmental evaluation by the Federal Aviation Administration will be required. Detailed guidance on processing airport development projects affecting the environment is set forth in Order 5050.2, dated 7 December 1970.
- (5) Opposition. Where opposition is stated to an airport development project, whether expressly or by proposed revision, the sponsor must include with the request specific information concerning the opposition to the project. This information will, of course, be related to the environmental statement, the information developed at the hearing (if held), and other information developed concerning consistency with area plans and the interest of the community. This information should include as a minimum:

- (a) Identification of the Federal, State or local government agency, or the person or persons opposing the project;
 - (b) The nature and basis of opposition;
 - (c) Sponsor's plans, if any, to accommodate or otherwise dispose of the opposition;
 - (d) Whether an opportunity for a hearing was afforded, and if a hearing was held, an analysis of the facts developed at the hearing as they relate to the social, economic, and environmental aspects of the proposed project and its consistency with the goals and objectives of such urban planning as has been carried out by the community;
 - (e) If the opponents proposed any alternatives, what these alternatives were and the reason for nonacceptance;
 - (f) Sponsor's plans, if any, to minimize any adverse effects of the project;
 - (g) Benefits to be gained by the proposed development;
 - (h) Recommendations for approval or disapproval of the request and the basis of these recommendations; and
 - (i) Any other pertinent information which would be of assistance in determining whether to proceed with the project.
4. ADDITIONAL GUIDANCE. More detailed guidance on these requirements and coordination is being developed and will be issued as completed. For immediate assistance, sponsors should communicate with the appropriate Federal Aviation Administration area offices.
5. HOW TO GET THIS ADVISORY CIRCULAR. Additional copies of this advisory circular may be obtained from the Department of Transportation, Distribution Unit, TAD-484.3, Washington, D. C. 20590


CHESTER G. BOWERS
Director, Airports Service

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Washington, D.C. 20590

Official Business

PENALTY FOR PRIVATE USE, \$300



POSTAGE AND FEES PAID
FEDERAL AVIATION ADMINISTRATION