

enhance airport safety wherever possible. See Section XII. Some of the changes suggested are within the area of “friendly persuasion” rather than heavy regulation.

The Aircraft Owners & Pilots Association has an excellent handbook in the land use area. It has a section on “friendly flying”—a phrase used in the “trade” to talk about how pilots and airport operators can work together to be “good neighbors” with respect to hours of operations, aircraft run-ups, noise abatement (even if not required by regulation), and other matters. A cooperative effort between county officials and airport operators (who strongly influence pilots at their fields) can help make everyone more comfortable and more safety conscious. The economic rewards will follow.

vi. Public Education and Awareness and Work With Developers to Enlighten Them as to Hazard Issues/Liability; Resulting Land Values; Resident Discontent.

On occasion, it might be helpful for staff in the planning function within the County administration to provide developers and other interested land-owners with copies of documents such as this Report. Typically, developers seem to be unaware of the potential problems associated with residential development in airport environs, although it might be obvious that one standing near a runway could see and hear the noise and conceive of the probable negative feedback when people occupy the homes to be built. There are literally hundreds of law cases in which purchasers, with full knowledge of the location near an airport, have regrets later for the alleged nuisance and aggravation caused by airport use. Then, they undertake to claim damages against whomever they believe ought to compensate them for the aggravation, nuisance, loss of sleep, diminished land values, or whatever.

The fact is that some of the hazard and noise issues could have been avoided, in most cases, if developers, land owners, and regulators had considered the issues and “planned” around them. Once enlightened as to hazards and noise, developers might, in their own best interest, seek to minimize the negative aspects, which can include financial liability. They can be “educated” as to the problems, as can the general public. Any initiatives which help this effort are well-advised. It is not necessarily “force of law,” but “force of logic” that can persuade.

**XIV. Design a Proposed Regulatory Process and Provide
A Proposed Enforcement Process for Airport Land Use Policies**

Consultant agreed to suggest a “model” which represents the best aspects of existing statutory or regulatory processes, as extracted from a number of other municipalities, counties, zoning boards, and state agencies. In preparation for this task, Consultant collected and reviewed materials in various parts of the United States:

- California: *Airport Land Use Handbook*, by Hodges & Shutt for California Department of Transportation (CALTRANS) (1993);
- Denver (Colorado) Council of Governments (DRCOG) (1998) materials;
- Sacramento (California) Area Council of Governments (SACOG) materials;
- Washington State Transportation Department, Aviation Division materials;
- State of Oregon Aviation Department materials;
- Hartford (Connecticut) Request for Proposals on Airport Land Use Issues;

- San Diego (California) Council of Governments (SANDAG) (three airport compatibility plans);
- North Dakota Aeronautics Commission materials;
- Puget Sound Regional Council (Washington) materials;
- Statutes and Ordinances from Florida, Hawaii, Michigan, Missouri (Springfield), New York, New Jersey, Washington State (Skagit County), and others.
- Federal Aviation Administration planning initiatives—one in the Southern Region, FAA; and one at FAA in Washington (see FAA Docket 29231).
- Aircraft Owners and Pilots Association (AOPA) materials in its *Land Use and Airport Noise* booklet and the AOPA Air Safety Foundation publication on general aviation accidents.

The studies were reviewed as part of an overall investigation into the “state of the art” of airport land use compatibility issues; that might lead to possible recommendations as to how the Commission might proceed to solve some current and future airport incompatibility problems. Also, for the purpose of suggesting enabling legislation or regulation, both as to overall land use control and as to airport (and airport environs) land use control, a number of state statutes, law review articles, and cases were researched.

In addition, Consultant communicated with *every* state aviation agency asking a series of questions concerning the involvement of state agencies with local government agencies in airport land use compatibility matters. Over half (26) of the state offices responded. Results of responses were tabulated and presented in Appendix 2b of the Report. Further, in several cases, Consultant members spoke with people at various state agencies and at two universities.

This review, write-up, bibliography, and appendices have created the fundamentals of an Airport Land Use Compatibility Manual, and the series of concerns that must be addressed in preparing such a Manual and an outline of what such a Manual should cover. Appendices attached are samples or models of what is being done around the country in this area, and provide some guidance as Prince George’s County determines its course of action.

The “models” usually consist of a discussion of safety-of-flight issues, federal regulatory involvement in noise and structure height issues, and discussions of hazard conditions related to flight, particularly around airports. Then, the models talk of both existing airport-incompatibilities, and how they might be mitigated (much as this Report did); then, what mechanisms are available to deal with the incompatible uses. Then, the models speak of how comprehensive or master plans can be constructed to try to anticipate land uses for the future which will not result in replicating some of the events of the past in this area of concern.

Typically, also, Airport Land Use manuals carry examples of statutes, ordinances, aviation easements, property disclosure documents, and other implementing documents. They, of course, need to be conformed to meet requirements in the particular jurisdiction (state) in which these things are being considered.

The processes described here represent both a “political” and “legal” approach to a regulatory process. Those processes already in place in Maryland and in Prince George’s County are adopted for enforcement. The same remedies one would use for a zoning violation or removal

of an unapproved non-conforming use would be available if the County enacts appropriate ordinances, adopts a "overlay" district, or uses the "performance standards" or regulations approach. Obviously, if the State requires studies and actions by legislative mandate, the case for enforcement is stronger, and less subject to local change once in place.

XV. State of the Art in Airport Compatibility Land Use Planning.

Consultant has collected a virtual library of airport land use materials, all of which are available as public documents. Many excerpts from some of these materials are contained in the Appendices to this Report. A "state of the art" collection of airport land use compatibility programs, materials, and resources throughout the U.S. would include, among others the following (see also "Bibliography and Sources Consulted" in this Report):

AOPA Air Safety Foundation, *General Aviation Accident Analysis Book*. (1991).

California *Airport Land Use Planning Handbook*, CALTRANS Division of Aeronautics. (1993).

14 Code of Federal Regulations Parts 61, 77, 91, 150.

Denver Regional Council of Governments. *Airport Compatible Land Use Design Handbook*. (1998).

Federal Aviation Administration. *Land Use Compatibility and Airports, A Guide for Effective Land Use Planning*. FAA Airports Division Southern Region. September, 1999.

Federal Aviation Administration Advisory Circular 150 (various sections).

Florida DOT, Office of Public Transportation. "*Airport Compatible Land Use Guidance for Florida*."

New Jersey "*Air Safety and Zoning Act of 1983*" N.J.S.A. 16:62-1.1 et seq. and Regulations 6:1-80 et seq.

North Dakota, *Airport Manager's Manual*, Chapter 17.

49 U.S.C. 47101-47131 ("Airport Improvement Act").

49 U.S.C. 47521-47533 ("Airport Noise and Capacity Act").

49 U.S.C. 47501-47510 ("Aviation Safety and Noise Abatement Act").

Washington, State of, Transportation Department, *Airports and Compatible Land Use*, Vol. 1 (1998).

Notes: