Preamble and Executive Summary

The demand for residential and commercial land use in urban and suburban areas and the coincident growth of air travel have led to problems throughout the country. Airports which were authorized and built in relatively sparsely populated areas years ago have found themselves surrounded by development of all kinds. The pressure for suburban housing has created situations never intended or envisioned by planners.

Noise, annoyance and pollution from aircraft operations have led to discomfort for thousands of residents and to litigation across the land. Even when homebuyers know about airport locations and still buy the homes, they have undertaken all sorts of actions to seek damages—from claims of nuisance to allegations of inverse condemnation—saying that the authorities have allowed situations to develop which deprive the residents of the quiet enjoyment and negatively affect the financial value of their homes.

More importantly, airport neighbors are becoming aware of the dangers from falling aircraft, highlighted recently in the summer of 2000 by a mid-air collision in New Jersey that fell into a house. In 1996, an aircraft departing Potomac Airfield in Maryland fell onto a house, and in 1998, one crashed into a building on airport property at Freeway Airport. These are just recent examples. Aviation history is, unfortunately, replete with examples of similar incidents.

It would be simple enough to blame the "government," in whatever form, for the situation. But, it's a much more complex problem. If one looks carefully at federal aviation policy, it becomes clear that the federal government does not want to be in the business of regulating land use in local communities unless such use falls within the confines of its limited jurisdiction as to overflight rights, noise, protrusions of structures into the air, and where air safety is clearly compromised. Local governments share the responsibility for compatible land uses around airports located in their area, and cannot expect all such matters to be passed off to state or federal regulators.

Local governments have, in good faith, often have been lulled into believing that if a proposed development is not inconsistent with federal aviation standards, then it must be acceptable for any proposed land uses which federal or state aviation authorities don't prevent. Some of the land uses, on their face, appear to be incompatible with airports and airport operations inconsistent with public health, safety and well being.

Meanwhile, many state aviation commissions or agencies have not been equipped by their various legislatures to effect appropriate regulation to prevent many forms of incompatible airport-area land uses. In some cases, state aviation officials, not wanting to offend either the aviation community or local officials by becoming proactive in these areas, have, in the case of airport land use issues, deferred to the federal aviation authorities and to local political bodies. Recently, a Maryland Aviation Administration (MAA) representative told the Consultant that MAA was "frustrated" by local governments' failure to recognize issues concerning risks to residents which might follow development near existing airports, and failure to take action to prevent problems.

As one looks at the general aviation situation in Prince George's County, a number of factors tend to surface:

- There are four general aviation airports in the County: all have certain distinct problems relating to aviation safety, if not to noise or vertical penetration issues. Those airports are: Potomac Airfield, Washington Executive/Hyde Field, College Park Airport, and Freeway Airport.

- Most of the General Aviation (small) airports in the County were in place years before population pressures drove developers to begin surrounding the airports with housing and commercial developments.

- Aircraft owners and users grew in numbers probably not forecast by any local planning authorities.

- Local councils and commissions likely believed that if an airport operation met minimum Federal Aviation Administration standards and Maryland Aviation Administration requirements, the safety of residents and aircraft operators was not being compromised by developments in close proximity to the existing airports. In some cases, the local government did not act in concert with long range master planning.

- Despite legislation that provides the basis for a more intrusive involvement in airport land use planning, the State of Maryland's Department of Transportation, through the Maryland Aviation Administration ("MAA"), has not taken a strong stand on airport land use planning to assist local government bodies concerning the use or control of land near general aviation airports. MAA largely defers to the aviation community and undertakes to promote general aviation. It does not seem to want to be seen as standing in the way of encouraging private aircraft ownership and flight operations. The MAA generally seems to accept the premise that what's agreeable to the Federal Aviation Administration with respect to aviation operations is agreeable to it, although its representatives say they have consulted with local government officials without much success in calling attention to aircraft "hazard" situations.

Statement of the Problems and Issues Raised

In essence, there were three principal issues to be considered, reviewed, and reported on by Consultant. Each was to be accompanied by general recommendations, as well as specific recommendations as to each existing airport, where applicable, and as to future land use near airports, where appropriate. A short statement of each of the issues follow:

1) What risks to life and property are attendant from the specific circumstances of having the four airports (Potomac, Washington Executive/Hyde Field, College Park, and Freeway) located in proximity to existing or planned residential or commercial development or to one another? Do such risks, together with noise and annoyance issues, represent such a degree of airport incompatibility that the Commission, and ultimately the County Council, should aggressively confront the issues and take decisive actions?

2) If the answer to Item 1 is that there are reasons to confront the issues, what steps can or should be taken by the Commission to mitigate or restrict existing perceived

incompatible land uses near the four existing airports (Potomac, Washington Executive/Hyde Field, College Park, and Freeway)?

3) What steps can or should be taken by the Commission to prohibit or discourage incompatible airport-area land uses in the future? (As to this issue, Consultant was asked to suggest the elements of an ***airport land use compatibility manual*** for future Commission use in Prince George's County).

The Consultant members, having studied the issues listed above, make the following points in this Report:

- There are several serious air safety issues and problems with airport-area land uses in Prince George's County that are clearly incompatible as between airport operations and residential/commercial areas, either **existing or planned.**

- The Maryland-National Capital Park and Planning Commission ("M-NCPPC" or the "Commission") is in a position, irrespective of current legislative and regulatory shortcomings, to positively impact several of the current airport-incompatible situations by adopting proactive policy initiatives that are becoming "state of the art" in airport land use compatibility in other places in the country.

M-NCPPC is in a position to positively affect the safety and welfare of its citizens, both on the ground and in the air, because:

- **It can effect short-term positive change at Potomac Airfield, partly because it owns adjoining property, and because it can provide help to the airport operator to make some operational changes by modifying the Special Exception under which the airport currently operates; OR, as recommended herein, it can take more Draconian action and move to buy or condemn the airport itself or acquire the residences in the Accident Potential Zones, or a combination of the two steps; (runway realignment is *not* a long-term solution, in the view of Consultant);**

- **It can strongly affect the proposed development of Washington Executive/Hyde Field by working with the owner-operator to obtain federal funds for the airport development, which funding carries with it certain airport environment safety elements; by acting seasonably and using various mechanisms, the Commission can pre-determine the future uses of properties surrounding the airport;**

- **It is the owner-operator of College Park Airport and can implement changes there, as well as provide valuable input and guidance to University of Maryland development plans for the airport area; by acting seasonably, the Commission may be able to circumscribe future uses of properties surrounding the airport which would otherwise be incompatible;**

- **It can create a much more airport-compatible land use in the proposed subdivision near Freeway Airport (Mitchellville/Bowie area) by working with the current developers to revise the layout of the subdivision the developers plan to create, some**

of which would put residences directly in the path of the airport runway; OR, as recommended herein, the Commission can take more Draconian action and move to buy or condemn the airport itself or acquire some of the property in the proposed subdivision area in the Accident Potential Zones, or accomplish a combination of these two steps.

Details of proposed recommendations and mechanisms to accomplish the changes suggested are included in this Report.